

Mandates of the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes; the Working Group of Experts on People of African Descent; the Working Group on the issue of human rights and transnational corporations and other business enterprises; the Special Rapporteur in the field of cultural rights; the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment; the Special Rapporteur on the right to food; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Special Rapporteur on the rights of indigenous peoples; the Independent Expert on the enjoyment of all human rights by older persons; the Special Rapporteur on the human rights to safe drinking water and sanitation and the Working Group on discrimination against women and girls

Ref.: AL BRA 8/2022

(Please use this reference in your reply)

15 June 2022

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes; Working Group of Experts on People of African Descent; Working Group on the issue of human rights and transnational corporations and other business enterprises; Special Rapporteur in the field of cultural rights; Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment; Special Rapporteur on the right to food; Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; Special Rapporteur on the rights of indigenous peoples; Independent Expert on the enjoyment of all human rights by older persons; Special Rapporteur on the human rights to safe drinking water and sanitation and Working Group on discrimination against women and girls, pursuant to Human Rights Council resolutions 45/17, 45/24, 44/15, 46/9, 46/7, 49/13, 42/16, 42/20, 42/12, 42/5 and 41/6.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning draft bill PL 6299/2002 (the so-called "poison package" or "poison bill") which, after more than 20 years of review, was passed by the House of Representatives in less than four hours of debate on February 9, 2022. The Act, if passed by the Senate, would weaken regulations governing the approval, use and monitoring of pesticides in Brazil, exposing farmers, workers, indigenous peoples and peasant communities to hazardous substances. The draft bill would also allow the use of carcinogenic pesticides, as well as pesticides with a higher risk of reproductive and hormonal problems and malformations in babies. In addition, it would contravene the current measures and commitments your Excellency's Government has taken to set out clear expectations of responsible business conduct, including respect for human rights.

According to information received:

Draft bill 6299/2002 seeks to replace the current legal framework (Law 7802), which has been in force since 1989. If adopted, the draft bill would compromise several articles of the Brazilian Constitution (e.g. PEC 47/2003, which enshrines the right to food, and article 225, which enshrines the right to a healthy environment, among others) in addition to agreements and treaties that Brazil has acceded or ratified, in particular the International Covenant on

Civil and Political Rights, acceded on 24 January 1992, the International Covenant on Economic, Social and Cultural Rights, acceded on 24 January 1992, the Convention on the Rights of the Child, ratified on 24 September 1990, and the Convention on the Elimination of all Forms of Discrimination against Women, ratified on 1 February 1984. Also, the draft bill would significantly weaken the criteria for approving the experimental and commercial use of pesticides, posing threats to several human rights explained herein.

The draft bill seeks to allocate responsibility for the approval of pesticides to the Ministry of Agriculture and Livestock, disavowing Brazil's National Health Surveillance Agency and Institute of Environment and Renewable Natural Resources. Concerns exist about the lack of transparency with regards to the agriculture lobby in Brazil, which exacerbates the risk of interference in decisions adopted with this new institutional arrangement. Further, this proposed change raises serious questions of how evidence of hazard and risk would be evaluated in arriving at regulatory decisions. These changes to the approval process for pesticides would take place in the context of the dismantling of agroecology policies, and the disruption of technical assistance, inspection, and health surveillance bodies in Brazil. For instance, the National Commission for Chemical Safety (Comissão Nacional de Segurança Química in Portuguese, or CONASQ) was dismantled in 2019, closing off dialogue between civil society and the Government on issues related to chemical substances and pesticides.

The approval of this draft bill would mark a monumental setback, given Brazil's current economic and food insecurity situation, as a result of which there are more than 116 million Brazilians who suffer from food insecurity.¹ In fact, according to a recent academic study, food insecurity in Brazil has more than doubled since 2013.

