



OAS » Inter-American Commission on Human Rights (IACHR) » Media Center » Press Releases » 2019 » 019

Press Release

Special Rapporteurship ESCER of the IACHR expresses deep concerns about human, environmental and labor tragedy in Brumadinho (Minas Gerais, Brazil), and calls for the integral reparations for victims

January 30, 2019

Washington, D.C. - On January 25, 2019, there was the rupture of a containment dam of mining waste, managed by the mining company Vale S.A. in the city of Brumadinho, in the state of Minas Gerais, Brazil. According to public information available, this dam had a volume of 12.7 million cubic meters of toxic waste, which reached the Vila Ferteco community and an administrative area of the company. So far, there are at least 84 dead people, 24,000 people evacuated and about 276 missing persons, which includes direct workers and outsourced employees of the company Vale S.A.

A+ A-

Contact info

IACHR Press and Communication Office
Tel: +1 (202) 370-9000
cidh-prensa@oas.org

In view of these regrettable events, the Inter-American Commission on Human Rights (IACHR) and its Special Rapporteurship on Economic, Social, Cultural and Environmental Rights (SRESCER) express their deep sorrow and solidarity towards all victims and affected communities, as well as their concern for the magnitude of the tragedy in human, environmental and labor terms, urging that the Brazilian authorities and the company involved take all necessary measures to mitigate and prevent the aggravation of environmental damage, such as to assist and facilitate mechanisms of reparation for victims and their families. If urgent and appropriate measures are not taken, the consequences of this disaster could be irreversible due to the negative impact that the contamination of the soil and water by heavy metals generates and the high risks to the health of the people affected by the tragedy.

In its recent on-site visit to Brazil in November 2018, the IACHR received information on the serious environmental impacts caused by mining activity. In this context, the Commission visited the State of Minas Gerais in order to monitor the situation of the persons affected on November 5, 2015 due to the rupture of the Fundão Dam in Mariana, controlled by the company Samarco Mineração SA, a joint venture in which the Brazilian company Vale SA also participates, together with the company BHP Billiton. These events caused the death of 19 people and affected 39 municipalities in the bay of Rio Doce, in what was considered the most serious environmental disaster in Brazil to date. During the visit, the IACHR was informed that little progress has been made in mitigating the damage caused, the investigation and assurance of accountability of the companies and the effective reparation to the victims.

In accordance with the report on indigenous peoples, communities of African descent and extractive industries of the IACHR, the State has a duty to protect persons within its territory or jurisdiction against all human rights violations committed by third parties, including companies. Consequently, States must adopt the appropriate measures to regulate, prevent, investigate, punish and ensure access to effective mechanisms for reparation for these abuses through appropriate policies, regulatory activities and submission to the justice of the companies involved. The IACHR and its SRESCER also stress that companies must respect human rights not only by refraining from infringing them but by exercising due diligence in matters of human rights, for example, evaluating in advance the risks that their productive or commercial activity may generate on human rights, including the environment; adapting adequate prevention measures; and, responding to the negative impacts and violations of human rights that cause or contribute to provoke.

On the other hand, considering the multiple questionings pertaining to the state response and the companies involved in the case of Mariana, and a new disaster occurred in Brumadinho of magnitudes that would have exceeded the first, it is particularly worrisome the information that points to a possible flexibility in the regulations relating to the licensing of the mining sector in that country. SRESCER recalls that the IACHR has already indicated that the obligations of the State in this matter include "the duty to prevent human rights violations, that is, it is applied before authorizing an activity and granting permits, as well as during the implementation and the life cycle of the project under scrutiny through supervision and oversight measures." To this is added that in both tragedies the same mining company, Vale SA, is involved, a situation that the State must take into special consideration when determining the corresponding responsibilities and actions, including the integral reparation to the victims by the company.

