

Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Working Group on Arbitrary Detention; the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment; the Special Rapporteur on the right to food; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on minority issues and the Special Rapporteur on extreme poverty and human rights

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Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Working Group on Arbitrary Detention; Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment; Special Rapporteur on the right to food; Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on minority issues and Special Rapporteur on extreme poverty and human rights, pursuant to Human Rights Council resolutions 43/4, 42/22, 37/8, 32/8, 41/12, 43/8, 44/13 and 40/16.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning increasingly **severe restrictions to fundamental freedoms in the context of the ongoing "Farmers' Protests" around New Delhi**. In particular, we have received various allegations of excessive use of force by police officers, mass arrests of protesters, criminal prosecution of several protest leaders, politicians, activists, and journalists, including under the national counterterror law, the Unlawful Activities Prevention Act and the sedition law, as well as intermittent restrictions to telecommunications access and the attempted regulation of an individual internet platform.

According to the information received:

Since November 2020, several Indian farmers' unions and organisations, as well as other trade unions, have been protesting against three new farm laws that were enacted by the Government in September 2020. The three laws are the Farmers' Produce Trade and Commerce (Promotion and Facilitation) Act, 2020; Essential Commodities (Amendment) Act, 2020; and Farmers (Empowerment and Protection) Agreement on Price Assurance and Farm Services Act, 2020.

The agriculture sector employs and provides a main source of livelihood for almost half of India's population. The vast majority of farmers are smallholders, who often suffer from extreme poverty and over-indebtedness. While supporters of the laws reportedly argue that they will increase the productivity and competitiveness of the agricultural sector, several farmers' unions appear to perceive them as pro-corporate and contrary to the interests of farmers themselves. In particular, concerns have been raised about how

these laws may affect previous guarantees of a minimum selling price for crops. More specifically, article 5 of the Farmers (Empowerment and Protection) Agreement on Price Assurance and Farm Services Act of 2020, now provides private buyers the ability to determine the price of produce contractually through farming agreements. Additional concerns have been raised about the possible impact of the new legislation on traditional local markets, and how the laws may potentially replace traditional ways whereby farmers have historically sold their crops directly to public intermediaries, by allowing corporations to buy directly from farmers and potentially hoard commodities and thereby affect prices. In addition, concerns have been expressed about provisions of the Essential Commodities Act which could facilitate stockpiling by corporations to the detriment of small-scale farmers.

Although localized protests appear to have begun shortly after the introduction of these laws, primarily in Punjab, the state in India with the highest number of persons belonging to the Sikh minority, by November 2020, several organisations had begun a nationwide movement where farmers and workers from across the country were to march to and then camp around New Delhi in peaceful protest against these laws. Their demands appear to centre on a full repeal or withdrawal of the three aforementioned Acts. The protest continued growing over the following days until it was reportedly made up of tens of thousands of people. Most of these protesters are said to be from north India, where the agricultural sector is particularly developed.

By late November 2020 it appears that the authorities used tear gas and water cannons in an attempt to disperse the crowds around Delhi. There were also allegations of police officers using batons against some protesters and occasionally arresting others. Although makeshift barriers had reportedly been erected by officials in New Delhi, to restrict access to the National Capital Territory (NCT) area, protesters made it through and have since been camped both within and around New Delhi.

In late November 2020, at least one Government minister suggested that the protests had a pro-Khalistani agenda, in reference to a historical movement that had pushed for an independent Sikh state. In early January 2021, the National Investigative Agency questioned some farmer leaders, activists, and journalists based on allegations that a group, which reportedly advocates for Sikh secession, is aiding the protests. Several minority Sikh leaders associated with the movement were reportedly issued notices by the National Investigation Agency because of alleged connections to a banned separatist organisation. Some reports indicate that senior BJP leaders have used several common anti-Sikh tropes to portray the farmers' movement as separatist in nature. There are also reports of the trope "Repeat 1984" being spread in social media by Hindu nationalists in advocacy of national, racial or religious hatred that may constitute incitement to discrimination, hostility or violence against members of the Sikh minority. Claims also appear to have been made by public officials suggesting that a foreign country has supported these alleged separatist elements and agitated the situation.

