



**Mandate of the Special Rapporteur on Human Rights and Hazardous Substances and wastes**

**Questionnaire for relevant non governmental stakeholders to inform his report to the 33<sup>rd</sup> Session of the Human Rights Council (September 2016)**

With 196 States parties, the UN Convention on the Rights of the Child (CRC) is the most widely ratified and monitored international human rights treaty. It sets out the civil, political, economic, social and cultural rights of children. Four “guiding principles” of the CRC are the right to life, survival and development (article 6), non-discrimination (article 2), best interests of the child (article 3) and the right to be heard (article 12). Under the CRC, children have the right to the highest attainable standard of health, and State Parties have a duty to “combat disease and malnutrition ... through the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution” (article 24(2)(c)). Yet, the CRC is often overlooked in developing environment-related policies and standards.

The purpose of this questionnaire is to help the Special Rapporteur on Hazardous Substances and Wastes ascertain to what extent children’s rights inform government policies related to hazardous substances. We would be grateful for your input on the following questions:

- (1) Studies in various countries have found hundreds of toxic chemicals from various sources in newborn babies and children, as well as mothers whom are pregnant or breastfeeding. Are you aware of any mechanisms to monitor children’s exposure to hazardous substances nationally or internationally? If so, please summarize the most recent results and advise whether such information is made publicly available, where it may be accessed and how it is used to inform decisions.
- (2) Childhood exposure to hazardous substances can produce adverse effects, including adverse health impacts, which may not manifest for years if not decades after exposure. Please provide your views on good practices by Governments to assess the risks of childhood exposure to hazardous substances, and/or deficiencies in current practices. Answers may focus on systems present at the national, regional and/or the global level. You may wish to consider factors such as: sensitive periods of development; latency periods between exposure and manifestation of health impacts; the impacts of exposure to several different hazardous substances (combination effects); and to what extent a rights-based approach informs risk assessment and mitigation.

- (3) The principle of the best interests of the child (CRC Article 3) is a guiding principle that should be taken into consideration in all matters concerning the rights of the child, including environmental decision-making. Please provide information regarding specific measures either nationally or internationally to prevent childhood exposure to hazardous substances, including consumer products, environmental emissions, occupational settings and other sources.
- (4) Often the need to establish causation is an insurmountable obstacle for victims of hazardous substances, in particular, for children. Please describe any positive efforts undertaken to remove causation as an obstacle for children who are, or may have been exposed to, toxic chemicals during development, but do not exhibit adverse health impacts such as cancer, developmental impacts, or other non-communicable diseases until much later in life. Such examples may include increasing the statute of limitation for litigation or reducing the burden of proof on victims to establish causation.
- (5) Please describe any specific judicial and non-judicial processes to hold perpetrators accountable for hazardous substance-related claims of adverse impacts on health and other rights of the child. Please provide the most relevant court cases on childhood exposure to hazardous substances and judicial attempts to ensure an effective and timely remedy, including both domestic and transnational cases as relevant.
- (6) Please outline what steps could be taken by Governments and businesses to further assess, monitor, prevent and mitigate children's exposure to hazardous substances.
- (7) Please provide any additional information you believe would be useful to understand efforts made and challenges confronting Government and businesses in their efforts to protect the rights of the child from hazardous substances.

Due to limited capacity for translation, we kindly request that you submit your answers, **if possible, in English no later than 15 April, 2016**. All responses will be posted in the web page of the Rapporteur unless you indicate otherwise. Please send your responses preferably via email to: [srtoxicwaste@ohchr.org](mailto:srtoxicwaste@ohchr.org), copying [registry@ohchr.org](mailto:registry@ohchr.org); or to:

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