From the foregoing, the IACHR and its SRESCER urge urgently to activate emergency plans, which include mitigation, cleaning and restoration actions in the affected area, taking into account the highest international standards of care for this type of disaster, in order not to cause greater damages and incidents in the health of the people and the affected ecosystem. In addition, measures must be taken to

More on the IACHR

IACHR Press Releases
IACHR Website
IACHR on Facebook
IACHR on Twitter
IACHR on Youtube
IACHR on Flickr

guarantee labor rights, in particular those on occupational safety and health, of the company's workers, as well as of those who work in an outsourced manner, make every effort to locate the whereabouts of the disappeared persons, and ensure that all the victims of the catastrophe and their families have access to comprehensive reparation, including medical, psychological and humanitarian assistance. For all this, it is essential that the company quickly provide all relevant and necessary information related to these events and coordinate with all public bodies that may be appropriate, such as the Environment Secretariat of Brumadinho, the Ministry of the Environment and the Secretariat of Work and Social Development of the State of Minas Gerais or the competent Brazilian federal authorities in order to adopt appropriate measures and respect human rights.

This Office of the Special Rapporteur also emphasizes that, in accordance with international standards in the matter, in the case of disasters such as Brumadinho, it is imperative and urgent that public institutions ensure that victims and their families, including workers, are informed and participate effectively during the decision-making processes, as in the implementation of all the plans and measures that are determined. In this regard, "the State of Brazil must immediately ensure the effective participation of the people and communities affected as well as their movements in the management of this terrible socio-environmental tragedy; even when there are regulations, such as Decree 9691 of the Interministerial Council for the Supervision of Disaster Responses, that do not contemplate such participation", said Special Rapporteur SRESCER of the IACHR, Soledad García Muñoz.

In addition to this, the SRESCER is concerned that there would be up to 45 dams of this nature at risk in terms of security conditions, so it emphasizes the care that States and companies, as the case may be, should take extreme care in these situations and the need for them to be held accountable in the event of non-compliance with their human rights obligations, including the environment. The IACHR and its SRESCER call for the urgent strengthening of state measures of regulation, auditing and control over dams related to mining projects and emphasizes respect for human rights that all companies must ensure in their operations and commercial relations. "The events that caused the tragedy must be investigated promptly and effectively, so that all the corresponding responsibilities and sanctions are determined, including those of a criminal nature," added Commissioner Antonia Urrejola, Rapporteur of the IACHR for Brazil.

In this framework, the State must also ensure that the specific causes and long-term effects of this disaster on the ecosystems and on the rights to health, work and housing of local people are identified, considering the toxic characteristics of effluents from the dam; in particular, the State must ensure that the right to water of the inhabitants, communities and workers is not affected by the risks of contamination of the different water bodies in the area. In the same way, and taking into account that the toxic waste has already reached the Paraopeba River, the authorities and the company must take coordinated actions not only to mitigate the damages on this, but to prevent the San Francisco River, one of the main rivers of the country, be contaminated. It should be recalled that the Inter-American Court in its Advisory Opinion 23-17 indicated that: "In the framework of environmental protection, the international responsibility of the State derived from the conduct of third parties may result from the lack of regulation, supervision or oversight of the activities of these third parties that cause harm to the environment." Furthermore, considering that Brazil recently signed the Escazú Regional Agreement on Access to Information, Public Participation and Access to Justice in Environmental Matters, the IACHR's SRESCER recommends that the State take into account its provisions in the timely management of the present situation.

The SRESCER of the IACHR is at the disposal of the State of Brazil to work jointly on this situation and offers its technical assistance in order to contribute to the decisions and measures adopted in the particular case. In this sense, the SRESCER of the IACHR expresses its interest in carrying out an early work visit to the place of the facts, request that will be presented as soon as possible to the State.

The SRESCER is an Office of the IACHR, specially created to support the Commission in fulfilling its mandate to promote and protect economic, social, cultural and environmental rights in the Americas.

A principal, autonomous body of the Organization of American States (OAS), the IACHR derives its mandate from the OAS Charter and the American Convention on Human Rights. The Inter-American Commission has a mandate to promote respect for and to defend human rights in the region and acts as a consultative body to the OAS in this area. The Commission is composed of seven independent members who are elected in an individual capacity by the OAS General Assembly and who do not represent their countries of origin or residence.

No. 019/19

© Copyright 2021 OAS

[Internships](#) [Fellowships](#) [Vacancies](#) [Terms & Conditions](#) [Contact Us](#) [Related Links](#)

1889 F St. N.W. Washington, DC, U.S.A. 20006 / E-mail: cidhoea@oas.org / Phone: (202) 370-9000 / Fax: (202) 458-3650