Between November 2020 and January 2021, and although the protests continued to grow, the crowds and encampments around New Delhi are reported to have largely remained peaceful in nature. Several rounds of talks

held in this time between the farmers' unions and the Government did not bring an end to the protests.

On 26 January 2021, India's Republic Day, protestors called for a tractor march to New Delhi. However, the initially-peaceful march appears to have turned violent as police allegedly began using tear gas and batons to disperse the crowds indiscriminately. At least one farmer was reportedly killed, possibly of a gunshot wound, and hundreds more were injured, some seriously. A group of protesters are said to have broken through police barricades in New Delhi and clashed with police. Several protesters and police officers were reportedly injured. It has also been alleged that a group of protesters stormed the Red Fort where they raised a Sikh religious flag alongside the national flag. Most farmers unions quickly moved to criticise and dissociate themselves from the violence.

While the protest was ongoing, the authorities allegedly declared orders under Section 144 of the Criminal Procedure Code, effectively prohibiting assemblies of more than five persons, on the borders of New Delhi. The Delhi Police, which appears to function as a federal police force, reporting to the Union Government and not the government of the NCT of Delhi, are said to have filed 44 criminal cases and arrested 122 people in relation to the violence on 26 January 2021. Authorities have also reportedly filed cases of rioting, attempted murder, and criminal conspiracy against at least 37 well-known farmers' union leaders and activists alleging that they made inflammatory statements and were involved in the violence. These seemingly include a significant number of individuals who had been involved in talks with the Government.

It also appears that the Union Ministry of Home Affairs issued orders, apparently at the behest of Delhi police, directing internet shutdowns across the Singhu, Ghazipur, Tikri, Mukarba Chowk, and Nangloi areas of the NCT, for around 12 hours on January 26, reportedly to "maintain public safety." People in several parts of the city are said to have received messages from their providers stating that services had been disrupted following Government orders. The Haryana state government subsequently suspended mobile internet services in most of the state until 1 February. It is unclear if any specific security concerns were presented as justification for these shutdowns.

On 29 January 2021, the police in Uttar Pradesh, Madhya Pradesh, Karnataka, and Haryana states reportedly filed cases of sedition and promoting communal disharmony against six journalists and a politician for allegedly having "misreported" the facts around the death of the protester on 26 January. Delhi police allegedly also filed a case against them.

On the same day, it is alleged that a mob, which some sources claim was made up of BNP supporters, attacked the protester encampments, throwing stones at people and vandalising tents. The following day, two journalists who had been covering the protests for a while and had investigated this alleged mob attack the previous day, were reportedly detained for having "misbehaved" with police. While one was released the next day, the other was placed in custody for two weeks, for having obstructed and assaulted an officer. He was allegedly denied access to a lawyer following his detention.

On 31 January, Uttar Pradesh police appear to have filed a case of promoting enmity between communities and making statements prejudicial to national integration against an editor of an international online newspaper, allegedly for tweeting a news report on the claims made by the dead protester's family. It seems that the report indicated that the protester had died from gunshot injuries inflicted by police, while the police maintain he died when his tractor overturned.

On 1 February 2021, hundreds of Indian Twitter accounts including some belonging to media entities, journalists, activists, politicians, and others, as well as the hashtag #FarmersProtests, were suspended for between 6 or twelve hours. It appears that the Government, through the Ministry of Electronics and Information Technology, had sent Twitter several blocking orders, under Section 69A of India's Information Technology Act, claiming that certain accounts and hashtags were posting content inciting to violence and unrest.

Twitter subsequently indicated that two emergency blocking orders had been temporarily complied with, but access was later restored to several of the accounts that had been identified in said blocking orders as Twitter, citing consistency with Indian law and principles of freedom of expression more broadly, "would not take any action on accounts that consist of news media entities, journalists, activists, and politicians."¹ However, Twitter had taken action on hundreds of other accounts, and prevented certain terms from trending, which violated its own rules on incitement and violence. It appears that the Minister for Electronics and Information Technology and Communication subsequently warned that action would be taken against social media platforms if they were "misused to spread fake news and violence".