The draft bill is especially worrying considering the very high consumption of toxic pesticides in Brazil and the consequent public health impact on the population. The draft bill has moved forward in the context of record increases in the use of pesticides in Brazil, which has increased over 338% between 2000 and 2017.² Brazil has been among the top three pesticide consumers by volume in the world for over a decade.³ This has created a grave situation for human rights, with public health data illustrating serious concerns. According to Government data, over 50 babies die every year from exposure to pesticides in Brazil, and over 375 children are intoxicated by pesticides every year.⁴ Further, a recent academic report found that the use of glyphosate, the most used pesticide in Brazil, led to a 5% increase in infant mortality between 2000

¹ Brazilian Research Network on Food and Nutrition Sovereignty and Security (PENSSAN), National Survey on Food Insecurity in the Context of the Covid-19 Pandemic in Brazil, 2019, accessed at:

http://olheparaafome.com.br/VIGISAN_AF_National_Survey_of_Food_Insecurity.pdf.

² Brazilian Institute of Geography and Statistics IBGE (2017) <https://agenciadenoticias.ibge.gov.br/agencia-sala-de-imprensa/2013-agencia-de-noticias/releases/21905-censo-agro-2017-resultados-preliminares-mostram-queda-de-2-0-no-numero-de-estabelecimentos-e-alta-de-5-na-area-total>; Campanha Permanente Contra os Agrotóxicos e Pela Vida et al (CPCAPV) (April 2020),

https://www.rosalux.de/fileadmin/rls_uploads/pdfs/Studien/Hazardous_20pesticides_ENG_final_20200422.pdf.

³ Londres, F. (2011); quoted in Samuel Carvalho De Benedicto (2019); Marcos Antonio Pedlowski et al (January 2012) https://www.researchgate.net/publication/257085273_Modes_of_pesticides_utilization_by_Brazilian_smallholders_and_their_implications_for_human_health_and_the_environment; Eloisa Dutra Caldas (December 2016) https://www.researchgate.net/publication/308013830_Pesticide_Poisoning_in_Brazil.

⁴ SINAN-DATASUS 2020, accessed at <https://datasus.saude.gov.br/> and IBGE, 2020.

and 2010. Between 2000 and 2013, pesticide exposure accounted for 10,666 deaths in Brazil, in addition to thousands of cases of pesticide poisoning, particularly in the Central-South region.⁵ These figures are likely an underestimation of adverse impacts to human health, including reproductive health, given the limited data available on poisonings and the health impacts of chronic exposure to hazardous pesticides.

It is relevant to note that existing Brazilian standards already permit higher levels of exposure to toxic pesticides than the equivalent standards in other countries, such as those in Europe. In fact, more than 1,200 pesticides and weedkillers have been registered in Brazil in just three years, according to data from Brazil's agricultural ministry.⁶ These include 193 pesticides and weedkillers that contain chemicals banned in the European Union (EU), as foreign companies are registering products in Brazil which contain chemicals that would not be approved in their home countries.⁷ Of the ten most sold pesticides in Brazil in 2020, five are banned in the EU due to their risks to human health or ecosystems.

Further, almost half of all pesticides approved in Brazil since 2019 contain active ingredients featured on the Pesticide Action Network's list of highly hazardous pesticides, indicating they pose a serious risk to human health or the environment.⁸ While the Government of Brazil has been approving an increasing number of pesticides, they have not been taking steps to reduce exposure to hazardous pesticides. In this context, we are concerned that were the draft bill to be passed, it would exacerbate the already dire situation of unsound pesticide use in Brazil and therefore increase the negative impact on the population's life, health and a healthy environment.

Pesticide residues often remain in food, drinking water, air, dust, and rain, posing additional health risks for the entire population. Existing Brazilian regulation allows for maximum pesticide residue levels that are exorbitantly higher than the residue levels allowed in other countries, such as those of the EU,⁹ and the draft bill would exacerbate this issue, also raising issues related to the safety of Brazilian food exports. In fact, as mentioned in OTH 202/2021¹⁰, for example, despite the relative strength of the EU regulatory system for pesticides, some of these prohibited pesticides return to Europe in the form of residues in imported food for the European customers. Particular concerns also exist with regard to the capacity of water suppliers across the territory to regularly monitor the levels of contamination of water by pesticides.¹¹

⁵ Larissa Mies Bombardi, A Geography of Agrottoxins Use in Brazil and its Relation to the European Union, accessed at: <http://www.livrosabertos.sibi.usp.br/portaldelivrosUSP/catalog/view/352/309/1388A>.

