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ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Written statement\* submitted by Human Rights Advocates Inc., a non-governmental  
organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[3 February 2003]

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\* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

### The impact of toxic wastes on human rights

1. The Special Rapporteur on toxic waste was appointed in 1995 to study and monitor the adverse effects of the illicit transboundary transport and dumping of toxic substances on the enjoyment of human rights. This includes the movement of wastes from one territory to another, where, often the latter territory may not have the technological capabilities to process them and make them less harmful to the health of its citizens. These wastes are, in most cases, dumped by developed countries and transnational corporations into developing countries who do not have the facilities to monitor the movement of the wastes nor the capacity to ensure safety standards for workers disposing of wastes. This movement is often aimed at saving the costs of disposal, and avoiding penalties for violations of stringent regulations on the treatment and disposal of hazardous wastes. Of particular concern is the movement of toxic wastes that are banned in the country of export.
2. Toxic exposure can impair the fulfillment of human rights, including the right to life, family, privacy rights, and the right to health. The consequences for developing countries, where these wastes are dumped, are the loss of lives and the displacement of citizens for health and sanitary reasons. There is a dire need to hold both the sending and receiving countries responsible for the promotion of safer standards and the protection of the environment. The following are examples of some of these problems.

### Disposal of electronic wastes

3. Large amounts of hazardous electronic wastes (E-wastes) are being exported to China, Pakistan and India where they are processed in operations that are extremely harmful to human health and the environment. Most of this waste is coming from North America.<sup>1</sup> The Economic and Social Council has reported an increase in exports of dangerous products and wastes from industrialized countries to the third world via “recycling” programs, which enable producers to circumvent the ban imposed by the 1989 Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal,<sup>2</sup> particularly in Asian nations that are frequently the recipients of materials for recycling.
4. Lead, beryllium, mercury, cadmium, and brominated- flame-retardants are a few of the chemicals which workers are exposed to in the process of breaking down old computers and other high-tech devices. The processes themselves include open burning, acid baths and toxic dumping which pours pollution into the land, air and water, including drinking water supplies. Improper disposal of e-waste that contains heavy metals and pollutants poses a significant threat to human health, leading to respiratory illness, skin infections, stomach

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1 The Basel Action Network, et. al., Exporting Harm, The High-Tech Trashing of Asia, February 2002. [hereinafter Exporting Harm]

2 Economic, Social and Cultural Rights, U.N. Hum Rts. Comm’n 57<sup>th</sup> Sess. at 3., U.N. Doc. E/CN.4/2001/55.

disease and other conditions.

5. In the area known as Guiyu in Guangdong Province, surrounding the Lianjiang River about 100,000 migrant workers are employed breaking apart and processing obsolete computers. The pollution in Guiyu has become so devastating that well water is no longer drinkable and potable water must be imported. One river sample in the area had 190 times the pollution levels allowed under World Health Organization guidelines. Workers sorting plastic by heating it with a cigarette lighter, who were constantly inhaling the fumes complained of headaches.<sup>3</sup> Guiyu residents reported that children there suffered medical problems including breathing ailments, and a surge in leukemia cases.<sup>4</sup>
6. Women and girls were seen soaking circuit boards in molten lead solder to remove computer chips for resale. The lead is heated in woks over hot coals, a procedure that releases toxic fumes into the air. After the chips are separated the lead is simply poured onto the ground. Lead is among the most potent neurological toxins known, particularly to children and developing infants.<sup>5</sup>

#### Potentially toxic scraps shipped across borders without being tested

7. The City of New York sold tons of the steel scrap left after the destructions of the Twin Towers despite possible contamination with asbestos, PCBs, cadmium, mercury and dioxins. Some of it went to U.S. cities, where workers had access to proper training and safety equipment to deal with the debris, but about 60,000 tons has been sold overseas, to companies in India, China and South Korea. These sales overseas are of particular concern, because the shipments were not being properly tested, or labeled as potentially hazardous waste, either in the United States or in the receiving countries.<sup>6</sup> Both sending and receiving countries must be held responsible for proper testing and disposal.

#### The transfer of toxic ships to Asia

8. Every year hundreds of obsolete ships are sent to India and other parts of Asia for scrapping, where the work is done in miserable conditions and without proper equipment. This number is likely to increase in the next few years as all single-hull oil tankers must stop trading before 2015, and will have to be disposed of. Shipbreaking is an important industry for producing jobs and recovery of steel, but should not be used as an excuse for the entry of hazardous and toxic materials into countries that do not have the technology to effectively dispose of them. The responsibility for ensuring the proper disposal of ships containing toxic materials lies with both the sending and receiving countries.

