

Mandates of the Working Group on Arbitrary Detention; the Working Group on Enforced or Involuntary Disappearances; 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 promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran; the Special Rapporteur on minority issues and the Special Rapporteur on the human rights to safe drinking water and sanitation

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(Please use this reference in your reply)

26 January 2022

Excellency,

We have the honour to address you in our capacities as Working Group on Arbitrary Detention; Working Group on Enforced or Involuntary Disappearances; 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 promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on the situation of human rights in the Islamic Republic of Iran; Special Rapporteur on minority issues and Special Rapporteur on the human rights to safe drinking water and sanitation, pursuant to Human Rights Council resolutions 42/22, 45/3, 46/7, 32/8, 43/4, 41/12, 46/18, 43/8 and 42/5.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the water and environmental policies in Khuzestan province, which have allegedly led to a serious water and environmental crisis impacting life, livelihood, biodiversity and the environment. Further information is received about the violent dispersal by police and security forces of peaceful protests, in Khuzestan province who protested the water crisis in July 2021; the use of lethal force against unarmed protesters leading to the killing of at least nine individuals, including at least one child, and the injuring of a large number of others; arrest and alleged arbitrary detention of protesters, some of them being or have been subjected to enforced disappearance; and disruptions to internet access and mobile data. Khuzestan province has a population of approximately 4.7 million inhabitants, of which an estimated 30% belong to the Arab minority.

Concerns at the authorities' use of lethal force in the context of peaceful assemblies have been raised in several communications by Special Procedures, including, most recently, in a communication addressing similar issues in Esfahan, sent on 21 December 2021 (ref. no IRN 32/2021) and a communication sent on 17 March 2021 (ref. no IRN 9/2021). We thank your Excellency's Government for the response of 10 January 2022 to the former communication and look forward to receiving a response to the communication sent on 21 December 2021. We regret that the concerns raised by Special Procedures about the use of excessive force against protesters have not been addressed and at the authorities seemingly systematic resort to the use of unnecessary and disproportionate force in response to the exercise of the right to peaceful assembly.

According to the information received:

Water and environmental crisis

Khuzestan province is home to several large rivers, of which the four major rivers are: Karun, Karkheh, Dez and Jarrahi, all sourced from the Zagros mountains. The rivers have in the past created permanent and seasonal wetlands which extend southward to the Persian Gulf, and were traditionally a way of managing floods and fertilization for the farm lands. The province is also home to large wetlands, including the wetlands of Shadegan Marshes, Khor al Amaya and the Khor Musa of over 400,000 hectares, which are the fourth-largest wetlands in the world. Over 1.5 million people depend predominantly on agriculture in the province.

As a result of several decades of building dams and water diversion, there is a serious water shortage in the province, impacting health, farming, livelihood, and biodiversity. Around 700 villages in the province do not have access to tap water. Drinkable water is accessible through tankers that import water from other regions of the country.

The Karun river is the largest river in the province, and has traditionally been a main source for drinking water and for farming. The first project to divert water from this river started in the early 1950s, transferring the Northern Karun basin water sources in Chaharmahal Bakhtiari Province to Zayandehrood basin. There are at least nine key water transfer schemes implemented or under construction in Karun river. The majority of the transferred water is used in industrial and agricultural sectors. Beheshtabad and Kuhrang three water transfer projects are currently under construction in the absence of authorization by the Department of Environment.

Over 170 dams have been constructed on Karkheh, Karun, Marun and Jarrahi basins without considering the environmental impacts, 70 of which are on Karun river. The building of a large dam in the Karkheh river in 2014 has led to the destruction of 51,000 hectares of farm land belonging to the Arab minority in Khuzestan, and the flooding of 71 villages. An additional four dam projects contracted by the Islamic Revolutionary Guard Corps are currently considered by the Government in this river.

The Jarrahi river is almost entirely dried out, and people living in the area are forced to buy their daily water from vehicles that import water from other regions.

The drinking water levels needed for the central part of Iran is estimated around 340 million m³ annually. Over 2.8 billion m³ water has been diverted from Khuzestan, despite objection since 2015 from members of parliament from the provinces of Khuzestan and Chaharmahal Bakhtiari and the Government's promises to stop the diversion of water.

The Islamic Revolutionary Guard Corps, through the Khatam Al-Anbia construction company, is the sole contractor for the building of dams in the region. The dams are reportedly constructed without minimum requirements and without prior environmental impact assessment studies.