⁶ <https://www.gov.br/agricultura/pt-br/assuntos/insumos-agropecuarios/insumos-agricolas/agrotoxicos/informacoes-tecnicas>.

⁷ *Id.*

⁸ *Id.* See: Pesticide Action Network's International List of Highly Hazardous Pesticides, accessed at: https://pan-international.org/wp-content/uploads/PAN_HHP_List.pdf.

⁹ For example, for coffee and sugar cane, Brazil allows levels 10x those of the EU; for soya 50x those of the EU; for apples 200x those of the EU; for broccoli 200x those of the EU; and for lettuce 600x those of the EU.

¹⁰ Available at: <https://spcommreports.ohchr.org/TmSearch/RelCom?code=OTH%20203/2021>

¹¹ A mix of pesticides was found in the water of 1 in 4 cities in Brazil between 2014 and 2017, according to data from the Ministry of Health.

The health issues linked to pesticides are even more concerning against the backdrop of aerial sprayings in Brazil, where pesticides are used as weapons in land conflicts. This disproportionately affects rural, peasant, and indigenous communities. The draft bill takes no steps to ban aerial sprayings.

The negative effects of using pesticides that the draft bill is likely to exacerbate may also affect the cultural rights of indigenous peoples in Brazil. As their relationship to the lands they own, occupy and use is a spiritual one and one that facilitates the exercise of their traditional activities, any negative effect to such lands must be avoided. Further, their free, prior and informed consent must be sought for any such measure affecting their lands, and their consultation must be secured in any decision that affects them. Similarly, other persons closely interacting with the lands might see their way of life threatened by the negative impacts of pesticides.

Finally, parliamentarians have questioned who will benefit from the advance of this draft bill, and whether it will primarily serve the interests of large corporations, as Brazil is the world's biggest producer and exporter of soy, and a top exporter of beef, chicken and coffee.

In this context, we would like to recall OL BRA 5/2018, where the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes; Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment; Special Rapporteur on the right to food; Special Rapporteur on the human rights to safe drinking water and sanitation; and Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health expressed their concern regarding the draft bill 6299/2002.

Under the draft bill, hazardous pesticides will only be prohibited from use where “scientifically established unacceptable risk” is demonstrated. As we already expressed in OL BRA 5/2018, this approach rejects the application of good practices on the risk management of pesticides, in favor of an unspecified definition of “unacceptable risk” that is deeply problematic, bearing the reduced powers of health and environmental authorities under the new institutional arrangement. The lack of clarity of what would constitute scientifically established “unacceptable risk” opens the door for the introduction of highly toxic products directly threatening the rights to life, to health and to safe water and food of persons living in Brazil, as well as their right to physical integrity and freedom from scientific experimentation without consent. The experimental use of toxic substances without the prior consent of those exposed as a result, contradicts a basic principle set by the Nuremberg Code on human research, which is similarly reflected in the International Covenant on Civil and Political Rights. The possibility of automatic registration of products already registered in three Organisation for Economic Co-operation and Development (OECD) countries further reduce the scope for minimal scientific assessment on the pertinence of products.

We also wish to recall the report of the Special Rapporteur on toxics and human rights on his 2019 country visit to Brazil (A/HRC/45/12/Add.2), where he denounced the fact that landless peasants in Brazil reported repeated efforts by local businesses to force their eviction by spraying of pesticides, and called for a ban on

aerial spraying.

