



## ***The right to information - Access to remedy for workers and communities affected by toxic waste***

*Parallel session*

*28 November*

*08:15-09:45*

*Organized by Friedrich-Ebert-Stiftung*

**Short description:** Hazardous substances can be found in the food we eat, the air we breathe, the water we drink, the products we buy, and the places we live, play and work. Businesses, such as pharmaceutical companies and their supply chains, have a responsibility to conduct human rights due diligence which includes assessments of actual and potential impacts, and communicating information about potential risks and mitigation measures related to hazardous substance. The discussion aims to bring to together representatives from affected communities of hazardous substances in India with representatives the international human rights system as well as the private sector. Together, the discussants will aim at identifying concrete measures and commitments that have proven useful in advancing change and overcome existing barriers to remedies in the context of environment and human rights.

### **Session objectives:**

- Map good practices of existing grievance mechanisms and other mechanisms of access to remedy in the context of human rights implications of exposure to toxic waste and hazardous substances.
- The session aims to bring to together representatives from affected communities of exposure to hazardous substances with representatives of the international human rights system as well as the private sector.
- The discussants will aim to identify concrete measures and commitments that have proven useful in advancing change and overcome existing barriers to remedies in the context of the environment and human rights.
- Link the discussions on access to remedies and ongoing discussions in the Forum and the Working Group with good practices from existing mechanisms such as the Aarhus Convention as well as other parallel efforts such as the guide to good practice in relation to human rights obligations related to the environmentally sound management and disposal of

hazardous substances and wastes which is currently being developed by the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes.

**Key discussion questions:**

- What would constitute effective remedy solutions for individuals and communities affected by human rights implications of exposure to toxic waste and hazardous substances?
- What existing examples of good practice in ensuring access to justice, include access to remedy for victims of hazardous substances and waste could inform the development of coherent access to remedy mechanisms?
- What existing grievance mechanisms could serve as good practice examples for reducing costs of judicial remedy, addressing the challenge of establishing a causal link between exposure and impact and other evidentiary hurdles, such as access to information?
- What other steps are crucial in ensuring and promoting governmental and corporate accountability for impacts of hazardous substances and wastes?

**Speakers:**

- Baskut Tuncak, Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes
- Anil Dayakar, Environmental Activist, Hyderabad
- Christine Adelhardt, journalist ARD journalist on documentary 'The invisible enemy - deadly superbugs from pharma factories'
- Yves Lador - Earthjustice

**Further explanation of the session aims:**

- The session aims to provide illustrations of access to remedy and grievance mechanisms through case studies of effective stakeholder engagement informing future access to remedy mechanisms in the context of human rights implications of toxic waste, for instance from South Korea's electronics industry.
- The session aims to provide concrete recommendations that could be applied by affected workers and communities in, for instance, the case of exposure to toxic waste in India.
- Further to FES involvement with the OHCHR's Accountability and Remedy Project in a workshop series which intended to explore current state approaches, attitudes and barriers to more effective action in the case of business related human rights abuses, as well as potential points of agreement that could help inform future practical and legal developments, the session seeks to contribute to the 2017 Forum's goal of exploring practice-based perspectives to address current gaps and their root causes to arrive at effective and tangible solutions for affected communities and individuals.

## **ANNEX. SPEAKERS SHORT BIOS.**

### **Baskut Tuncak**

**Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes**



Mr. Baskut Tuncak was appointed by the U.N. Human Rights Council in June 2014, and assumed the mandate in August 2014. Baskut is an international lawyer, specializing in laws and policies on the management of toxic chemicals. He is currently a senior researcher at the Raul Wallenberg Institute in Sweden. Previously, Baskut was a visiting scholar at American University Washington College of Law and a senior attorney with the not-for-profit Center for International Environmental Law (CIEL). Prior to his legal career, he worked as a synthetic chemist with pharmaceutical, biotechnology and synthetic biology companies. He has served in various advisory roles to both governmental and non-governmental initiatives.

### **Anil Dayakar**

**Environmental Activist and Trade Union Representative, India**



As an environmentalist, he campaigns for including communities as an important stakeholder in the treatment processes of toxic waste but not simply as the sufferer by constituting the committees of Youth Against Pollution (YAP) and Women Against Pollution (WAP) in the villages affected by industrial pollution. As Human Rights activist, he is an active proponent of judicial activism. He has won as many as 14 cases out of 15 filed as Public Interest Litigation (PIL) petitions in the courts of law for environmental protection. His Organisation Gamana is the leading NGO in south India to use “the Right to Information (RTI) Act” extensively to propagate awareness in the communities when their Rights are abrogated. He works extensively among indigenous communities in rural areas to

educate them on forest based sustainable development rather than mineral based industrial development. He works vigorously on the design and development of community projects on corporate style for economic empowerment of marginalized women as well as HIV positive women, so that their livelihoods are taken care by themselves instead of relying on the external agencies and even the State for support.

### **Christine Adelhardt**

#### **Journalist ARD**



Christine Adelhardt studied politics, history and economics. After completing her studies, she worked as a reporter for Bayerischer Rundfunk. In 2001 she moved to North German Broadcasting. Adelhardt reported for ARD among others from Kosovo, Bosnia, Albania and Pakistan. After stations at the NDR broadcast "Panorama" and in the ARD Studio Washington, she was the studio manager at the ARD Beijing office from 2010 to 2015.

### **Yves Lador**

#### **Earthjustice**



Yves Lador is the permanent representative to the United Nations in Geneva for Earthjustice. In this capacity, he served as a member of the UNEP-OHCHR expert advisory on human rights and the environment.