

Mandates of the Working Group on the issue of human rights and transnational corporations and other business enterprises; the Special Rapporteur on the right to education; 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 contemporary forms of slavery, including its causes and consequences; the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes and the Special Rapporteur on the human rights to safe drinking water and sanitation

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21 May 2025

Excellency,

We have the honour to address you in our capacities as Working Group on the issue of human rights and transnational corporations and other business enterprises; Special Rapporteur on the right to education; 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 contemporary forms of slavery, including its causes and consequences; Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes and Special Rapporteur on the human rights to safe drinking water and sanitation, pursuant to Human Rights Council resolutions 53/3, 53/7, 58/10, 51/21, 51/15, 54/10 and 51/19.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **the use of mercury for gold mining in Cameroon, including by state-owned enterprises, Chinese companies and artisanal and small-scale miners, which seriously undermines the right to a clean, healthy and sustainable environment free of toxic substances, the right to safe drinking water, the right to food, the right to education, the right to the highest attainable standard of health, the right to an adequate standard of living, the right to life, the right to just and favorable working conditions, the right to access to information and public participation, and the right to access to remedy.**

According to the information received:

Gold mining is one of the main, longstanding economic activities in Cameroon. Mercury is often used in gold mining because of its ability to bind to gold, forming a mercury gold alloy called an "amalgam", which helps separate the precious metal from rock, sand, and other materials. However, mercury is a persistent heavy metal that is extremely hazardous to human health, particularly to women of child-bearing age and children, and to the environment, contaminating lands, wells, rivers and oceans.

In Cameroon, gold mining can be classified into two main categories:

- i) Large-scale or industrial mining

Large-scale or industrial mining refers to mining that is mainly done in large quantities and by businesses in the region, including a State-owned company and foreign businesses predominantly from China.

ii) Artisanal or small-scale gold mining (ASGM)

ASGM by individuals, groups, families or cooperatives with minimal mechanization, often in the informal sector of the market. ASGM is the single largest source of intentional releases and emissions of mercury in the world.

In implementing the Minamata Convention on Mercury, Cameroon banned the use of mercury in the country in 2019. However, regulation of the gold mining sector in Cameroon remains largely unenforced. Mining sites operated by Chinese companies use mercury for exploration, whilst small-scale miners continue to use the metal without protective gear. Given the expansion of the gold mining business in Cameroon, both large-scale companies as well as artisanal and small-scale miners have over the years grown more dependent on the use of mercury to separate the gold from the ore. The rising use of mercury in the exploitation of gold results in numerous adverse human rights impacts and infringements that contravene national, regional and international law standards and norms. The use of mercury is also linked to conflicts between miners and communities, and within communities.

Impacts on human rights

Right to a clean, healthy and sustainable environment that is free of toxic substances, the right to safe drinking water, and the right to food

Liquid mercury evaporates into the atmosphere, contaminating the air and the surrounding environment. When it precipitates with rain, it affects the richness of the soil and forests. Further, almost all gold mining sites are located near waterways. Mining activity has gathered pace recently, and is diverting waterways and discharging thousands of liters of toxic cyanide, mercury, used oil, and hydrocarbons each year, contributing to water pollution. The use of chemicals for mining (particularly mercury), lost during amalgamation, end up in drainage systems, causing damage to human health and aquatic biodiversity. Tests conducted by environmental researchers in several waterways in June 2022 in eastern Cameroon showed traces of mercury in surface waters. Although aware of the toxicity of this water, water from these sources is collected for domestic consumption near mining sites and people are sometimes forced to consume it because they do not always have access to safe drinking water. In some areas surrounding gold mines, residents reported no longer being able to water their livestock, eat fish from the river, or use the water for their own needs due to mercury contamination. In fact, the use of mercury in Cameroon has led to contamination in fish, whose ingestion is detrimental to people's health, and a general reduction of fish in the waters. Agricultural produce has also been affected because of the impact of mercury on the soil. These conditions are creating a potential risk for food deficit in the region.

Right to education

Some mining sites are located near schools, and the information received includes reports of an influx of school-aged children dropping out in large numbers from schools to help their families work in the gold mining sites, owing to significant poverty levels in the region. Child labor is widespread in semi-mechanized mining sites, as families mobilize all their human resources to extract as much ore as possible. This impacts children's right to education significantly as many no longer pursue primary or secondary school, which leads to a significant drop in literacy rates.

