

## **HUMAN RIGHTS AND HUMAN RIGHTS IMPACT ASSESSMENTS IN KODUNGAIYUR**

Data collected on the health and well-being of people in Kodungaiyur reveal a range of problems. The most frequently experienced symptoms are those that affect the skeletal and muscular system (31.4%), which include severe to mild pain in the limbs, stiff joints, and back pain. Common respiratory issues are also widely experienced (30.8%). These include persistent cold and cough, sneezing, wheezing and breathing difficulties that the participants attributed to poor air quality caused by the burning of garbage in the dump yard and emissions from garbage trucks. Some residents also attributed this to the burning of plastics in small home-based recycling facilities. Residents attributed sleeplessness and headaches as an effect of the noise from the trucks and lorries plying in and out of the dump yard. The respondents reported skin problems (itching, scales, patches, boils), eye and ear infections, and abdominal problems that are primarily caused by poor quality of water in the area. A few women reported menstrual problems, such as irregular periods.

Samples of air, water, and leachate from different locations in Kodungaiyur tested positive for the presence of heavy metals and volatile organic compounds. The heavy metals found in each water sample exceeded the permissible limit for some heavy metals set by the Bureau of Indian Standards (BIS) and US Environment Protection Agency (US EPA). The adverse impacts of the chemicals found in Kodungaiyur on human health have been long-established. So it is a matter of concern that the Kodungaiyur dumpyard can continue to exist or that the government will construct a waste incineration plant at the same location, thereby creating another source of pollution.

The right to life, right to health and the right to environment are enshrined and protected in the Universal Declaration of Human Rights (1948), the International Covenant on Civil and Political Rights (1966), the International Covenant on Economic, Social and Cultural Rights (1976), regional human rights treaties, the Indian constitution and other domestic laws. Human rights can be defined as those basic inalienable freedoms and rights to which every individual is entitled right from birth and throughout his/her entire life by virtue of being a human being. They are universal in nature and are guaranteed to every person irrespective of any discrimination on the grounds of sex, religion, colour, language, nationality etc. They hold importance for individuals and communities as they ensure minimum standards of life with dignity, freedom, justice, equality and peace. While traditionally legal action for human rights violation is brought against the state, it has been increasingly recognised through the UN Guiding Principles on Business and Human Rights and other instruments that businesses also have a duty to respect human rights through the course of their operations.

The Right to Life is the main right from which the other two rights have been derived. The impacts on health and well-being, and the physical environment are undertaken to establish violations of the rights to health and environment, respectively, because these rights are

interdependent and the violations, more often than naught, occur simultaneously. Human Rights Impact Assessment (HRIA) is one instrument to systematically assess and measure the impact of business policies, programmes, projects or any other interventions on the enjoyment of workers, residents and communities. CAG's work in Kodungaiyur uses the HRIA concept to assess the human rights impacts of business practices through the lens of waste, with the goal of pushing for tighter regulations and liability laws around producer accountability.

The violation of the right to health is sought to be established using ethnography (the study of people and cultures), which has been acknowledged as a suitable method for identifying health care issues as they occur within the natural context. The HRIA project explores the impact on four focus groups in Kodungaiyur (residents, scrap shop workers, conservancy workers and informal waste pickers) using three instruments: symptoms diary, in-depth interviews, and information from healthcare providers in the locality. Symptoms diaries are a simple tool to record non-invasive, self-reported data about symptoms experienced and perceived by a set of participants over a period of time in an organised manner to aid in the diagnostic process. The in-depth interviews of residents and non-residents help identify and understand other issues relating to health, social, property, and environment arising from the waste. Information from healthcare providers helps to cross-validate information on illnesses. The team maintained symptoms diaries for three months for 66 participants: 38 residents, 11 conservancy workers, 11 informal waste pickers and 6 scrap shop workers, and interviewed 50 respondents (18 residents, 11 conservancy workers, 10 informal waste pickers and 11 scrap shop workers).