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United Nations Permanent Forum on Indigenous Issues

International Expert Group Meeting on “Sexual health and reproductive rights: articles 21, 22 (1), 23 and 24 of the United Nations Declaration on the Rights of Indigenous Peoples”

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Presentation by Andrea Carmen, International Indian Treaty Council, Agenda items 4) Harmful practices, gender equality, discrimination and violence and 5) Maternal Health and family planning

Thank you Madame Chair and Respectful Greetings to all delegations.

“Our bodies are sacred places that must be protected, honored and kept free of harmful contaminants so that new generations of our Nations are born strong and healthy. The right to self-determination for Indigenous Peoples includes our Indigenous identities, our sexualities and our reproductive health for the future of our Nations.”

This is from the “**DECLARATION FOR HEALTH, LIFE AND DEFENSE OF OUR LANDS, RIGHTS AND FUTURE GENERATIONS**” adopted by consensus of 52 Indigenous women and girls ages 14 to 92 from 5 regions who were the delegates at the 2nd International Indigenous Women’s Symposium on Environmental and Reproductive Health held in April 2012 in Chickaloon Village Alaska. In keeping with this Declaration, I begin by affirming that any discussion of maternal health must start with remembering the source of life for us all, our Sacred Mother Earth, and recognizing the inextricable link between her health and the health of all Mothers and life givers.

During the UNPFII’s Expert Group Meeting (EGM) in January 2012 on “Combatting Violence Against Indigenous Women and Girls” the International Indian Treaty Council in conjunction with the Native Village of Savoonga in Alaska, presented a paper titled “**Indigenous Women and Environmental Violence, A Rights-based approach addressing impacts of Environmental Contamination on Indigenous Women, Girls and Future Generations**”.¹ This paper also is directly relevant to the current discussions at this EGM and can be downloaded from the UNPFII’s web page.

Our paper presented the human rights framework affirming the rights of Indigenous Peoples, including Indigenous women and children, and providing the context for addressing human rights violations caused by the deliberate exposure by States and corporations to toxic contaminants including pesticides which are known to have devastating impacts on reproductive health. It also documented the policies and practices of corporations and State governments which can be identified as **environmental violence** in this regard. This term and concept was recognized in the report of that

¹ This paper can be downloaded in its entirety from the UN Permanent Web Site under documents submitted for the Expert Group Meeting via http://www.un.org/esa/socdev/unpfii/documents/EGM12_carmen_waghiyi.pdf

EGM to the UNPFII 12th session as well as in the Lima Declaration from the International Conference of Indigenous Women in October 2013.

The relevant human rights framework includes the Convention on the Rights of the Child and the International Convention on Elimination of all forms of Racial Discrimination and the Universal Declaration on Human Rights. It also includes the UN Declaration on the Rights of Indigenous Peoples including its provisions affirming rights to health, subsistence, culture, productive capacity of the environment, rights of Indigenous women and children to be protected from all forms of violence, and the right to free prior and informed consent regarding dumping and disposing of hazardous materials.

Our paper presented scientific studies as well as community testimonies documenting deaths, illnesses and disability caused by the production, use and export of highly toxic pesticides including many that are banned for use in the exporting countries because of their known deadly health impacts including on reproductive and sexual health. These include high pesticides levels in breast milk and cord blood, infant mortality, severe birth defects, infant and childhood cancers especially leukemia, arrested physical, mental and reproductive development including atrophies of the uterus in new born girls and malformation of sexual organs in infants of both sexes. Documented impacts also include premature and late menses, sterility in sexes, early menopause and endometriosis.

Over 50 testimonies collected in Rio Yaqui Sonora Mexico including from midwives and health workers document miscarriages, still births, and children born with liver disease, cancer and leukemia. The studies of Dr. Elizabeth Guillette conducted in Rio Yaqui document clear links between prenatal exposure to pesticides and developmental and reproductive health impacts for children. Mothers are exposed directly as farm workers, from contamination carried home by their farmworker husbands and fathers and via aerial spraying affecting entire neighborhoods and communities. Dr. Guillette also documented abnormal breast development in pre-teen and teenage girls whose mothers were exposed to toxic pesticides including pre-cancerous cells and failure to develop glandular tissue essential for breast feeding, further confirming the multi-generational reproductive health impacts.

The United States is the largest exporter of pesticides that it does not permit to be used within its own borders. Other countries, including Germany and Switzerland also carry out this practice. It should be taken into consideration by the UNPFII and this EGM that the first UN Rapporteur on the Human Rights and the Illicit Movement of Toxics Wastes Madame Ouhachi-Vesely called this practice by the US "immoral" during her country visit to the US in 2001. However the practice continues and is, in fact, legal under both national and international law. In particular, the UN "Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade" permits this practice as long as the exporting country informs the importing country of the chemicals' non-registered or restricted legal status. However, Indigenous Peoples in Mexico, Guatemala, Nicaragua and Ecuador where they are actually applied are not asked for their consent, nor are they informed of the dangers or provided with any safety precautions for their use. In Rio Yaqui, men and women field workers are not even provided with basic respirators, gloves or water to wash their hands before they eat their lunch in the fields.