Right to the highest attainable standard of health, right to an adequate standard of living, and right to life

Research conducted by civil society organizations in eastern Cameroon in October 2019 examined mercury levels in the hair of miners and revealed that at least 72% of artisanal miners had mercury concentration in their body above the limit recommended by the World Health Organization. This puts them at high risk for health complications, including life threatening brain disorders and degradation of the nervous system. Since small-scale miners also include children, there is a detrimental risk to their health from childhood into adulthood. Additionally, pregnant women in the region are recording higher rates of miscarriages, which could be linked to the mercury poisoning in their water sources. The same study estimates that at least 200 deaths have occurred in the region due to the continued use of mercury in gold mining, mostly due to landslides as a result of absence of minimum individual and collective safety rules, and the presence of numerous non-rehabilitated mining sites, which have been transformed into artificial lakes. In fact, inactive mining sites in Cameroon, including dug pits, are often left abandoned and pose a risk to the local population and ecosystem, particularly due to recurring accidents such as drownings and landslides. In some cases, the victims of these accidents are migrant workers who have disappeared without any search efforts being launched.

Right to just and favorable conditions of work

Many small-scale miners are using mercury without any form of protective gear or training on how to safely use it, and are thus exposed to hazardous working conditions, in violation of international work standards. Exposure occurs both through direct physical contact and as a result of burning of the amalgam, where mercury vapor is emitted into the air and can be inhaled by workers. Additionally, child labour contravenes international and regional human rights and labour law.

In addition, workers complain of back problems (attributable to heavy workloads on construction sites), skin conditions, and lung problems (silicosis). This is compounded by the use of certain drugs as energy stimulants to cope with heavy workloads.

Furthermore, migrant workers in the mining sites are often victims of the forced retention of their official identity documents by mining operators, particularly on sites operated by Chinese companies. This practice puts them in vulnerable situations and prevents them from leaving the premises or reporting abuses.

National workers are also trapped in cycles of debt to gold collectors. As a result, miners receive unfair payments and are forced to work longer hours to repay their debts. These debts are usually related to the purchase of mercury and food, which are deducted directly from their earnings.

With regard to the right to work, the Cameroonian Labor Code is frequently ignored. Companies strongly resist visits by labor inspectors to mining sites, claiming that they are not accountable to labor inspectors but to the administrations with which they have signed agreements.

Right to access to information and public participation and right to access to remedy

The information received indicates that Cameroon's mining code prohibits the use of mercury for gold smelting due to its toxic effects. Despite this, the product continues to be fraudulently traded and used in the mining sector. Further, Cameroon has not set up any specific monitoring mechanism or conducted environmental impact assessments on the negative effects of mercury in its gold mining industry. Compounding this is the fact that environmental studies required by law, including environmental impact statements, summary impact studies for artisanal and semi-mechanized operations, and environmental and social impact studies for industrial permits, are not systematically carried out, which compromises the protection and respect of human rights.

Further, the extractive sector is alleged to have acquired powerful economic, social and political influence, hindering business accountability and the fulfillment of their responsibility to respect human rights. Many of the mining companies are also reportedly affiliated to senior government officials, adding to the politicization of the mining industry and the lack of transparency in licensing protocols. Additionally, environmental human rights defenders have been unable to seek legal recourse in national courts as the companies or company managers remain unidentified due to unclear registration protocols, highlighting issues around access to information.

A new mining code was passed in Cameroon in December 2023, replacing Law No. 2016017 from 2016 for which the implementation decree had never been passed. The new mining code received criticism from civil society due to lack of meaningful stakeholder engagement and difficulty in accessing information during the process of development of the code. However, the Government now has an opportunity to create more transparency in the mining sector. The new code is also expected to be more effectively enforceable.

While we do not wish to prejudge the accuracy of these allegations, we express our serious concern regarding the allegations of human rights abuses related to the gold mining industry in Cameroon by State and foreign actors, including Chinese companies.