Further, in 2017, a thematic report prepared by the UN Special Rapporteur on the right to food in collaboration with the UN Special Rapporteur on toxics and human rights provided a detailed account of the ways in which pesticides affect the enjoyment of human rights. Pesticides present serious risks for human health and environment at a local and global scale (A/HRC/34/48). Further, as stated in the report of the Special Rapporteur on toxics and human rights on his 2019 country visit to Brazil (A/HRC/45/12/Add.2), “the overuse of pesticides is resulting in grave impacts on human rights in Brazil. Food production and economic growth are not a legitimate excuse for these preventable violations and abuses. Victims rightly allege deaths, health problems, as well as cruel, inhuman and degrading treatment resulting from pesticide exposure.” The right to live in a non-toxic environment is a substantive element of the right to a clean, healthy and sustainable environment, which was recognized by the Human Rights Council on 8 October 2021 (Resolution 48/13), to which Brazil voted in favour, and is protected by the Brazilian Constitution article 225 para. 4.

Instead of approving the draft bill, Brazil should be working to strengthen, not weaken, its regulatory framework on pesticides by creating measures to eliminate the use of highly hazardous pesticides, reduce the use of other pesticides, re-evaluate the registration of pesticides, and prohibit the use of pesticides in protected areas, among others. Furthermore, weakening the current regulatory framework on pesticides would be a step backward when it comes to environmental standards in the country, hence a potentially retrogressive measure as per the Framework Principles on Human Rights and the Environment, presented to the Human Rights Council in March 2018 (A/HRC/37/59) which set out basic obligations of States under human rights law as they relate to the enjoyment of a safe, clean, healthy and sustainable environment. More specifically, Principle 11 provides that “States should establish and maintain substantive environmental standards that are non-discriminatory, non-retrogressive and otherwise respect, protect and fulfil human rights”.

In this regard, legislative discussions in Brazil’s Congress should ensure the outcome of pesticides management regulations establishes a system with strict controls, enforceable deadlines to phase out pesticides based on their intrinsic hazards, and that Brazil neither uses nor exports pesticides prohibited from use by members of OECD. Brazil should align its regulatory framework with OECD standards and best practices, including performance of monitoring and review, and should abide by the precautionary principle. Brazil should also address deficiencies in ensuring equality under the legal framework to prevent exposure to pesticides for persons of all ages, including indigenous peoples, Afro-Brazilians, *quilombola*, peasants, and other marginalized people at risk.

Brazil should also eliminate tax incentives and subsidies for pesticides; revise permissible maximum residue levels; ban aerial spraying; prohibit the use of pesticides near dwellings, schools, water resources, protected areas, and agroecological production; introduce three-to-five-year limits for the registration of pesticides; promote the agroecological transition via Government subsidies; and establish a technical agency focusing on organic and ecological pesticides. In line with the right to benefit from scientific progress and its applications stated in article 15 of the ICESCR, the Government should disseminate scientific information in society on the risks and impacts of pesticides, provide information for consumers

regarding the risks of pesticides, and systematically train public health professionals on the effects of pesticides on the population's health, including their reproductive health.

Should the draft bill be passed, we are concerned about the unpredictable damage and impacts to the rights to life and physical integrity; to a clean, healthy, and sustainable environment; to food; to health; to women and girls' reproductive health; to safe drinking water and sanitation; to cultural rights; to indigenous peoples' rights. We are also concerned about adverse impacts on responsible business conduct. We are gravely concerned that the issues highlighted by the Special Rapporteur on toxics and human rights in his Brazil country report (A/HRC/45/12/Add.2) would be further aggravated, namely: there are already far too many cases in Brazil of the failure to respect legally required buffer zones to prevent the spraying of schools, houses and community centres by agri-business; landless peasants reported repeated efforts by local businesses to force their eviction by spraying of pesticides; studies have found an elevated risk of cancer in agriculturally intensive regions of Brazil and DNA damage in rural workers occupationally exposed to pesticides; and the fact that pesticides prohibited by other countries because of environmental or health risks are being used in Brazil.