An example is the construction of the Gotvand dam on the Karun river, inaugurated in 2011. The project was situated in the Gachsaran area, known for its salt mountains. As the water collection started, the salt mountain melted into the water behind the dam. Despite objections by environmental experts and local population, the Khatam Al-Anbia Construction company continued the project, resulting in accumulation of 66.5 million metric tonnes of dissolved salt in the reservoir and a dramatic increase in the salinity of the reservoir water up to 200 g/L. The saltiness of the water behind the Gotvand dam was according to the Supreme Audit Court's Chairman three times higher than the Persian Gulf. The increased salinity of water has had severe consequences for agriculturer-based livelihoods in the area, including the death of at least 400,000 palm trees in Arvandkenar in 2014. The Department of Environment subsequently stated that the department had not given authorization for the construction of the dam.

In addition to water diversion and dam projects, the rivers and marshlands are also subject to pollution due to the activities of oil companies that dump oil waste into the rivers. Among the most active oil companies in the area are: North Oil; PEDEX; Melli Haffari and Tadbir Energy. Subsidiary companies under the Islamic Revolutionary Guard Corps operate these companies. The concentration of petrochemical industries in the province and dust storms have left the region with a poor air quality and a generally hazardous environment. Destruction of wetlands has turned their basin into a source of dust which has resulted in increased sandstorms.

The desertification in Khuzestan has reached some 280,000 hectares. An estimated 1.5 million people in the area are dependent predominantly on agriculture. As a result of the drying up of wetlands, many farmers have been driven into extreme poverty, have had to sell their lands and move into shanty towns in the outskirts of major cities. Since nearly 90 percent of available water sources are used for flood irrigation in the agriculture sector, Iran's human security and stability is closely intertwined with the balance between food security and water scarcity. As such, water shortages could lead to deeper food insecurity, which in turn could trigger further conflict and population displacement.

Water protests and Government response

On 15 July 2021, protests broke out in at least 26 cities in Khuzestan province over water shortages. In addition to a lack of access to water, protesters voiced grievances over restrictions to basic human rights and dissatisfaction with political governance. The protests subsequently spread to at least 41 cities in various provinces within two weeks, leading to the largest country-wide protests since November 2019. Protests have sporadically continued since.

In several cities in Khuzestan province, police and security forces reportedly opened fire and released tear gas towards protesters. Video and photo documentation received showed the heavy presence of security forces and special forces with military equipment deployed in the streets. It has been reported that the authorities on some occasions used plainclothes agents to pose as armed or violent protesters. At the same time, internet connection and

mobile data were disrupted in several cities in Khuzestan province, reportedly to prevent information about the protests and the Government response from reaching a wider audience via social media and other internet platforms.

It has been reported that during the protests in Khuzestan province at least nine individuals, including an underage teenage boy, were killed as a result of police and security forces' use of excessive use of force against the peaceful protesters. According to official statements, one police official was also shot and killed in Mahshahr. The use of potentially lethal force and firing of live ammunition, including through the use of automatic weapons and shotguns firing birdshots has allegedly led to the injuring of several individuals, including children.

It has been reported that many of those injured went into hiding and avoided going to hospitals to receive the needed care out of fear of being arrested. On 21 July, security and intelligence agents reportedly violently arrested several injured protesters from a hospital in Susangerd. There was reportedly no arrest warrants presented.

The official response to the overall protests has varied. Initially, some officials denied that the protests took place or attributed the rallies to "dissident groups" or "terrorist groups". For example, on 20 July 2021, the governor of Behbahan confirmed the arrest of a number of people, calling them "norm-breakers". Other officials have confirmed the use of violence against protesters and called for the protesters' demands to be addressed.

At the time of the writing of this communication, the authorities have confirmed the death of four "members of the public", but stated that these deaths are due to armed rioters. It has been reported that the authorities have broadcasted coerced interviews with families of killed protesters.

Reports indicate that since 15 July 2021, the authorities have also carried out mass arrests of at least 200 individuals, including children as young as 12 years old. Some reports indicate that at least 300 individuals were arrested and detained. Allegedly, some protesters are or have been subjected to enforced disappearances. Some of those detained were arrested by masked gunmen in violent overnight raids in their homes. Several of the detained protesters were initially held in detention facilities run by the Ministry of Intelligence or facilities run by the Islamic Revolutionary Guards Corps.