We are particularly concerned that the industry's operations severely affect the right to a clean, healthy and sustainable environment that is free of toxic substances, the right to safe drinking water, the right to food, the right to education, the right to the highest attainable standard of health, the right to an adequate standard of living, the right to life, the right to just and favorable conditions of work, the right to access to information and public participation, and the right to access to remedy. We also express serious concerns with regard to the allegations of child labour in the gold mining industry in Cameroon.

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 allegations.
2. Please provide information on the status of implementation of the Minamata Convention on Mercury by Your Excellency's Government.
3. Please indicate whether Your Excellency's Government has or plans to engage in: monitoring and health surveillance; dissemination of information on the hazards posed by mercury; provision of medical assistance to affected communities; and engagement with miners for transition to mercury-free, gold mining technology.
4. Please clarify whether Your Excellency's Government has provided business enterprises domiciled in its territory and operating in other jurisdictions with any guidance related to the use of mercury in the gold mining industry.
5. Please highlight the steps that Your Excellency's Government has taken, or is considering to take, including policies, legislation, and regulations, to fulfil its obligations to protect against human rights abuses by business enterprises domiciled in its territory, in the context of gold mining, including ensuring that they conduct effective human rights due diligence to identify, prevent, mitigate and account for how they address their impacts on human rights, including impacts on the environment, throughout their operations, as set forth by the UN Guiding Principles on Business and Human Rights (UNGPs). As part of this response, please clarify whether Your Excellency's Government has implemented any recommendations from the report of the Special Rapporteur on toxics and human rights on Mercury, small-scale gold mining and human rights (A/HRC/51/35).
6. Please indicate any measures Your Excellency's Government has taken in response to the report by the Working Group on the issue of human rights and transnational corporations and other business enterprises on

Corporate influence in the political and regulatory sphere: Ensuring business practice in line with the Guiding Principles on Business and Human Rights (A/77/20), which discusses the implications of business political activities to influence the political and regulatory sphere, and delineates corporate political engagement that is likely to lead to or enable business-related human rights abuses.

7. Please indicate the steps that your Excellency's Government has taken, or is considering to take, to ensure that business enterprises domiciled in your territory and/or jurisdiction establish or participate in effective operational-level grievance mechanisms in line with the UNGPs, and to cooperate with legitimate remedial processes, to address adverse human rights impacts that they have caused or contributed to.
8. Please provide information on the measures Your Excellency's Government is taking or considering taking to ensure that persons affected by the activities of business enterprises domiciled in your jurisdiction have access to redress in your country, through judicial or extrajudicial State mechanisms.

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.

Please be informed that a letter on this subject matter has also been sent to the Republic of Cameroon.

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

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Marcos A. Orellana
Special Rapporteur on the implications for human rights of the environmentally sound
management and disposal of hazardous substances and wastes

Pedro Arrojo-Agudo
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Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we wish to draw your Excellency's Government's attention to the Universal Declaration of Human Rights (UDHR), adopted by the General Assembly of the United Nations on 10 December 1948, particularly article 3 which states "Everyone has the right to life, liberty and security of person" and article 8 which highlights that "Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law."

Moreover, we would like to recall articles 11 and 12 of International Covenant on Economic, Social and Cultural Rights (ICESCR), which was ratified by China on 27 March 2001. They stipulate the rights of everyone to an adequate standard of living, including adequate food, clothing and housing, and to the continuous improvement of living conditions, and to the enjoyment of the highest attainable standard of physical and mental health.

With regard to article 12, the Committee on Economic, Social and Cultural Rights (CESCR) adopted general comment No. 14. This general comment describes the normative content of article 12 of ICESCR and the legal obligations undertaken by the States parties to the Covenant to respect, protect and fulfil the right to health. The Committee stated that the right to health "embraces a wide range of socioeconomic factors that promote conditions in which people can lead a healthy life, and extends to the underlying determinants of health, such as [...] a healthy environment" (para. 4). It interprets the right to health as an inclusive right extending not only to timely and appropriate health care but also to the underlying determinants of health, such as access to safe drinking water and adequate sanitation, an adequate supply of safe food, nutrition and housing, healthy occupational and environmental conditions, and access to health-related education and information (para. 11). According to general comment 14 of the CESCR, States must protect the right to health of its population by taking measures to prevent pollution caused by businesses (para. 35 and 51). States must also take all measures to ensure that the activities of the enterprises present on their territory are in compliance with the right to healthy food and its access (para. 15 and 27). The Committee has determined on numerous occasions that any person whose rights to health and to food have been violated by the State or by a company have the right to an effective remedy and to adequate reparation (general comment No. 14 para. 59; general comment No. 12 para. 32; general comment No. 24 para. 14, 15 and 38-57).