We further refer to the report of the Special Rapporteurs on the right to food and toxics and human rights (A/HRC/34/48) that details the multiple human rights implications of the use of pesticides in the world today and the role of States in regulating and overseeing the use of these chemicals. The report calls States to, *inter alia*, "(b) Establish systems to enable various national agencies responsible for agriculture, public health and the environment to cooperate efficiently to address the adverse impact of pesticides and to mitigate risks related to their misuse and overuse; (c) Establish impartial and independent risk-assessment and registration processes for pesticides, with full disclosure requirements from the producer. Such processes must be based on the precautionary principle, taking into account the hazardous effects of pesticide products on human health and the environment; (d) Consider non-chemical alternatives first, and only allow chemicals to be registered where need can be demonstrated."

In this context, we wish to highlight that it is a myth that pesticides are necessary to feed the world, and that the adverse effects of pesticides on health and biodiversity are somehow a cost that modern society has to bear.¹² In addition, the UN Human Rights Council has recognized the duty of States to prevent exposure of workers to hazardous substances¹³. The best way to prevent such exposure is to eliminate the hazard posed by highly hazardous pesticides. Further, any restriction to human rights in the name of the rights of others must be interpreted very restrictively and the rights of marginalized persons, including indigenous peoples and peasant communities must be given priority. Hence the use of pesticides in the name of the 'wider good' cannot be upheld.

¹² Special Rapporteur on right to food, A/HRC/34/48, para. 2, 2017 available at: <https://daccess-ods.un.org/tmp/727383.270859718.html>, cited in A/74/480, para. 70 ("Dependence on hazardous pesticides is a short-term solution that undermines the right to food"), available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N19/304/14/PDF/N1930414.pdf?OpenElement>
Human Rights Council report on Principles on human rights and the protection of workers from exposure to toxic substances, Special Rapporteur on toxics and Human Rights, A/HRC/42/41, 2019, available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/217/70/PDF/G1921770.pdf?OpenElement>

Lastly, we are very concerned that the draft bill may impose unreasonably short deadlines on product authorization. Such short timelines may undermine the rights of people to health and life, by prioritizing the commercial interests of industry over the health and safety of Brazilian citizens. Without any further measures to ensure that businesses respect human rights and the environment, abuses will continue to proliferate if this draft bill is adopted.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned issues.
2. Please explain how your Excellency's Government has undertaken to guarantee the right to life, the right to health, the right to food, the right to safe drinking water and sanitation, the right to a clean, healthy and sustainable environment, cultural rights, commitments and initiatives to implement the UN Guiding Principles on Business and Human Rights, and indigenous peoples' rights in proposing bill 6299/2002.
3. Please explain how your Excellency's Government will address the serious concerns regarding the impacts on women and girls' reproductive health if the bill is adopted.
4. Please explain how indigenous peoples, peasants and local communities working on the land have been meaningfully consulted in relation to the draft bill and what measures have been envisaged for the protection of their cultural rights, in specific their land rights, their right to maintain and develop various ways of life and to traditional activities. Also please explain how the exercise of free, prior and informed consent is envisaged for decisions regarding the use of pesticides in areas that affect indigenous peoples.
5. Please explain how your Excellency's Government will address the serious concerns with regard to the bill set forth in this letter, including how it will ensure the environmentally sound management of hazardous substances and the prevention of exposure to pollution and toxic substances.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the

investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

We stand ready to provide your Excellency' Government with any technical advice it may require in ensuring that the Bill is fully compliant with Brazil's international human rights obligations.

Please accept, Excellency, the assurances of our highest consideration.

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Catherine Namakula
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Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we wish to recall Article 25 of the Universal Declaration of Human Rights recognizes the right of everyone “to a standard of living adequate for the health and well-being of himself and of his family, including food.” Article 11 (1) of the ICESCR, recognises “the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing, and housing, and to the continuous improvement of living conditions.”