Since the EGM in January 2012, we have collected additional testimonies as well as scientific studies which further contribute to the growing body of evidence documenting the long term and accumulative impacts of this practice on reproductive health including inter-generational impacts.

For example, the US government Department on Health and Human Services Presidential panel on Cancer reported in 2009 that “Girls who were exposed to DDT before they reach puberty are five times more likely to develop breast cancer in middle age. When parents are exposed to pesticides before a child is conceived, that child's risk of cancer goes up. Pesticide exposures during pregnancy and throughout childhood also increase the risk of childhood cancer.”

DDT was banned in the United States in 1973 and internationally in 1992. But as a Persistent Organic Pollutants, it continues to persist in the environment and human body, mainly in fat cells and is still found worldwide in the breast fat and placenta of humans and animals. DDT, like many POPs, is an endocrine disruptor. The Presidential panel's report states that “Girls exposed to elevated levels of DDT before puberty, when mammary cells are more susceptible to carcinogenic effects ... are five times more likely to develop breast cancer in middle age.” The panel also reported that males exposed to DDT were 1.7 times more likely to develop testicular germ cell tumors (TGCT) than men not exposed. TGCTs are initiated very early in life, indicating that exposure during fetal development or through breastfeeding to DDT may increase TGCT risk.”²

In November 2013, a new study released by the United States National Institute of Environmental Health Sciences found that the presence of two bio-accumulative organochlorine pesticides -- mirex and beta-Hexachlorocyclohexane (beta-HCH) — in women's blood serum is associated with an increased risk of endometriosis, a gynecological disorder which often leads to severe pain and infertility. The Study found that women with high levels of mirex have a 50% increased risk of developing endometriosis, and women with high levels of beta-HCH have a 30 – 70% increased risk.

The two pesticides linked by the study to endometriosis have both been banned for use in the United States. Mirex, a bioaccumulative insecticide was banned in the US in 1978. However both continue to be exported by the United States under a federal law that states, "Pesticides that are not approved — or registered — for use in the U.S. may be manufactured in the U.S. and exported."³

These scientific studies and reports carried out in the US and by the US government itself, confirm that the persistent reproductive health impacts of toxic pesticides that have been banned for use in this country are well known and well documented. Nevertheless, with callous disregard for global reproductive health, the US continues to allow the manufacture and export of such pesticides for the financial profit of chemical companies and agri-business. The impacts are also well-known and well-documented and demonstrate how this practice is killing Indigenous babies and undermining the reproductive capacity of Indigenous women in my own and many other communities.

² US Department of Health and Human Services, 2009 report of the Presidents Cancer Report [http://deainfo.nci.nih.gov/advisory/pcp/annualReports/pcp08-09rpt/PCP_Report_08-09_508.pdf]

³ <http://consumer.healthday.com/women-s-health-information-34/endometriosis-news-232/briefs-emb-11-5-00-15-et-endometriosis-pesticides-ehp-fhrc-release-batch-995-681617.html>

Our 2012 paper on Environmental Violence contained data obtained from US Government Custom Service Records, *"Pesticide Exports from U.S. Ports, 2001–2003* stating that *"Analysis of U.S. Custom Service records for 2001-2003 indicates that nearly 1.7 billion pounds of pesticide products were exported from U.S. ports, a rate >32 tons/hour... including >27 million pounds of pesticides whose use is forbidden in the United States."*

It was an almost insurmountable challenge to obtain more up-to-date and comprehensive information on both production and export from US government sources. Soon after the 2012 EGM, IITC decided to submit a *Freedom of Information Act* (FOIA) request seeking information from several US government agencies in collaboration with Advocates for Environmental Human Rights. In response to this legally mandated process, the US Environmental Protection Agency in August 2012 provided us with a list of 32 pesticides and polymers (chemical components) considered to be extremely hazardous including at least 10 that listed as "un-registered" (or not permitted for use) in the US and/or internationally. In 2010, the last year for which data was provided, they were being produced for export only in the United States by 24 companies, including multi-national giants such as Monsanto and Bayer Crop Science, at 28 different facilities in 23 US states. We are currently working to obtain more current data as well the specific destinations of these deadly exports.

In conclusion, IITC is especially aggrieved to report to this EGM the deaths of many children and newborn babies in my own Yaqui communities in Northern Mexico who were born with severe birth defects, cancers or other deadly illnesses due to direct or maternal exposure, to toxic pesticides.

A tragic case is that of Cristian Molina, born with multiple birth defects after his mother was exposed to toxic pesticides working without protection while a 17 pregnant field worker. Cristian was never able to walk and his growth was permanently stunted. He passed away as a result of his birth defects at age 13 on March 15th, 2008. His was the first, but far from the last case presented by the IITC to UN Special Rapporteur on Toxics and other human rights Rapporteurs and bodies since that time.

