

BASIC HUMAN RIGHTS FOR BHOPAL SURVIVORS

The disaster in Bhopal has been not just an environmental tragedy, nor only an environmental tragedy, but also a human rights disaster. A slew of international human rights laws and standards were trampled before the gas leak even happened, and Union Carbide, Dow Chemical, and the government of India have continued to violate human rights laws and standards by refusing to clean up, refusing to provide compensation, denying people clean water, denying them proper medical care, and generally ignoring the plight of thousands upon thousands of people in Bhopal who continue to suffer from the effects of the 1984 gas leak and the water contamination that persists to this day.

The Right To Life

The right to life is outlined in a wide variety of international law documents, including the Universal Declaration of Human Rights. In the International Covenant on Civil and Political Rights (ICCPR), to which India acceded in 1979, it is stated that

"Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life."

Adhering to this law must involve regulating the behaviour of corporations to a level that ensures the protection of lives they might threaten. In the case of *EHP vs. Canada*, the United Nations Human Rights Committee found that the large-scale dumping of nuclear waste that threatened the lives of local residents amounted to a clear violation of the right to life.



Article 25 of the Universal Declaration of Human Rights states that:

Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

The Right to Life is also guaranteed by Article 21 of the Indian Constitution, which the Supreme Court of India has read as protecting the right to health and a safe environment: "environmental, ecological, air, water, pollution, etc., should be regarded as amounting to a violation of Article 21." (*Virendra Gaur vs. State of Haryana*, 1995 2 SCC 577).

The Right to the Highest Attainable Standard of Health

Another international human right that has clearly been violated in Bhopal is the right to highest attainable standard of health. In 1979 the government of India acceded to the International Covenant on Economic, Social, and Cultural Rights (ICESCR). Article 12 of the ICESCR states:

"The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health."

In the year 2000, the Committee on Economic, Social and Cultural Rights clarified that the right to health includes not only the right to health care, but "also to the underlying determinants of health, such as access

to safe and potable 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, including on sexual and reproductive health."

Article 12(2)(b) of the ICESCR requires India and all other states party to the covenant to look after "the improvement of all aspects of environmental and industrial hygiene". This has been clarified by the Committee to mean the inclusion of "the prevention and reduction of the population's exposure to harmful substances such as radiation and harmful chemicals and other detrimental environmental conditions that directly or indirectly impact upon human health."

The Committee on Economic, Social and Cultural Rights has also clarified that a violation of the human right to health includes a state's "failure to enact or enforce laws to prevent the pollution of water, air and soil by extractive and manufacturing industries."

"The protection of the environment is ...a vital part of contemporary human rights doctrine, for it is a sine qua non for numerous human rights such as the right to health and the right to life itself. It is scarcely necessary to elaborate on this, as damage to the environment can impair and undermine all the human rights spoken of in the Universal Declaration and other human rights instruments."

- Judge Weeramantry sitting in the International Court of Justice in The Hague.



According to Article 47 of the Indian Constitution, "the State shall regard the raising of the level of nutrition and the standard of living of its people and the improvement of public health as among its primary duties."

The Right to a Safe Environment

Destruction of the environment at any scale threatens to infringe directly and indirectly upon almost every basic human right that exists. Article 48A of the Indian Constitution lists the following as duties of the government: "Protection and improvement of environment and safeguarding of forests and wild life.—The State shall endeavour to protect and improve the environment and to safeguard the forests and wild life of the country."

WE DEMAND that the government of India immediately begin to honor and obey international human rights law, especially specific covenants and treaties to which it has already committed itself. Respecting and upholding the human rights of gas and contamination affected people in Bhopal begins with setting up a National Commission on Bhopal and thoroughly honoring the six demands now placed before the government.

This padyatra is our march for justice and dignity. We shall struggle until our last breath. 21 years is enough!

*Bhopal Gas Peedit Mahila Stationery Karmachari Sangh +91 755 93031 32959 • Bhopal Gas Peedit Mahila Purush Sangharsh Morcha +91 755 93290 26319 • Bhopal Group for Information and Action +91 755 98261 67369
Bhopal ki Aawaaz +91 755 98261 82226 • www.bhopal.net/march*