General Comment 36 of the Human Rights Committee stresses that the protection of the rights to life and a life with dignity requires that States ensure that individuals and communities are protected from exposure to hazardous substances, such as pollution and toxic chemicals in products and occupational settings. The Committee indicates that States may be in violation of the rights to life and a life with dignity when they take insufficient measures or otherwise fail to take measures to prevent chronic exposure to hazardous substances, whether from the environment, workplace, consumer products or other sources. In the landmark decision by the Human Rights Committee in *Cáceres et al. v. Paraguay*, the Committee found that Paraguay had violated the rights to life and a life with dignity of over 20 people who were exposed to toxic pesticides (CCPR/C/126/D/2751/2016, paras. 7.3 and 7.5). The contamination was found to have caused the death of one person and poisoned 22 other inhabitants of a community. The finding reinforced that the State’s failure to prevent exposure can be a violation of the right to life and a life with dignity, even in absence of premature death. We also wish to recall the October 2021 decision of the Human Rights Committee (CCPR/C/132/D/2552/2015), which found that Paraguay’s failure to prevent the toxic contamination of indigenous peoples’ lands by commercial farming violated their rights, including the right to life, right to housing, and right to an effective remedy.

We wish to recall that article 12 of the ICESCR, coupled with its article 2.2 recognizes the States’ obligations to the right of everyone, to the enjoyment of the highest attainable standard of physical and mental health. In its General Comment No. 14, the CESCR stresses that the right to health is defined not only as the right to timely and appropriate health care, but also to “the underlying determinants of health, such as access to safe and potable water [...] and environmental conditions [...]” (para.11). In this regard, WHO defines social determinants of health, as the non-medical factors that influence health outcomes, that is “the conditions in which people are born, grow, work, live, and age”.¹⁴ In addition, CESCR emphasizes that, “the right to healthy natural and workplace environments”, comprises “the requirement to ensure an adequate supply of safe and potable water and basic sanitation” as well as “the prevention and reduction of the population’s exposure to harmful substances such as [...] harmful chemicals”. It also indicates that “[t]he prevention, treatment and control of epidemic, occupations and other diseases [...] requires the promotion of social determinants of good health, such as environmental safety” (General Comment No. 14, paras. 15 and 16).

¹⁴ World Health Organization, “Social determinants of health”, available at: www.who.int/health-topics/social-determinants-of-health#tab=tab_1.

The prevention of toxic exposure is also related to the right to private and family life enshrined in article 17 of the International Covenant on Civil and Political Rights, according to General Comment No. 36 of the Human Rights Committee. It noted that a violation may exist when pollution has a direct, serious impact on the right to private and family life and the home. Pollution and environmental degradation can affect the well-being of an individual (*ibid.*, paras. 7.3, 7.5 and 7.8). The duty to prevent exposure is also related to the national and regional recognition of the right to a safe, clean, healthy and sustainable environment, including clean air (A/74/480).

CESCR also recognizes the right to sexual and reproductive health as an “integral part of the right to health” and stresses the core obligation of States to “ensure, at the very least, minimum essential levels of satisfaction on the right to sexual and reproductive health” (General Comment No. 22, paras. 1, 11 and 49). In this regard, we are also concerned about the very harmful consequences that pesticides can have on the reproductive health of women and on the fact that this aspect of health is frequently neglected in national policies. As the Working Group on discrimination against women and girls noted in its report on women’s and girls’ sexual and reproductive health rights in crisis (A/HRC/47/38), the toxification of the planet has devastating consequences for the sexual and reproductive health of women and girls, contributing to infertility, miscarriages, premature births, early menstruation and menopause, cancers of the reproductive system and decreased lactation, among other things. In addition, the Working Group noted that for indigenous women, the connection to ancestral lands and the environment is fundamental to their health status.

We would like to recall article 15 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) protecting the right of everyone, individually and collectively, to take part in cultural life, which includes the right to conduct, maintain and develop cultural practices and ways of life and the right to take part in policies and decision that have an impact on cultural rights.

We wish to remind your Excellency’s Government that, in line with the UN Guiding Principles on Business and Human Rights, States have a duty to protect against actual and potential negative impacts caused by business operations on human rights and the environment. This requires taking appropriate steps to prevent, investigate, punish, and redress such abuse through effective policies, legislation, regulations, and adjudication (Guiding Principle 1). This is of particular importance when such measures affect the lands of indigenous peoples and their free, prior and informed consent must be secured.