Another very difficult death to report is the passing on April 11th, 2013 of two-year old Juan Antonio Rodriguez Coronado shown in a video clip which I will present in a moment with his grandmother in Vicam Rio Yaqui Sonora in January 2013. His medical report diagnosed him as born with cirrhosis of the liver. His family home in Vicam Rio Yaqui is on the flight path of airplanes spraying pesticides overhead, including in the residential areas where he lived.

New testimonies collected in Rio Yaqui in September 2013 and January 2104 and not yet submitted to any UN body include the following tragic and heartbreaking examples:

1. *The aunt of **FELIX LUIS ALBERTO CLEMENTE** whose father works in the farmland **LOS VENADOS** where a variety of vegetables are grown, provided her testimony in September 2013, reporting that Felix was born with spots on his body and by age 2, was in a struggle against death. At that time he was diagnosed with liver cancer, his stomach began growing gradually, the fingernails began to change color. He was an invalid as a result of the cancer and when his fingernails began to burst the final diagnosis of the doctors was terminal stage leukemia. He died at age 4. His father, who currently works in the fields, says his son is gone due to the*

chemicals he handled and his aunt reports a large number of patients in the community with leukemia and cancers as a result of open-air pesticide applications.

2. *In September 2013, testimony was provided by Mr. Hermenejildo, a community traditional healer who visited **SRA. FRANCISCA GOTOPICIO** in the community of Huamuchil, Cocorit Rio Yaqui. She is the mother of a baby girl born with birth defects who lived merely four hours. Mr. Hermenejildo reported that the baby's body was completely amorphous, gelatinous, the body slightly elongated and the upper and lower extremities slightly short. He also tells us that the family of the baby girl have jobs related to pesticides.*
3. *Mr. Ramon Valencia, cousin of the late **EFRAIN VALENZUELA AMARILLAS**, reported on January 9th of this year that after giving birth the mother had struggled to care for the child, since the baby was very susceptible to contacting illnesses, was very weak, had a frail little body, and was thin. Thank God, he says, he was unable to recover without any medical treatment, but the child grew to the age of 6 with major respiratory problems, fatigue, and then he was treated medically and diagnosed with **LEUKEMIA**. After a long and painful struggle, in which like many others, the family was unable to afford medications or even medicine to reduce pain, Efrain died at age 13. Mr. RAMON tells us that the child lived in a heavily polluted area named **BARRIO LA NOPALERA**, it also adjoins agricultural plots and the established **PESTICIDE APPLICATION AIRCRAFT FIELD**. The child's family tells us they are ready to struggle against anyone to put a stop to the deaths being **CAUSED BY THE AIRCRAFTS**.*

Since 2001, IITC has submitted many other such cases of death and untold suffering to UN Rapporteurs on Toxics, Rights of Indigenous Peoples, Right to Health and Right to Food, various sessions and two Expert Ground Meetings of the UN Permanent Forum on Indigenous Issues, the UN Working Group on Human Rights, Transnational Corporations and other Business Enterprises, the UN Stockholm Convention Conference of the Parties, UN CERD for its Periodic review of the United States in 2008, the Commission on Human Rights and Human Rights Council.

But our children are still sick and dying. Their families are poor and do not have funds to buy medicines or pay for transplants. Our young women, even teenage girls, already have signs of breast cancer. Our collective reproductive capacity is undermined and our families continue to be devastated while the chemical companies rake in profits with impunity and States turn a blind eye.

Distinguished UN experts and human rights defenders: There is not time for ongoing submission of countless testimonies and studies. Women, babies and children are dying painfully without redress. Still births, miscarriages and birth defects are increasing. Our rights to reproductive and other forms of health are being violated in the most extreme way, and the human suffering is immeasurable. Who will provide access to justice or a remedy for these women, children and families? We can give them a voice. But who will stand with us to stop this practice?

In closing, we ask that the following recommendations will be included in the final report of this EGM and in the final report for the UNPFII 13th session this year:

- 1) That the UN conduct a legal review of UN Chemical Conventions, in particular the Rotterdam Convention to ensure that they are in conformity with the UN's own human rights standards.
- 2) That that this EGM and the UNPFII identify the export of banned and unregistered pesticides from countries that prohibit their use in their own country as environmental racism and environmental violence with direct, proven and devastating impacts on reproductive and sexual health and demand an immediate halt to this practice.
- 3) That the UNPFII reaffirm its commitment to eradicate Environmental Violence and to document its impacts in Indigenous communities along with the National and International policies, laws and practices that perpetuate this form of violence.
- 4) That the UNPFII welcome the 3rd International Indigenous Women's Symposium on Environmental and Reproductive Health to be held in Bilwi Nicaragua in November 2014 and request that the report and recommendations from this Symposium be presented to the 14th Session of the UNPFII in 2015.

Thank you.