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India: Bhopal - human rights in toxic shock

Twenty years on the Bhopal plant continues to ruin the lives of the surrounding communities. The effects of the leak and the contaminated environment continue seriously to affect people's basic human rights. A report by Amnesty International shows how companies and governments are evading their human rights responsibilities, and underlines the need for universal human rights standards for businesses.

"A generation on, survivors are still waiting for just compensation and adequate medical care," said Benedict Southworth, Campaigns Director at Amnesty International. "UCC -- and Dow who merged with UCC in 2001 -- have still not cleaned up the site or stopped pollution that started when the plant opened in the 1970s, meaning local residents are continuing to fall ill from drinking contaminated water."

The effects of the ongoing pollution can be seen on newcomers to Bhopal who were not exposed to the original gas leak. Shehesta Kureishi, 35, moved to the area after her marriage 12 years ago. She told Amnesty International, "Two and a half years ago I stopped menstruating entirely". She also has pain from her lower back to her groin. Her seven-year-old son Ateeb complains of pain in his joints. Both have been drinking contaminated water.

Even today there is little medical research on the effects of the gas leak and the pollution, meaning their full impact is unknown. The Indian government must prevent further damage to people's health, by ensuring Dow cleans up the site and fully compensates the victims, and by making a full assessment of the health and environmental impacts.

Astonishingly, no-one has been held to account for the toxic leak and its appalling consequences -- over 20,000 people have died and 100,000 people are living with chronic illnesses. Dow and UCC both deny legal responsibility, with UCC refusing to appear before Indian courts to face trial.

UCC has tried to shift responsibility onto Union Carbide India Ltd (UCIL), claiming it had no control over its Indian subsidiary. In fact, UCC owned 50.9% of UCIL and maintained a high degree of corporate, managerial, technical and operational control over it, and was in a position to prevent the disaster.

"UCC was responsible for a litany of failures in the period leading up to the gas leak. Bhopal shows how readily some companies can evade their human rights responsibilities," said Mr Southworth. "There is a real need for global human rights standards for corporations. The UN Norms for Business are

an important step in this direction, but to hold companies accountable and prevent disasters like Bhopal happening again, it is imperative to have enforceable standards that guarantee redress for victims."

The report explains how:

UCC stored ultra-hazardous chemicals in bulk; failed to set up an emergency plan to warn local residents; ignored warnings about the possibility of a chemical reaction similar to that which caused the leak and withheld information critical to the medical treatment of the victims. The Indian authorities failed to adequately protect their citizens both before and after the disaster. Officials were aware that the plant used hazardous materials but Amnesty International has been unable to find any evidence that either the state or central government took adequate steps to assess the risks to the local community. Without consulting the victims, the Indian government agreed a modest financial settlement with UCC and cleared the company from legal liability. Human rights have been violated on a massive scale, including people's rights to life and health. A framework based on the UN Norms for Business could be used to hold companies accountable for their human rights impact.

The effects of the leak and the insufficient compensation -- along with other government failings -- are felt every day by the survivors. Many are unable to earn a living, have families, or even get hold of medicine to treat their conditions. Parvati Bai, 70, is ill and far too weak to work. Her husband died a few months after the gas leak. Her only source of income is the 150 Rupees (US\$3.30) she receives each month as a pension. "That is not enough even to buy myself some food," she said. "Some day I will die and the Municipal Corporation will just take my body away. That will be the end."

Amnesty International is urging people around the world to write to Dow demanding it cleans up the site.

To see the report, please go to: <http://web.amnesty.org/library/index/engasa200152004>

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For more information please call Amnesty International's press office in London, UK, on +44 20 7413 5566

Amnesty International, 1 Easton St., London WC1X 0DW. web: <http://www.amnesty.org>

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