



Human Rights Council

Resolution 9/1. Mandate of the Special Rapporteur on the adverse effects of the movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and the Vienna Declaration and Programme of Action, particularly on the question of the human rights of everyone to life, the enjoyment of the highest attainable standard of physical and mental health, food, adequate housing and work, access to information, access to safe drinking water and sanitation, public participation and the right to development,

Bearing in mind paragraph 6 of General Assembly resolution 60/251 of 15 March 2006,

Recalling all previous resolutions of the Commission on Human Rights on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights, in particular resolutions 1995/81 of 8 March 1995, 2004/17 of 16 April 2004 and 2005/15 of 14 April 2005,

Affirming that the-transboundary and national movements, and the dumping of toxic and dangerous products and wastes may constitute a serious threat to human rights, including the right to life, the enjoyment of the highest attainable standard of physical and mental health, food, adequate housing and work, access to information, and to safe drinking water and sanitation, public participation and the right to development,

Reiterating that all human rights are universal, indivisible, interdependent and interrelated,

Reaffirming that the international community must treat all human rights in a fair and equal manner, on the same footing and with the same emphasis,

Recalling Council resolutions 5/1 on institution-building of the United Nations Human Rights Council and 5/2 on the code of conduct for special procedures mandate-holders of the Human Rights Council, of 18 June 2007, and stressing that the mandate-holder shall discharge his/her duties in accordance with those resolutions and the annexes thereto,

1. *Strongly condemns* the dumping of toxic and dangerous products and wastes that have a negative impact on human rights;
2. Acknowledges with appreciation the work undertaken by the Special Rapporteur on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights;
3. *Decides* to extend the mandate of the Special Rapporteur on the adverse effects of the movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights for a further period of three years;
4. *Urges* the Special Rapporteur to continue to undertake, in consultation with the relevant United Nations bodies, organizations and the secretariats of relevant international conventions, a global, multidisciplinary and comprehensive study of existing problems and new trends of, and solutions to, the adverse effects of the trafficking and dumping of toxic and dangerous products and wastes on human rights, in particular in developing countries, as well as in those sharing borders with developed countries, with a view to making concrete recommendations and proposals on adequate measures to control, reduce and eradicate these phenomena;
5. *Invites* the Special Rapporteur, in accordance with his mandate, to include in his report to the Council comprehensive information on:
 - (a) The adverse effects on the full enjoyment of human rights, including in particular the right to life, the enjoyment of the highest attainable standard of physical and mental health, resulting from the movement and dumping of toxic waste and dangerous products and wastes;
 - (b) Human rights responsibilities of transnational corporations and other business enterprises that dump toxic and dangerous products and wastes;

(c) The question of rehabilitation of and assistance to victims;

(d) The scope of national legislation in relation to transboundary movement and dumping of toxic and dangerous products and wastes;

(e) The human rights implications of waste-recycling programmes, the transfer of polluting industries, industrial activities and technologies from developed to developing countries and their new trends, including e-waste and the dismantling of ships;

(f) The question of ambiguities in international instruments that allow the movement and dumping of toxic and dangerous products and wastes, and any gaps in the effectiveness of the international regulatory mechanisms;

6. *Calls upon* countries to facilitate the work of the Special Rapporteur by providing information and inviting him to undertake country visits;

7. *Encourages* the Special Rapporteur, in accordance with his mandate and with the support and assistance of the Office of the United Nations High Commissioner for Human Rights, to continue to provide Governments with an appropriate opportunity to respond to allegations transmitted to him and reflected in his report, and to have their observations reflected in his report to the Council;

8. *Reiterates* its call to the Secretary-General to continue to make all necessary resources available to the Special Rapporteur so that he may carry out his mandate successfully and, in particular:

(a) To provide him with adequate financial and human resources, including administrative support;

(b) To provide him with the necessary specialized expertise to enable him to carry out his mandate fully;

(c) To facilitate his consultations with specialized institutions and agencies, in particular with the United Nations Environment Programme and the World Health Organization, with a

view to improving the provision by such institutions and agencies of technical assistance to Governments that request it and appropriate assistance to victims;

9. *Stresses* the need to ensure adequate financial, technical and human resources to the Special Rapporteur for the effective fulfilment of his mandate;

10. *Decides* to continue consideration of the issue of the adverse effects of the movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights under the same agenda item in 2009, in accordance with its annual of programme of work.