On 4 February 2021, Delhi police allegedly registered a criminal case against the creators of an online "farmers' protest toolkit" on charges of sedition, criminal conspiracy, and promoting hatred. This virtual document reportedly contained general information relating to the protests, as well as suggestions about hashtags and tags to use on social media, and appears to have been shared widely before then, both in India and abroad, including by high-profile climate activists. A representative of the Delhi police reportedly suggested that a preliminary inquiry had indicated that the toolkit had been created or spread by a pro-Khalistani organisation. Other youth climate activists have allegedly also been questioned by the police in connection with the protests.

Throughout this time, the protests are said to have continued to grow. In response, authorities in Delhi and neighbouring states, such as Uttar Pradesh, seem to have blocked the area around the protests, effectively cutting farmers off from roads into the city, with metal nails and rods, barbed wire, cement, boulders, and makeshift barricades. The conditions in the protester camps are reportedly inhumane, and it has been alleged that the Government has not provided water, electricity, and other basic services to them.

¹ https://blog.twitter.com/en_in/topics/company/2020/twitters-response-indian-government.html

While we do not wish to prejudge the accuracy of these allegations, and we recognise the challenges posed by these large-scale demonstrations gathering thousands of protesters, we express our serious concern at the array of measures seemingly aimed at restricting the ongoing farm law protests around New Delhi, intimidating those involved, and stifling public debate about them. In particular, we are concerned by allegations of indiscriminate and excessive physical violence against protesters; and by reports of mass arrests and possibly arbitrary detentions of dozens of individuals, including journalists who had been reporting on the farmers' protests, some of whom appear to have been charged under counterterrorism and sedition laws.

In this regard, we are deeply concerned by reports suggesting that the colonial era sedition law as well as anti-terrorism legislation have been increasingly employed in India, often in conjunction, since 2014.² While conviction rates have reportedly remained low, we are particularly concerned by indications that a rising number of peaceful protests, opposition politicians, students, journalists, authors and academics, among others have been charged under these laws, due the ambiguity and broadness of their provisions, as appears to be exemplified by the above case.

We are also deeply troubled by suggestions that these allegations could be reflective of a growing effort to restrict expressions of dissent towards Government policies, as well as to suppress the free flow of information in India. In this regard, we are particularly concerned by repeated alleged efforts to moderate a widely-used internet platform in recent weeks as well as temporary restrictions to internet connection and telecommunications in New Delhi and neighbouring regions on 26 January and its aftermath in particular. If confirmed, this would be in violation of your Excellency's Government's obligations under international human rights law, in particular articles 9, 14, 19 and 21 of the International Covenant on Civil and Political Rights (ICCPR). While noting reports that in some limited cases certain protesters may have resorted to violence, particularly on 26 January, the high number of alleged arrests seems to indicate that these isolated instances were not met in line with the principle proportionality. If confirmed, these allegations would also be in contradiction with the States' responsibility to protect peaceful protesters and to facilitate the exercise of the right to freedom of peaceful assembly more broadly.

We are furthermore concerned about the potential impact of the new laws on the enjoyment of the right to food, especially on food availability, including when it comes to available products in local markets and shops. From an accessibility perspective, we are also concerned by the potential impacts of the above-mentioned allegations on the livelihoods of food producers, including small-scale farmers, who should be receiving a remunerative price for their goods or labour, or public support for their work.

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.

² For instance, data from the National Crime Records Bureau's Crime in India statistics for 2019 indicate that ninety-three cases of sedition were filed in 2019, a 165% jump from 35 in 2016. In 2019, 1,226 cases were filed under counter-terrorism legislation, a 33% increase from 2016

