

United Nations Permanent Forum on Indigenous Issues 16th session, April 24 - May 5, 2017

Agenda Item 3, Follow up to the recommendations of the Permanent Forum: (a) Empowerment of Indigenous Women, Intervention by the International Indian Treaty Council presented by Andrea Carmen

Thank you Madame Chair and respectful greetings to all delegations. We affirm the previous work of the Permanent Forum to defend Indigenous women's intergenerational, reproductive, maternal and environmental health including their right to be protected from environmental violence.

IITC has consistently addressed the impacts of environmental toxins on the right to health, including reproductive health, of Indigenous women and girls at this Forum. Obstacles to halting these violations include national laws as well as UN Environmental Conventions, in particular the *UN Rotterdam Convention* which permits States to export pesticides and other chemicals that are banned for use in their own countries as a result of their known detrimental health impacts. This practice was called "immoral" by the UN Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes. It has been termed "environmental violence" by Indigenous women because of its deliberate, financially-motivated and well-informed nature and the resulting enormous levels of suffering, disability, illness and deaths. Indigenous women, girls and infants are the primary victims.

For the country review of Mexico by the 69th session of the UN Committee on the Rights of the Child in 2015, IITC submitted 39 testimonies confirming birth defects, reproductive impairments, infant and children's deaths in Rio Yaqui Sonora caused by the indiscriminate application of highly toxic pesticides. These include many that are banned for use by the US but which the US produces and exports to Mexico. They are then applied by agro-business in Yaqui communities in violation of Article 29 of the UN Declaration on the Rights of Indigenous Peoples. The CRC's Concluding Observations¹ recognized "Environmental Health" as a right protected by the Convention for the first time and called on Mexico to stop importing pesticides banned in the exporting country.

To build on this progress, we request that a recommendation from the 13th session be reconfirmed and expanded. It called for "*a legal review of United Nations chemical conventions, in particular the Rotterdam Convention, to ensure that they are in conformity with international human rights standards, including the United Nations Declaration on the Rights of Indigenous Peoples and the Convention on the Rights of Persons with Disabilities*".² No one was designated to carry out this review so it was not carried out. We request that the UNPFII also add the UN Convention on the Rights of the Child to the human rights framework for the review and accept the offer made last year by Baskut Tuncak, UN Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes, to carry out this review within his mandated area of expertise. We request that he be invited to report his progress to the 17th session and that Indigenous Peoples also be invited to submit information and case studies for this review.

IITC and the EMRIP will both make statements addressing progress made on the previous recommendations on the new UN Mechanism for International Repatriation under agenda item 11 tomorrow morning. Thank you.

¹ CRC/C/MEX/CO/4-5 Committee on the Rights of the Child Concluding observations on the combined fourth and fifth periodic reports of Mexico

² Permanent Forum on Indigenous Issues Report on the thirteenth session (12-23 May 2014), E/2014/43-E/C.19/2014/11, para. 16

New resolution, Agenda item 4 (a), 16th session:

“Based on our continuing concern for the impacts of environmental toxins and the export and import of banned pesticides on the reproductive health of Indigenous Women and girls, we reaffirm and expand the recommendation in the report of our 13th session for a legal review of United Nations chemical conventions, in particular the Rotterdam Convention, to ensure that they are in conformity with international human rights standards, including the United Nations Declaration on the Rights of Indigenous Peoples and the UN Convention on the Rights of Persons with Disabilities. We also now include the UN Convention on the Rights of the Child, in particular Article 24, and its recognition of Environmental Health as a right protected under the convention to be considered in this legal review. We invite Baskut Tuncak, UN Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes, to carry out this review within his mandated area of expertise and to present his conclusions at the UNPFII’s 17th session. We also invite Indigenous Peoples, and in particular Indigenous women, to submit case studies, testimonies and documentation addressing the impacts in their own communities for this review.