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3 China's E-waste, Dodo's Message Board, September 2, 2002.

<http://board.regretless.com/viewthread.php?tid=7653>

4 China Seizes Banned Waste, People's Daily, September 18, 2002.

[http://www.ban.org/ban\\_news/china\\_seizes.html](http://www.ban.org/ban_news/china_seizes.html)

5 Exporting Harm.

6 Lakshmi, Rama, Shipments of Scrap and Stress: Indian Groups Say Steel From Twin Towers is Contaminated, Washington Post, February 18, 2002. [http://www.ban.org/ban\\_news/shipments\\_of.html](http://www.ban.org/ban_news/shipments_of.html)

9. Inadequate disposal of hazardous materials has also plagued shipbreaking sites in developing nations. One in four workers may be expected to contract cancer as a result of inadequate safeguards involving hazardous materials.<sup>7</sup> A conservative estimate might be that more than 100,000 workers in the shipbreaking countries are directly exposed to workplace and environmental poisons during the breaking of contaminated ships for scrap.<sup>8</sup> Further, because the practice is generally carried out along beaches, poisons released into the water can dramatically affect the fishing industry.

### Pesticides

10. Human Rights Advocates reported last year on the export of banned or restricted pesticides and herbicides to developing countries. This included reports on the export of herbicides from the United States to Colombia to be used for aerial spraying of illegal crops in 'the war on drugs.'<sup>9</sup>
11. The vast majority of African countries have accumulated stockpiles of obsolete pesticides over the past several decades, reportedly as much as 50,000 tons.<sup>10</sup> These stockpiles threaten the environment as well as human health through contamination of soil, water, air and food. In Mali, where 20,000 tons of earth is believed to be contaminated with dieldrin and drinking wells poisoned, some 30 to 210 people die every year from pesticide poisoning while hundreds of others are hospitalized or experience symptoms in rural areas.<sup>11</sup> Often, pesticides which are banned in industrialized countries are still used in developing nations.

### Recommendations

12. We recommend continuing investigation into particularly troubling areas and the conditions that workers are exposed to due to economic pressures to provide jobs, despite a lack of training or safety equipment or standards. We recommend that the Special Rapporteur visit China for this purpose.
13. We recommend that the Special Rapporteur work to identify a set of international human rights standards that would clarify company obligations and government obligations in terms of toxic transfers, including the disposal or recycling of electronic waste, shipbreaking, steel recycling, pesticide sales or disposal, and tracking of toxic chemicals which are supplied to less developed nations and disposal of other toxic, or potentially toxic materials. This includes standards to protect workers health and safety, including training and proper safety equipment

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7 Kanthak, Judit and Nityanand Jayaraman, Ships for Scrap III, Steel and Toxic Wastes for Asia: Findings of a Greenpeace Study on Workplace and Environmental Contamination in Alang-Sosiya Shipbreaking Yards, Gujarat, India 22 (2001).

8 Greenpeace, The Continuous Evasion of the Polluter Pays Principle, <http://www.greenpeaceweb.org/shipbreak/evasionpolluter.pdf>

9 E/CN.4/2002/NGO/123

10 US \$25 Million Voted to Clear Toxic Stockpiles from Africa, October 18, 2002. <http://www.pan-uk.org/press/aspfunds.htm>

11 Id.

14. The Special Rapporteur should also continue to report on the question of waste-recycling programs, the transfer of polluting industries, industrial activities and technologies from the developed to developing nations, ambiguities in international instruments that allow illegal movement and dumping of toxic and dangerous products and wastes and any gaps in the effectiveness of the international regulatory mechanisms.
15. Both sending and receiving countries must share responsibility for the disposal of potentially hazardous wastes in a manner that protects the life and health of the workers and the environment. We recommend review of government policies in both the receiving and sending countries to ensure that those developing nations which are sending toxic materials take responsibility for their actions and do not send dangerous wastes to countries lacking in the technology to appropriately dispose of them. These materials must be adequately tested and tracked to ensure their proper disposal. We recommend that the Commission urge governments to disclose information about the transfer of toxics to developing nations.
16. The Special Rapporteur should encourage governments to cooperate in ways that increase the protection of the rights of workers and the integrity of the environment, such as technology sharing. The Special Rapporteur should promote and encourage coordination among governments of sending and receiving countries to promote programs which are sustainable.
17. We recommend coordination among the UN bodies with the Sub-Commission on the Promotion and Protection of Human Rights on its work regarding economic globalization and human rights, particularly as this relates to regulation of the private sector.

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