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 any comment you may have on the abovementioned allegations.
2. Please provide the details of any investigation, and judicial or other inquiries which may have been carried out in relation to allegations of human rights violations committed by police officers against the protesters. If no inquiries have taken place, or if they have been inconclusive, please explain why. Please also indicate any measures taken by your Excellency's Government to ensure that the victims of alleged violations committed by police have access to effective remedy, including adequate compensation.
3. Please provide information on the official number of persons arrested during the protests and the legal grounds to justify any continued detentions, as well as the fundamental safeguards ensured for detainees, including the right to contact relatives, the right to contact a lawyer, the right to a lawyer's assistance to defend oneself against charges, and the right to be privately examined by independent medical personnel in order to be screened for potential signs of ill-treatment.
4. Please provide information on the legal and factual basis for the arrests and charges brought against the journalists detained in the context of the protests mentioned above and how these are compatible with your Excellency's Government's international human rights obligations under the ICCPR. Please provide the legal and factual basis of the two weeks' detention imposed upon one journalist, including information on the authority that carried out this process and how the journalist's right to defend himself was ensured.
5. Please explain how the alleged restrictions to internet access in general and specific platforms detailed above were necessary and proportionate to achieving a legitimate objective and consistent with your Excellency's Government's obligations under international human rights law, in particular article 19 of the ICCPR.
6. Please provide information on any consultations carried out during the processes of drafting and adopting the three above-mentioned laws, with farmers, farmers' unions or any relevant organisations representing their interests, and how their views and concerns have been addressed.
7. Please indicate what investigations or other steps have been taken in relation to allegations of hate speech against members of the Sikh minority, such as calls to "Repeat 1984" and other tropes being spread in social media related to national, racial or religious hatred that may constitute incitement to discrimination, hostility or violence.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) after 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. We also respectfully urge your Excellency's Government to take steps to ensure that the formulation and application of the above mentioned laws are in compliance with your obligations under international human rights law.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

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

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Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to refer your Excellency's Government to 9, 14, 19, and 21 of the International Covenant on Civil and Political Rights (ICCPR), acceded by India on 10 April 1979.

Without expressing at this stage an opinion on the facts of the case and on whether the reported detentions were arbitrary or not, we would like to appeal to your Excellency's Government to take all necessary measures to guarantee the right of detained persons to not to be deprived arbitrarily of their liberty and to fair proceedings before an independent and impartial tribunal, in accordance with articles 9, 10 and 11 of the Universal Declaration of Human Rights (UDHR) and articles 9 and 14 of the ICCPR.

We also recall that the Human Rights Committee's General Comment no. 35 affirms that arrest or detention as punishment for the legitimate exercise of the rights as guaranteed by the Covenant is arbitrary, including freedom of opinion and expression (art. 19), freedom of assembly (art. 21) and freedom of association (art. 22), freedom of religion (art. 18) and the right to privacy (art. 17). Arrest or detention on discriminatory grounds in violation of article 2, paragraph 1, article 3 or article 26 is also in principle arbitrary.

Article 14 of the ICCPR further stipulates that, in the determination of any criminal charge, everyone shall be entitled to adequate time to communicate with counsel of choice. Article 14 also guarantees the right to be tried without undue delay. The right to have access to a lawyer without delay and in full confidentiality is also enshrined in principle 9 and guideline 8 of the United Nations Basic Principles and Guidelines on Remedies and Procedures on the Right of Anyone Deprived of Their Liberty to Bring Proceedings Before a Court (A/HRC/30/37), and the Basic Principles on the Role of Lawyers (Principles 7 and 8).

United Nations Basic Principles and Guidelines on remedies and procedures on the right of anyone deprived of their liberty to bring proceedings before a court clarify that detention should be carried out on grounds and according to procedures prescribed by national law and which are in accordance with international standards. Furthermore, access shall be provided without delay to legal counsel immediately after the moment of deprivation of liberty and, at the latest, prior to any questioning by an authority, and thereafter throughout the period of detention. This includes providing detainees with the means to contact legal counsel of their choice.

We would furthermore like to remind your Excellency's Government that Article 19(3) of the ICCPR requires that any restriction on the right to freedom of expression (i) is provided by law; (ii) serves a legitimate purpose; and (iii) is necessary and proportional to meet the ends it seeks to serve. In this connection, we also wish to recall the principle enunciated in Human Rights Council Resolution 12/16. The Resolution calls on States to refrain from imposing restrictions which are not consistent with article 19(3), including: discussion of government policies and political debate; reporting on human rights; engaging in peaceful demonstrations or political activities, including for peace or democracy; and expression of opinion and dissent, religion or belief, including by persons belonging to minorities or vulnerable groups. We also underline that permissible restrictions on the internet are the same as

those offline (A/HRC/17/27).

