

**UNITED NATIONS COMMITTEE ON THE RIGHTS OF THE CHILD
69TH SESSION**

**CONSIDERATION OF THE FOURTH AND FIFTH PERIODIC REPORTS OF
MEXICO UNDER ARTICLE 44 OF THE UNITED NATIONS CONVENTION ON
THE RIGHTS OF THE CHILD**

INDIGENOUS PEOPLES ALTERNATIVE REPORT

EXECUTIVE SUMMARY

Co-submitted on April 15th, 2015 by the International Indian Treaty Council (IITC, Non-Governmental Organization in General Consultative Status to the United Nations Economic and Social Council), and the Affiliates of IITC in Mexico, including Congreso Nacional Indígena de México; Consejo de Pueblos Nahuas del Alto Balsas, Guerrero, A.C. (CPNAB); Traditional Authorities, Yaqui Pueblo of Huirivis, Río Yaqui, Sonora; Traditional Authorities, Yaqui Pueblo of Potam, Río Yaqui, Sonora; Traditional Authorities, Yaqui Pueblo of Torim, Río Yaqui, Sonora; Jittoa Bat Nataka Weria, Río Yaqui, Sonora; Unidad de la Fuerza Indígena y Campesina (UFIC, regional members include Indigenous Peoples in 25 Mexican states), Red Indígena de Turismo de México A.C. (RITA); Di Sugave a Nana Shimajai, San Francisco Magú de México. Additional co-submitters include Coordinadora Nacional de mujeres Indígenas (CONAMI) and Coordinadora Nacional de mujeres Indígenas-Vinajel (COEMICH-Vinajel) Mexico.

The Co-Submitters of the Alternative Report thank Red de Acción en Plaguicidas y Alternativas en México (RAPAM) A.C. for their significant contributions to the content of this Report.

The International Indian Treaty Council (IITC) *et al.* address issues to be raised in the review of Mexico's compliance as a State Party to the United Nations *Convention on the Rights of the Child*. The co-submitters of this Alternative Report respectfully call the attention of the UN Committee on the Rights of the Child (CRC) to critical human rights concerns that are not addressed in the Fourth and Fifth Periodic Reports of Mexico.

The co-submitters affirm the urgent need to address the crises facing Indigenous Peoples and communities in Mexico, in particular the children, who are disproportionately exposed to environmental contamination and toxic pesticides. This Report will provide research, evidence and testimonies that demonstrate incidents of illness, disability and death of Indigenous children as a result of pesticide exposure, in particular in Indigenous communities of Río Yaqui, Sonora Mexico. The report also documents that the Mexican government has been informed that many of the pesticides it imports from the United States have been prohibited for use in that country due to their known dangerous and deadly health effects.

Since 2001, IITC has submitted over 80 cases documenting death and untold human suffering to UN Rapporteurs on Toxics, Rights of Indigenous Peoples, Right to Health and Right to Food; various sessions and two Expert Group Meetings of the UN Permanent

Forum on Indigenous Issues; the UN Working Group on Human Rights Transnational Corporations and other Business Enterprises; the UN Stockholm Convention on Persistent Organic Pollutants Conference of the Parties; the UN Committee on the Elimination of Racial Discrimination (for its Periodic review of the United States in 2008 and 2014); the United Nations Permanent Forum Expert Group Meetings in 2012 and 2014, the Commission on Human Rights and the UN Human Rights Council (Universal Periodic Reviews of United States and Mexico).

Ten years ago, 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, Mr. Okechukwu Ibeanu, submitted a report to the 61st Session of the Commission on Human Rights highlighting pesticide use and health impacts on Indigenous Peoples of Rio Yaqui.¹ Mexico's response was inadequate and the suffering has increased.

The UN Rapporteur on the Human Rights and the Illicit Movement of Toxics Wastes (Madame Ouhachi-Vesely) said during her country visit to the United States in 2001: "***Just because something is not illegal, it may still be immoral. Allowing the export of products recognized to be harmful is immoral.***" However the practice continues and is, in fact, legal under both national and international law. In particular, the United Nations *Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade* permits this practice as long as the exporting country informs the importing country of the chemicals' non-registered or restricted legal status. Although informed of their dangers, Mexico continues to import these products. Indigenous Peoples in rural communities such as Rio Yaqui Sonora experience detrimental health impacts where such chemicals are used and applied indiscriminately, including by aerial spraying near schools and homes. The local Indigenous Peoples are not asked for their consent, nor are they informed of the dangers or provided with any safety precautions. The mothers and children who suffer profound illnesses, reproductive impacts and permanent disabilities as a result are not provided with medical care, support nor compensation.

This Report, including references to scientific peer-reviewed studies as well as thirty-nine (39) testimonies collected in Rio Yaqui (from midwives, health workers, and parents amongst others) documenting specific impacts on mothers and children including miscarriages, still births, and children suffering disabilities, liver disease, cancer and leukemia and death.

We respectfully present the Committee with the following core questions for Mexico.

- 1. The import and use of pesticides which have been banned or restricted in the exporting country, including highly hazardous pesticides, presents a significant harm to Indigenous children and families in Mexico who are**

¹ Report of the Special Rapporteur, Okechukwu Ibeanu, Adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights (Addendum: Updates of cases contained in previous reports) E/CN.4/2005/45/Add.1 December 2004, at paras. 4-8

exposed to these toxics. How does Mexico reconcile this importation and use with its obligations under Article 24 of the *Convention on the Rights of the Child* and Article 29 of the United Nations *Declaration on the Rights of Indigenous Peoples*?

- 2. What actions are being taken by Mexico to assess, minimize or prevent the impacts of toxic contaminants on maternal and children's health in Indigenous and local communities such as the Yaqui Pueblos in Sonora? What medical services, compensation and redress are provided to victims?**

Finally, we submit the following recommendations to the Committee for consideration in their review and Concluding Observations regarding the Mexico Report:

- 1. Mexico should review and revise national laws and policies to prohibit the import of any pesticides or chemicals that have been banned or restricted for use in the exporting country, in particular when maternal and children's health may be impacted. Mexico should also revise national, state and local policies to address environmental exposures and the negative impacts of pesticides, toxics or mixed pollutants on maternal health and the health of children.**
- 2. In conjunction with Indigenous Peoples, Mexico should develop appropriate regional environmental health programs, including biomonitoring of toxics, as a first step toward prevention of toxic-induced illnesses in vulnerable Indigenous groups such as mothers and children.**

We also recommend that the CRC join with the United Nations Permanent Forum on Indigenous Issues (UNPFII) to call for "a legal review of United Nations chemical conventions, in particular the Rotterdam Convention, to ensure that they are in conformity with international human rights standards, including the United Nations Declaration on the Rights of Indigenous Peoples and the Convention on the Rights of Persons with Disabilities."²

To download the full submission: [http://tbinternet.ohchr.org/Treaties/CRC/Shared Documents/MEX/INT_CRC_NGO_MEX_20330_E.pdf](http://tbinternet.ohchr.org/Treaties/CRC/Shared_Documents/MEX/INT_CRC_NGO_MEX_20330_E.pdf)

² Permanent Forum on Indigenous Issues, Report on the thirteenth session (12-23 May 2014) E/2014/43-E/C.19/2014/11 at para. 16.