The CESCR has also described the core content of the right to food, in its general comment No. 12, along with the corresponding obligations of States to respect, protect and fulfil the right to food. The Committee considers that the core content of the right to adequate food implies, inter alia, the availability of food, acceptable within a given culture, in a sufficient quantity and quality; and accessibility of such food in ways that are sustainable and that do not interfere with the enjoyment of other human rights (para. 8). The right to adequate food refers to the possibilities either for feeding oneself directly from productive land or other natural resources, or for well-functioning distribution, processing and market systems (para. 12). It entails both economic and

physical accessibility of food, as well as the sustainability of food access for both present and future generations (para. 7).

Furthermore, article 13 recognizes the right of everyone to education. Article 10(3) states that “Special measures of protection and assistance should be taken on behalf of all children and young persons without any discrimination for reasons of parentage or other conditions. Children and young persons should be protected from economic and social exploitation. Their employment in work harmful to their morals or health or dangerous to life or likely to hamper their normal development should be punishable by law. States should also set age limits below which the paid employment of child labour should be prohibited and punishable by law.”

The Universal Declaration of Human Rights (UDHR), adopted by the General Assembly of the United Nations on 10 December 1948, further contributes to international standards regarding the elimination of all forms of slavery. Article 4 states that "no one shall be subjected to slavery or servitude, slavery and slave trade are prohibited in all its forms." According to article 3(d) of the Convention (No. 182) on the Worst Forms of Child Labor (1999), ratified by China on 8 August 2002, work that, by its nature or the conditions in which it is carried out, is likely to harm the health, safety, or morals of children is among the worst forms of child labor. At the same time, this work is considered contemporary forms of slavery.

In its general comment 15 on the right to water, CESCR explains that the right to water is considered implicit in articles 11 and 12 of ICESCR, covering the right to an adequate standard of living and health, respectively. The Committee has affirmed that the human right to water entitles everyone to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic uses. Furthermore, the Committee stated that environmental hygiene is an aspect of the right to health encompassing taking steps on a non-discriminatory basis to prevent threats to health from unsafe and toxic water conditions (para. 8). In addition, in July 2010, the UN General Assembly adopted a resolution that “recognized the right to safe and clean drinking water and sanitation as a human right essential for the full enjoyment of life and all human rights” (GA resolution 64/292).

The central obligation in relation to ICESCR is for States Parties to give effect to the rights recognized therein (general comment No. 9, para. 1). Moreover, CESCR stated that “corporate activities can adversely affect the enjoyment of Covenant rights”, including through harmful impacts on the right to health, standard of living, the natural environment, and reiterated the “obligation of States Parties to ensure that all economic, social and cultural rights laid down in the Covenant are fully respected and rights holders adequately protected in the context of corporate activities” (E/C.12/2011/1, para. 1).

We wish to highlight the Convention on the Rights of the Child, which your Government is a State Party to, which recognizes the right of the child to education (article 1) and recognizes the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development (article 28). It also indicates that State Parties shall take legislative, administrative, social and educational measures to ensure the

implementation of the article in particular:

- (a) Provide for a minimum age or minimum ages for admission to employment.
- (b) Provide for appropriate regulation of the hours and conditions of employment.
- (c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.

Further, States have a duty to prevent exposure to hazardous substances and wastes, as detailed in the 2019 report of the Special Rapporteur on the human rights implications of the environmentally sound management and disposal of hazardous substances and wastes to the United Nations General Assembly (A/74/480). This obligation derives implicitly, but clearly, from a range of rights and duties enshrined in the global human rights framework, under which States are obliged to respect and fulfil recognized human rights, and to protect those rights, including from the consequences of exposure to toxic substances. These rights include the human rights to life, health, food and drinking water, a healthy environment, adequate housing and safe and healthy working conditions.