While all restrictions must comply with the requirements of necessity and proportionality, the penalisation of a journalist solely for being critical of the government or the political social system espoused by the government can never be considered to be a necessary restriction of freedom of expression, CCPR/C/GC/34 para 42. Furthermore, the Human Rights Committee has indicated that laws justified by national security, whether described by sedition laws or otherwise, can never be invoked to prosecute journalists, see CCPR/C/GC/34 para 30. Likewise, the arbitrary arrest or torture of individuals because of the exercise of their freedom of expression will under no circumstance be compatible with article 19, CCPR/C/GC/34 para. 23.

In this regard, we would like to refer to the Human Rights Council resolution 45/18 on safety of journalists adopted on 6 October 2020, in which the Council expressed “deep concerns about all attempts to silence journalists and media workers, including by legislation that can be used to criminalize journalism, by the misuse of overbroad or vague laws to repress legitimate expression, including defamation and libel laws, laws on misinformation and disinformation or counter-terrorism and counterextremism legislation, when not in conformity with international human rights standards, and by business entities and individuals using strategic lawsuits against public participation to exercise pressure on journalists and stop them from critical and/or investigative reporting”.

We further recall the principle enunciated by Human Rights Council Resolution 12/16, which called on States to refrain from imposing restrictions which are not consistent with article 19 (3) of the ICCPR, including on access to or use of information and communication technologies, including radio, television and the Internet; discussion of government policies and political debate; reporting on human rights, government activities and corruption in government; and engaging in election campaigns. In this regard, we would also like to draw your attention to Human Rights Council Resolution 32/13, which “condemn[ed] unequivocally measures to intentionally prevent or disrupt access to or dissemination of information online in violation of international human rights law, and calls upon all States to refrain from and cease such measures”.

In addition, we recall that the ICCPR guarantees the rights to freedom of peaceful assembly and of association in its articles 21 and 22. These rights can be subject to certain restrictions in strict conditions of necessity and proportionality only. In this regard, we would like to refer to Human Rights Council Resolution 24/5 which “reminds States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline, including in the context of elections, and including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others”. With regard to the de facto prior authorization to hold assemblies, we recall that the exercise of fundamental freedoms should not be the subject of previous authorization and that the suspension or de-registration of an association constitutes one of the severest types of impediment to the right to associate (A/HRC/20/27, para. 28 and 75). We would like to refer to the recently adopted General Comment No. 37 of the Human Rights Committee on Right of peaceful assembly ([CCPR/C/GC/37](#)), which stressed that “the possibility that a peaceful assembly may provoke adverse or even violent reactions from some members of the public is not sufficient grounds to prohibit or restrict the assembly. [...] States are obliged to take all reasonable

measures that do not impose disproportionate burdens upon them to protect all participants and to allow such assemblies to take place in an uninterrupted manner”.

We would further like to refer to the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the Code of Conduct for Law Enforcement Officials, ensuring protesters right to peaceful assembly and without resorting to excessive use of force. In this regard, the compilation of practical recommendations for the proper management of assemblies (A/HRC/31/66) recalls that the use of force by law enforcement officials should be exceptional, and assemblies should ordinarily be managed with no resort to force. Any use of force must comply with the principles of necessity and proportionality (para. 57). Firearms may be used only against an imminent threat either to protect life or to prevent life-threatening injuries (making the use of force proportionate). In addition, there must be no other feasible option, such as capture or the use of non-lethal force to address the threat to life (making the force necessary) (para. 59). Firearms should never be used simply to disperse an assembly; indiscriminate firing into a crowd is always unlawful (para 60). We would also like to appeal to your Excellency’s Government to ensure that prompt, effective and thorough investigations are conducted into the alleged killing of these individuals following excessive use of force by police and that there is accountability for any violations including through the prosecution of perpetrators. Effective remedy (including compensation) should be guaranteed to the victims’ families and injured individuals.

