



Human Rights Impacts of Hazardous Pesticides



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Impacts of Hazardous Pesticides on People

The impacts of pesticides on human health and the environment are well documented. Businesses that manufacture and sell hazardous pesticides are often unable to ensure that they do not result in harm around the world, but particularly in developing countries. For example, the UN has reported that the total health care costs and other economic losses due to the use of hazardous pesticides in sub-Saharan Africa exceeds the amount of Official Development Assistance (ODA) received by countries in the region. Workers, local communities and consumers are at risk, with children often the most at risk due to numerous factors.

International human rights standards require that States protect human rights and businesses respect human rights. In their responsibility to respect human rights, businesses have an obligation to undertake human rights due diligence to prevent harm. A human rights-based approach seeks to reinforce the capacities of duty bearing governments to protect and guarantee the human rights implicated by hazardous pesticides manufacture, sale and use, and to clarify the due diligence required of businesses to respect human rights. It aims to address development complexities holistically, taking into consideration the connections between individuals and the systems of power or influence. And it endeavors to prevent harm and create dynamics of accountability when violations result.

Human Rights Implications

Right to life

Article 6 of the International Covenant on Civil and Political Rights (ICCPR) states that, “every human being has the inherent right to life. This right shall be protected by law” and, “no one shall be arbitrarily deprived of his life”.

Right to the Highest Attainable Standard of Health

Article 12 of the International Covenant on Economic, Social and Cultural Rights (CESCR) states that Parties should “recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health”. Furthermore, the covenant also recognizes the right of workers to healthy working conditions.

Right to Food

According to Article 25 of the Universal Declaration of Human Rights and Article 11 of CESCR “Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food”. The right to adequate food and water is established also in the Food and Agriculture Organization (FAO) Voluntary Guidelines to support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security, and the “access to, and consumption of, adequate, safe and nutritious food” (emphasis added) has also found protection under the Food Assistance Convention.



Right to Information

International human rights standards require that information is available, accessible, functional and non-discriminatory. Under Article 19 of the ICCPR, “everyone has the freedom to seek, receive and impart information and ideas of all kinds”. Gaining access to information is especially essential when human rights are violated due to unwarranted exposure to toxic chemicals. In addition, the ILO’s Chemicals Convention (c.170) recognizes that workers have right to information about the hazards of chemicals used in the workplace, and employers have a duty to inform workers in this regard.

Right to an Effective Remedy

Under Article 2 of the ICCPR, everyone has the right to an effective remedy for the violation of human rights. The third pillar of the UN Guiding Principles on Business and Human Rights is on the duty of governments to realize the right to an effective remedy, which further elaborates on several principles to aid governments in implementing the right to an effective remedy.

Workers Rights

In addition to the rights of workers mentioned previously, including the right to information, under Article 18 of ILO c.170 “[w]orkers shall have the right to remove themselves from danger resulting from the use of chemicals when they have reasonable justification to believe there is an imminent and serious risk to their safety or health.” In addition, workers also have the right to “information on the identity of chemicals used at work, the hazardous properties of such chemicals, precautionary measures, education and training.”

Rights of the Child

Article 24 of the Convention on the Rights of the Child (CRC) recognizes, “the right of the child to the enjoyment of the highest attainable standard of health [...] taking into consideration the dangers and risks of environmental pollution”. Article 10 of the CESCR also calls for “special measures of protection and assistance to be taken on behalf of all children and young persons without any discrimination”.

Article 6 of the CRC recognizes that, “every child has the inherent right to life” and that the survival and development of the child is ensured to the “maximum extent possible”.

Under Article 17 of the CRC, State Parties “shall ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her ... physical and mental health”.

Article 3(d) of the ILO Convention on the Worst Forms of Child Labor specifies such labor as including “work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children”.

Recommendations

States must protect against human rights abuse within their territory and jurisdiction, including by business enterprises that produce, import, trade/sell and use pesticides. Under the UN Guiding Principles on Business and Human Rights, this requires taking appropriate steps to prevent, investigate, punish and redress such abuse through effective policies, legislation, regulations and adjudication. States should set out clearly the expectation that all business enterprises domiciled in their territory and/or jurisdiction respect human rights throughout their operations. To this end, businesses must have policies in place to conduct human rights due diligence and address adverse human rights impacts with which they are involved.