Excellencies, Ladies and Gentlemen,

Human Rights Watch is an international human rights organization that investigates human rights violations around the world and advocates for change. In the last decade, we have documented children’s exposure to toxics in many countries and settings.

When governments fail to protect children from exposure to hazardous substances, this constitutes a violation of children’s rights, as spelt out in the Convention on the Rights of the Child. Children from marginalized groups—for example from indigenous communities—are often particularly affected. According to the World Health Organization, an estimated 1.7 million children under the age of 5 die annually because they live in an unhealthy environment. Many more suffer life-long health effects from toxic exposure.

**Business activity** has been the source of significant toxic exposure for children. Yet, governments often avoid regulating business to protecting children, because regulation can be costly and is sometimes opposed by industries.

I want to give you **an example** where governments should regulate business, but often don’t: the use of mercury in artisanal and small-scale gold mining. Artisanal and small-scale gold mines in Africa, Asia, and Latin America use mercury to process gold and emit more than one third of global mercury emissions. Mercury is a highly toxic metal that causes brain damage, other irreversible health effects, and even death. It is particularly harmful for the foetus and small children. Medical studies have found that children living near mining areas often have elevated levels of mercury in their body and sometimes suffer from symptoms of mercury poisoning. Globally, millions of children live in mining areas and are exposed to mercury in the soil, water, and air because governments fail to regulate the sector.

**In Ghana,** for instance, the vast majority of artisanal and small-scale gold mines rely on mercury. Most operate without licenses. Government authorities hardly monitor conditions in the unlicensed sites and do not promote alternatives to mercury. Health clinics do not inform people about the risks connected with mercury, let alone test or treat children for mercury poisoning. The government’s own gold trading company buys the gold from local traders regardless of human rights and environmental standards and sells it on to international gold refiners in Switzerland, Dubai, and elsewhere.

These policies **affect children’s lives** and violate their rights. This is a 12-year-old boy, Kwame, whom I met in a village in the Ashanti region of Ghana. He was working in an artisanal gold mine. He mixed the mercury into the ore to create an amalgam with the gold particles, and then held it over a flame to burn off the mercury, breathing in the toxic fumes. Kwame sold the gold to a local trader. He showed me a small bottle of mercury that he always carried in his pants’ pockets to do his job.

There are **many other cases** where governments fail to regulate businesses that expose children to toxic chemicals. We have, for example, documented children’s exposure to toxic chemicals in leather tanneries in Bangladesh; in battery factories in China; in lead-contaminated displaced camps in Kosovo near a former lead mine; and in pesticide-sprayed tobacco farms in the United States. The communities affected by these abuses often belong to the poorest of the poor, and sometimes to minority groups, and find it hard to get their voices heard.

**But change is possible.** Products such as lead paint have been phased out in some settings because they are harmful to children. Companies have been obliged to account for environmental harm occurring in their supply chain. For example, child labor in tobacco farming exposes children to pesticides and nicotine, and is prohibited in Brazil. In order to enforce this ban, the government has established penalties that are imposed on farmers as well as companies purchasing tobacco. This has created an incentive for the tobacco industry to ensure that children are not working on farms in their supply chains.

**Governments need to take comprehensive action** to protect child rights in the context of toxic exposure. Business regulation is an important part of this, but not the only one. Governments need to ensure child health prevention, biomonitoring, testing, and treatment of children’s health conditions related to toxic exposure. Governments also need to inform children, parents, and the public about risks of toxic substances. And governments need to put in place systems to ensure accountability for abuses.

In order to make this happen, governments need to **integrate child rights and environmental laws and policies**—something that is not always happening right now. Human rights and environmental law are largely treated as separate legal regimes with separate institutions emanating from it. On the international level, child rights concerns are largely absent from international environmental treaties, for example the chemicals conventions, and the policy frameworks of UN environmental agencies such as UNEP. At the national level, environmental laws and policies rarely address child rights neither. Environment ministries do not always coordinate with ministries responsible for child protection or child health. This gap is one of the reasons why there is a lack of monitoring and accountability for violations of child rights that relate to the environment. This is worrying because health effects of toxics may manifest years after exposure, and because accountability can also be hampered by the lack of objective data and longitudinal studies.

**A greater integration of child rights, child health, and environmental issues is possible.** A step in the right direction is the 2013 Minamata Convention on Mercury, which requires treaty parties to develop strategies to prevent children’s mercury exposure in the context of artisanal gold mining and spells out health actions that governments need to undertake, such as testing and treatment.

**Successful litigation of past abuses is possible, too**. For example, in 2013, Thailand’s supreme administrative court ruled that the government’s Pollution Control Department had to pay compensation to 22 plaintiffs because it had failed to clean up toxic pollution from a lead processing factory that contaminated a river and poisoned residents. It also ordered the government to clean up the river.

Much more needs to be done. Human Rights Watch believes that the **Committee on the Rights of the Child** can play a key role in spelling out state and business obligations by drafting a General Comment on Child Rights and the Environment. Such a General Comment would clearly explain the relevance of the Convention for a wide range of children’s substantive and procedural rights in relation to the environment. It would convey the relevance of the Convention to actors working on child rights and the environment, and help strengthen linkages between these sometimes separate worlds.

**In addition, we believe that the CRC should advise States** on how to protect child rights in the context of toxic exposure, by providing guidance on 1) Effective business regulation, including in the full supply chain; 2) Child health prevention, biomonitoring, screening, testing, and treatment; and 3) Accountability for past violations.

Thank you.