

## The Office of the United Nations High Commissioner for Human Rights' (OHCHR) submission on essential elements for a possible ICCM5 High-level Declaration (HLD) on the sound management of chemicals and waste beyond 2020

The triple planetary crisis of climate change, biodiversity loss and pollution constitute an existential threat to all life and contributes directly and indirectly to a wide range of human rights violations around the world, including with respect to the rights to a clean, healthy and sustainable environment, life, health, food, water and sanitation, equality and non-discrimination.

In 2006, States committed “to respecting human rights and fundamental freedoms, understanding and respecting ecosystem integrity and addressing the gap between the current reality and our ambition to elevate global efforts to achieve the sound management of chemicals” (Dubai Declaration on International Chemicals Management).

Seventeen years on, toxic chemicals continue to be responsible for ongoing, massive human rights harms that negatively affect multiple aspects of human life and dignity. At the Fifth Session of the International Conference on Chemicals Management (ICCM-5), States must confront the serious global chemicals and waste crisis and commit to a higher level of ambition, articulating a vision to protect human health and the environment that is grounded in human rights.

In doing so, **the HLD should recognize that all people everywhere have the right to a clean, healthy and sustainable environment**, as recently recognized by the Human Rights Council in its resolution 48/13 and the General Assembly in its resolution 76/300. The resolutions highlighted that the impact of climate change, the unsustainable management and use of natural resources, the pollution of air, land and water, and the unsound management of chemicals and waste has negative implications for the effective enjoyment of all human rights.

The HLD should commit to **respect, protect and fulfil human rights** and be **guided by key principles including non-discrimination, transparency, accountability, precaution, prevention and intergenerational equity**, as cornerstones for the sound lifecycle management of chemicals and waste.

**Human rights standards and obligations** should be integrated into all levels of policymaking concerning the management of chemicals throughout their life cycle. This includes the following obligations:

- **To protect against harmful exposure to hazardous substances.** This obligation derives implicitly, but clearly, from any number of rights and duties enshrined within the global human rights framework, under which States are obligated to respect and fulfil human rights, and to protect those rights, including from the implications of exposure to toxics. Those rights include the human rights to life, health, safe food and water, adequate housing, safe and healthy working conditions, and the right to a clean, healthy and sustainable environment.
- **To prevent harmful exposure related to business activities.** As recognized in the UN Guiding Principles on Business and Human Rights, States must take appropriate steps to protect against business-related human rights harms, and, where such harms do occur, ensure access to effective remedies, including through judicial processes. All businesses have a responsibility to respect human rights. Through policy commitments and human rights due diligence, businesses should identify and prevent any negative human rights impacts stemming from their use of hazardous substances. States have the obligation and businesses have the responsibility to ensure access to information including

information on the environmental and health hazards posed by hazardous substances. State obligations to ensure access to information include taking affirmative regulatory action to generate, or compel responsible third parties to generate the information necessary to understand the hazards and risks of exposure, making that information accessible and ensuring its effective use in decision-making. (A/74/480)

- **To guarantee all people the rights to participation, access to information and access to justice in environmental matters.** This ensures inclusive and informed decision-making aligned with scientific evidence and the needs of persons, groups and Peoples in vulnerable situations, including frontline communities and workers at heightened risk of occupational exposure. It is also in line with human rights standards and obligations, Rio Principle 10, and environmental sound governance conventions such as the Aarhus Convention and the Escazu Agreement.

Ensuring the rights to accurate, accessible, and available information on chemicals and waste and enjoyment of the benefits of scientific progress for all people is also crucial to inform policymaking, monitor progress, contribute to stakeholders' engagement, protect all people, and understand the gender dimensions of chemical use and exposure.

A significant challenge to accountability and access to remedies is the global dimension of the chemicals industry. Accountability cannot be achieved without effective remedies for human rights violations. Effective measures should be agreed to hold chemical producers accountable for the damage caused, support environmental remediation, and safeguard access to effective remedies for those harmed.

- **To cooperate to ensure the realization of all human rights,** in accordance with the United Nations Charter, the International Covenant on Economic, Social and Cultural Rights, the Declaration on the Right to Development and other human rights instruments. The HLD should acknowledge and take steps to bridge the capacity and resources gap between States to detect and analyse hazardous chemicals and protect the rights of all people, including workers, women, children, Indigenous Peoples, and frontline communities, through managing chemicals and waste safely. This obligation extends to capacity-building, technical assistance, technology transfer and resource mobilization to prevent human rights harms caused by toxics.

- The HLD must aim to **achieve a just transition** that leaves no one behind and protect the rights of workers and communities affected, opening new opportunities through the creation of decent work and quality jobs. In doing so, just transition must be seen as an opportunity for strengthening rights-based social protection, shrinking inequalities, and ensuring an inclusive and participatory transition process, including for workers in the informal sector or in precarious forms of employment.