



**Opening Remarks, United Nations Special Rapporteur on human rights and hazardous substances and wastes,  
Baskut Tuncak  
39<sup>th</sup> Session of the U.N. Human Rights Council**

12 September 2018, Geneva

Excellences, distinguished delegates, colleagues, friends,

The exploitation of workers can take many forms. In my annual report to you, I describe a particularly vicious form of exploitation: the exposure of workers to toxic substances.

Over two million workers die every year from occupational diseases, nearly one million from toxic exposures alone. Approximately 20 workers will have died prematurely from such exposures at work by the time I finish my opening remarks to you.

The diseases and disabilities that result from exposure to toxic substances are cruel. They include the excruciating pains of cancer, the suffocating torture of respiratory diseases, and the psychological torment of parents watching the impacts of their own occupational exposures materialize in their children.

Furthering the suffering of victims is the audacious behavior of certain States and businesses that go to unimaginable lengths to deny impacts on health, set permissible exposure levels that cause health impacts in workers, or go as far as blaming the victims themselves for the misuse of toxic substances, even when labeled in foreign languages or symbols.

In my view, much of what I describe in the report is criminal conduct.

The particularly heinous nature of this exploitation is that there are almost always alternatives to prevent or minimize exposure. Solutions to this abuse of workers' rights are available, should States choose to compel businesses to adopt them.

Mr. President,

Today I also present to the Council findings of two country visits by my mandate in 2017, one to Sierra Leone and the other to Denmark and Greenland - including their responses. I seize the opportunity to thank the Governments of both countries for the invitations extended to my mandate and for the excellent levels of engagement and cooperation during and after the visit.

I put forward a number of recommendations to both Governments, which in my opinion could promote improvements. My mandate stands ready to advise and assist both countries in the implementation of these recommendations.

Mr. President,

In my annual report, I offer 15 principles for the consideration of this Council to better protect the human right of all workers to safe and healthy working conditions, which has near universal recognition. These principles are based on nearly 25 years of cases addressed by this mandate regarding workers poisoned around the world.

Four of these principles concern the right of victims to access an effective remedy.

During my tenure as mandate holder, I have met many victims of poisonous work. Far too often, the victims are unable to access any semblance of an effective remedy, in part because the burden of proving wrongdoing lies unjustly with the worker or their family.

In this respect, one story stands out in particular. On March 6, 2007, Hwang Yumi died in her father's taxi on her way to hospital. It was five years after she proudly began a job manufacturing consumer products, where she was likely exposed to toxic substances every day without meaningful consent. Yumi died 20 months after she was diagnosed with leukemia, at the age of 23. Since his daughter's death, Yumi's father did everything he could to ensure there were no more victims. He repeatedly turned down substantial offers of compensation by the company in his mission to prevent the recurrence of abuses.

After an 11-year campaign for justice and accountability by Mr. Hwang and other human rights defenders, Samsung Electronics recently agreed to arbitration for this case and 150-250 other cases of diseases, disabilities and premature death linked to the production of certain electronic products in the Republic of Korea. Although a positive step, this is only one company in one industry in one country. The ILO estimates 160 million cases of occupation diseases are reported annually. The absence of effective remedies for perhaps millions of workers exploited by exposure around the world is of grave concern.

Mr. President,

The exposure of workers to toxics and resulting exploitation is a global health issue, in which we are all to some degree complicit, whether as policy makers, employers or consumers.

Seven of the proposed principles are directed at the duty and responsibility to prevent occupational exposures to toxics. Workers most vulnerable to exploitation are also those who bear the brunt of toxic exposures: the poor, women and children, migrant workers, people with disabilities and older persons. The exploitation of the poor and other vulnerable groups has both national and international dimensions for all countries.

During my visit to Denmark, I was encouraged to learn about the depth of Danish efforts to protect human rights from toxic exposures. I cannot spare words of praise for the efforts by Denmark to minimize exposure, particularly of children, to toxic substances, both in legislation and practice. However, I was equally disappointed to learn of practices by Danish businesses that lead to the exposure of workers and local communities to toxic threats abroad. These very same practices are strictly prohibited in Denmark and the European Union.

For example, Denmark does not permit titanic, toxic ships to be dismantled directly on their beaches by poorly equipped workers; but, legal loopholes intentionally crafted by Denmark and other countries to evade the requirements of the Basel Convention on hazardous wastes perpetuate this double standard in some of the world's poorest communities.

I was particularly disappointed to learn of cases involving the Danish shipping company Maersk, which was at one point among the leaders in responsible ship recycling. Several years ago the company had a policy prohibiting the practice of

dismantling its ships on beaches in Asia under abhorrent conditions, which it recently and unfortunately reversed for unjustified reasons.

While I am sympathetic to the enormous challenges created by irresponsible industries for low- and middle-income countries to protect people in their jurisdiction against toxic exposures, every country has an obligation to protect human rights. Simple solutions can be put in place by any State undergoing rapid industrialization to not repeat previous mistakes, the so-called sins of our past.

To this point, I refer you to my report on Sierra Leone, which has overcome several challenges in recent years and is poised for considerable economic expansion implicating a number of toxic threats. The social and economic situation of Sierra Leone, including lack of resources and vulnerability of large parts of the population, pose real challenges towards protecting human rights from pollution and other sources of toxic exposure. However, as described in my report, even countries with the most limited of resources can put in place measures to reduce risk and build their national capacity to protect human rights from toxic substances. I strongly encourage the authorities to take on board the recommendations put forward in my report, and reiterate my willingness to assist Sierra Leone in these efforts.

Thank you, Mr. President.