We would also like to bring to your Excellency’s Government’s attention the international standards regarding the protection of the rights of persons belonging to minorities, in particular article 27 of the ICCPR and the 1992 UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, which refers to the obligation of States to protect the existence and the identity of minorities within their territories and to adopt the measures to that end (article 1) as well as to adopt the required measures to ensure that persons belonging to minorities can exercise their human rights without discrimination and in full equality before the law (article 4).

Furthermore, we would like to draw the attention of your Excellency’s Government to article 11 (1) of the International Covenant on Economic Social and Cultural Rights, that recognizes “the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions.” In interpreting this provision, the Committee on Economic Social and Cultural Rights (CESCR) stressed in its General Comment No. 12 that the core content of the right to adequate food implies, inter alia, both economic and physical accessibility of food (para. 7). The Committee considers that the core content of the right to adequate food implies, inter alia, availability of food which 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 that can move food from the site of production to where it is needed in accordance with demand, and accessibility of food which encompasses both economic and physical accessibility.

The obligation to respect access to adequate food requires State parties not to take any measures that result in preventing such access. The obligation to protect requires measures by the State to ensure that enterprises or individuals do not deprive individuals of their access to adequate food. The obligation to fulfil (facilitate) means that the State must pro-actively engage in activities intended to strengthen people’s

access to and utilization of resources and means to ensure their livelihood, including food security. Finally, whenever an individual or group is unable, for reasons beyond their control, to enjoy the right to adequate food by the means at their disposal, States have the obligation to fulfil (provide) that right directly.

In addition, we would like to bring to your attention the most recent report of the Special Rapporteur on the right to food to the United Nations General Assembly on trade and the right to food. The report specifically highlights that “food should also be available for sale in markets and shops. Therefore, availability requires well-functioning distribution, processing and market systems that can move food from the site of production to where it is needed, in accordance with demand. In these cases, States must also ensure that markets are fair, stable and competitive. Therefore, national and global market power should not be concentrated in the hands of the few. Food producers must receive a remunerative price for their goods or labour, or public support for their work”.

We would also like to highlight the Declaration on the rights of peasants, A/RES/73/165, which provides that “States shall respect, protect and fulfil the rights of peasants and other people working in rural areas. They shall promptly take legislative, administrative and other appropriate steps to achieve progressively the full realization of the rights set forth in the present Declaration that cannot be immediately guaranteed” (article 2 (1)).

We also would like to refer your Excellency's Government to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders. In particular, we would like to refer to articles 1 and 2 of the Declaration which state that everyone has the right to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels and that each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms.

Furthermore, we would like to bring to the attention of your Excellency's Government the following provisions of the UN Declaration on Human Rights Defenders:

- article 6 point a), which provides for the right to know, seek, obtain, receive and hold information about all human rights and fundamental freedoms;
- article 6 points b) and c), which provides for the right to freely publish, impart or disseminate information and knowledge on all human rights and fundamental freedoms, and to study, discuss and hold opinions on the observance of these rights;
- article 9, paragraph 1, which provides for the right to benefit from an effective remedy and to be protected in the event of the violation of those rights;
- and article 12, paragraphs 2 and 3, which provides that the State shall take all necessary measures to ensure the protection of everyone against any

violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration.

Finally, the Framework Principles on Human Rights and the Environment, presented to the Human Rights Council in March 2018 (A/HRC/37/59) set out basic obligations of States under human rights law as they relate to the enjoyment of a safe, clean, healthy and sustainable environment. As highlighted by the Framework Principles, States must ensure a safe, clean, healthy and sustainable environment in order to respect, protect and fulfil human rights (Framework Principle 1) and they should respect, protect and fulfil human rights in order to ensure a safe, clean, healthy and sustainable environment (Principle 2). In addition, principle 12 provides that States should ensure the effective enforcement of their environmental standards against public and private actors. As per principle 14, States should take additional measures to protect the rights of those who are most vulnerable to, or at particular risk from, environmental harm, taking into account their needs, risks and capacities.