We wish to refer to the report of the Special Rapporteur on toxics and human rights on Mercury, small-scale gold mining and human rights (A/HRC/51/35), which stressed that if the global community is serious about putting an end to the use of mercury, it must confront the largest emitter of mercury, small-scale gold mining, by banning the use of mercury to extract gold. While this report focuses on the ASGM, the allegations received also reference the use by Chinese companies of mercury for large scale gold mining. Therefore, we reiterate the importance of immediately ending any use of mercury, and remind Your Excellency's Government of the State's duty to protect against human rights abuses perpetrated by business enterprises, in line with the UN Guiding Principles on Business and Human Rights.

Both the United Nations General Assembly and the Human Rights Council recognized the right to a clean, healthy and sustainable environment with the adoption of resolutions A/RES/76/300 and A/HRC/RES/48/13. In this regard, we would like to draw the attention of your Excellency's Government to the Framework Principles on Human Rights and the Environment detailed in the 2018 report of the Special Rapporteur on Human Rights and the Environment (A/HRC/37/59). The Principles provide that States must ensure a safe, clean, healthy and sustainable environment in order to respect, protect and fulfill human rights (principle 1); States must respect, protect and fulfill human rights in order to ensure a safe, clean, healthy and sustainable environment (principle 2); and States must ensure effective enforcement of their environmental standards against public and private actors (principle 12).

We would like to note that several Special Rapporteurs have adopted similar interpretations on transboundary human rights obligations. In 2011, a number of Special Rapporteurs joined with scholars and representatives of civil society organisations, and adopted the Maastricht Principles on Extraterritorial Obligations of States in the area of Economic, Social and Cultural Rights. This suggests that all States have obligations to

respect, protect and fulfil human rights, including civil, cultural, economic, political and social rights, both within their territories and extraterritorially. Principle 20 states that “all States have the obligation to refrain from conduct which nullifies or impairs the enjoyment and exercise of economic, social and cultural rights of persons outside their territories.”

We would like to highlight the UN Guiding Principles on Business and Human Rights (A/HRC/17/31), which were unanimously endorsed by the Human Rights Council in June 2011, are relevant to the impact of business activities on human rights. These Guiding Principles are grounded in recognition of:

- a. “States’ existing obligations to respect, protect and fulfil human rights and fundamental freedoms.
- b. The role of business enterprises as specialized organs or society performing specialized functions, required to comply with all applicable laws and to respect human rights.
- c. The need for rights and obligations to be matched to appropriate and effective remedies when breached.”

According to the Guiding Principles, States have a duty to protect against human rights abuses within their territory and/or jurisdiction by third parties, including business enterprises. In this regard, China has a duty to ensure that businesses domiciled within its territory respect human rights by taking steps to prevent as well as investigate, punish, and redress abuses through legislation, regulations, policies, and adjudication. Furthermore, China has an obligation to ensure access to effective remedial mechanisms for persons whose rights have been violated by business activities domiciled within its territory. States are required to take appropriate steps to “prevent, investigate, punish and redress such abuse through effective policies, legislation, regulations and adjudication” (guiding principle 1). This requires States to “state clearly that all companies domiciled within their territory and/or jurisdiction are expected to respect human rights in all their activities” (guiding principle 2). In addition, States should “enforce laws that are aimed at, or have the effect of, requiring business enterprises to respect human rights [...]” (guiding principle 3). The Guiding Principles also require States to ensure that victims have access to effective remedy in instances where adverse human rights impacts linked to business activities occur.

Furthermore, we would like to note that as set forth in the United Nations Guiding Principles on Business and Human Rights, all business enterprises have a responsibility to respect human rights, which requires them to avoid infringing on the human rights of others to address adverse human rights impacts with which they are involved. The responsibility to respect human rights is a global standard of expected conduct for all business enterprises wherever they operate. It exists independently of States’ abilities and/or willingness to fulfil their own human rights obligations, and does not diminish those obligations. Furthermore, it exists over and above compliance with national laws and regulations protecting human rights.

Principles 11 to 24 and principles 29 to 31 provide guidance to business enterprises on how to meet their responsibility to respect human rights and to provide

for remedies when they have caused or contributed to adverse impacts. Moreover, the commentary of principle 11 states that “business enterprises should not undermine States’ abilities to meet their own human rights obligations, including by actions that might weaken the integrity of judicial processes”. The commentary of guiding principle 13 notes that business enterprises may be involved with adverse human rights impacts either through their own activities or as a result of their business relationships with other parties. Business enterprise’s “activities” are understood to include both actions and omissions; and its “business relationships” are understood to include relationships with business partners, entities in its value chain, and any other non-State or State entity directly linked to its business operations, products or services.

