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Item 3 – Interactive Dialogue with the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes

The International Association of Democratic Lawyers (IADL) and the Europe Third World Center (CETIM) warmly welcome the report of the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes, Mr. Baskut Tuncak. We express to him our deepest appreciation for highlighting the global crisis confronting workers due to their exposure to hazardous substances. The set of principles he elaborated represents a major contribution to the workers' struggle for a decent work.

Everyone, including workers, has the inherent right to life, the right to enjoy the highest attainable standard of physical and mental health and the right to the physical integrity of their body. The right to safe and healthy conditions of work is enshrined in the International Covenant on Economic, Social and Cultural Rights. Nevertheless, every day thousands of people die because of the work they perform. As the Special Rapporteur underlines in his report “it is estimated that one worker dies at least every 30 seconds from exposure to toxic chemicals, pesticides, radiation and other hazardous substances”.

This massacre is mainly due to reckless actions by business enterprises that put their profits above any other consideration, and to the complicity of some states that turn blind eyes to the exploitation of workers and let private actors operate almost unchecked.

Last July, IADL participated in an International Independent Commission of Inquiry into the impact of a dam collapse in Brumadinho, in the state of Minas Gerais, Brasil. On January 25th 2019, shortly after noon, the dam, containing 12 million cubic meters of tailings from the Córrego do Feijão iron mine owned by Vale S.A., broke. In few seconds a catastrophic flood of mining waste crushed, drowned and/or dismembered 247 people, with at least 23 more missing and considered dead. Most of the victims were workers who were eating in the company cafeteria.

The dam collapse was predictable and preventable. This is the second incident of the same kind involving the same company in the same region in the last three years. In 2015 a similar tailings dam jointly owned by Vale and the Australian firm BHP collapsed killing 19 people and provoking what has been described as the worst environmental disaster in Brazil's history. Vale S.A. is the world's largest iron ore producer. They dispose of all necessary technology and funds to develop and adopt alternatives that could avoid loss of workers' lives and reduce the environmental impact of their operations. But they simply don't do it, being aware of the impunity from which they benefit.

As stressed by the Special Rapporteur, states and business actors can eliminate or minimize workers' exposures and must do so with urgency. To this end, we call on all member states and business enterprises to implement the “Principles on human rights and the protection of workers from exposure to toxic substances” elaborated by the Special Rapporteur on the basis of existing international human rights norms, ILO conventions and other multilateral agreements.

Finally, we welcome the official country visit that the Special Rapporteur will conduct in Brasil at the end of this year and call on him to pay particular attention to the human rights impact of the mining industry.

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