The Guiding Principles have identified two main components to the business responsibility to respect human rights, which require that “business enterprises: (a) Avoid causing or contributing to adverse human rights impacts through their own activities, and address such impacts when they occur; [and] (b) Seek to prevent or mitigate adverse human rights impacts that are directly linked to their operations, products or services by their business relationships, even if they have not contributed to those impacts” (guiding principle 13).

Principles 17-21 lays down the four-step human rights due diligence process that all business enterprises should take to identify, prevent, mitigate and account for how they address their adverse human rights impacts. Principle 22 further provides that when “business enterprises identify that they have caused or contributed to adverse impacts, they should provide for or cooperate in their remediation through legitimate processes”.

Furthermore, business enterprises should remedy any actual adverse impact that they cause or to which they contribute. Remedies can take a variety of forms and may include apologies, restitution, rehabilitation, financial or non-financial compensation and punitive sanctions (whether criminal or administrative, such as fines), as well as the prevention of harm through, for example, injunctions or guarantees of non-repetition. Procedures for the provision of remedy should be impartial, protected from corruption and free from political or other attempts to influence the outcome (commentary to guiding principle 25).

States may be considered to have breached their international human law obligations where they fail to take appropriate steps to prevent, investigate and redress human rights violations committed by private actors. While States generally have discretion in deciding upon these steps, they should consider the full range of permissible preventative and remedial measures.

We would also like to highlight the report of the Working Group on the issue of human rights and transnational corporations and other business enterprises on Corporate influence in the political and regulatory sphere: Ensuring business practice in line with the Guiding Principles on Business and Human Rights (A/77/20), which discusses the implications of business political activities to influence the political and regulatory sphere, and delineates corporate political engagement that is likely to lead to or enable business-related human rights abuses. In the report, the Working Group notes that when businesses engage political processes in support of aims that are inconsistent with their responsibility to respect human rights, and where States fail to regulate such

engagement sufficiently, this can facilitate business-related human rights abuses.

Further, the right to an effective remedy is a key component of the full enjoyment of human rights, recognized as such in all three documents of the International Bill of Human Rights (UDHR art. 8; ICCPR art. 2; ICESCR art. 2). Without being able to access an effective remedy, human rights violations go unpunished, and victims may be deprived of justice, compensation and their dignity.

We further highlight that China has signed and ratified the Minamata Convention, entering into force in 2017. The obligations of the Parties to the Convention include inter alia:

1. Protecting human health and the environment from anthropogenic emissions and release of Mercury and its compounds.
2. Finding alternatives to the use of Mercury.
3. Controlling the emissions and release of Mercury and its compound to air, land and water.
4. Regulating the informal sector of artisanal and small-scale gold mining.

Finally, we wish to once again refer to the report of the Special Rapporteur on toxics and human rights on Mercury, small-scale gold mining and human rights (A/HRC/51/35), which recommends that States amend the Minamata Convention as follows:

- a) Under article 2(k) (definitions), the use of mercury consistent with article 7 (small-scale gold mining) should be excluded from “uses allowed”, to signal that the intent of the Convention is to eliminate mercury use from small-scale gold mining rather than to tolerate it.
- b) Under article 3(4) (mercury supply sources and trade), the period during which primary mercury mining already being conducted is allowed to continue should be reduced from 15 to 10 years, to turn off the tap that will otherwise continue to pour thousands of tons of mercury into a market that preferentially diverts it to small-scale gold mining.
- c) Under article 3(6), parties should permit the export of mercury only for environmentally sound disposal, where allowed, to close the gap by which mercury trade is diverted for small-scale gold mining.
- d) Under article 3(8), parties should not allow the import of mercury from any non-parties, to close the gap currently exploited by free-riders.
- e) Under article 7, parties should be required to reduce and eliminate the use of mercury in small-scale gold mining within three to five years.
- f) The provisions of paragraph 2 of annex C should become mandatory and include a specific timeline for parties to transition to mercury-free small-

scale gold mining, not to exceed three to five years.