We express serious concerns at the alleged use of excessive and lethal force, including through the use of live ammunition, by police and security forces against individuals exercising their right to peaceful assembly in Khuzestan province and across the country, reportedly leading to the killing of at least nine individuals, including a teenager, and the injuring of a larger number. We are gravely concerned by allegations that plainclothes police and security agents have posed as violent protesters.

If confirmed, these allegations would be in contravention of the State's responsibility to protect the right to life and peaceful protesters and to ensure that there is an enabling environment for protesters to assemble safely. We also note that States have a positive obligation under international human rights law not only to

actively protect peaceful assemblies, but also to facilitate the exercise of the right to freedom of peaceful assembly. We express further concern at the disruption of internet access and mobile data as a means to obstruct peaceful protests and restrict the free flow of information, in violation of the rights to freedom of expression and to peaceful assembly. In addition, we express concern at the alleged arbitrary arrests and detention of a high number of protesters, including children, and at allegations that some of these individuals have been forcibly disappeared for periods of time and, in some cases, their fate and whereabouts remain unknown to date. We recall that arrest and detention due to peaceful exercise of rights protected by the International Covenant on Civil and Political Rights, including freedom of expression and association, as well as of peaceful assembly and of association, is arbitrary. More generally, we are concerned that the present incidents highlight the restrictive conditions that exist more generally for the exercise of the right to peaceful assembly and to the expression of dissent in the Islamic Republic of Iran.

We recall that a failure to acknowledge deprivation of liberty by State agents and refusal to acknowledge detention or the concealment of the fate or whereabouts of the person constitute an enforced disappearance, even if it is of short duration. In this regard, full compliance with procedural safeguards upon arrest and during the first hours of deprivation of liberty is essential to prevent possible human rights violations. These safeguards include immediate registration and judicial oversight of the detention, notification of family members as soon as an individual is deprived of liberty, and the assistance of a defence lawyer of one's choice.

We are equally concerned at the serious water and environmental crisis in Khuzestan province with grave consequences on several elements of the right to a healthy environment including access to safe and sufficient water, as recognized by the Human Rights Council by the adoption of resolution 48/13 on 8 October 2021 and the human rights to safe drinking water and sanitation which was explicitly recognized by the UN General Assembly (resolutions 64/192 and 70/169) and the Human Rights Council (resolutions 15/9 and 33/10). More specifically, we are preoccupied by the serious impacts of the current water crisis on the ecosystems and biodiversity in the region as a result of several alteration of river flows, including through the construction and operation of dams, which impact the access to safe drinking water and sanitation of the population living near those construction and operation sites, in particular, the availability and accessibility of water and sanitation in downstream communities. We are also deeply preoccupied by the alleged release of toxic substances in water resulting from the operations of the highly concentrated petrochemical industries in the region, affecting air quality and preventing the population from living in a toxic free environment. Furthermore, our concerns extend to potential flaws in the conduct of environmental impact assessment of the Godvan dam, and related negative consequences on the river, its aquatic ecosystems and population. We are concerned that the combination of impacts on the substantial and procedural elements of the right to a healthy environment, constitutes a serious violation of the said right with potential related consequences on the right to live, health, water and food. We finally concerned about the situation's impact on the right to everyone to adequate food, the realisation of which the Iranian State is required to ensure by taking appropriate steps, in line with the Article 11 (1) of the International Covenant on Economic, Social and Cultural Rights (ICESCR).

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.

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/or comment(s) you may have on the above-mentioned allegations.
2. Please provide information about the total number of people that have been killed in connection with the protests mentioned above, including their age and gender.
3. Please provide the details and, if available, the results, of any investigation, medical and judicial, or other inquiries carried out in relation to the alleged deaths and injuries of protesters in the context of the above-mentioned allegations. Please include information on their current status, the specific investigative steps taken and on compliance with international standards including the Minnesota Protocol on the Investigation of Potentially Unlawful Death. If no inquiries have yet taken place, or if they have been inconclusive, please explain why.
4. Please provide information about the entities involved in managing the protests, including law enforcement, security and other forces. Please provide information about the legal framework pertaining to the managing of assemblies, and the legal framework pertaining to the use of force.
5. Please provide information about the type of arms and equipment used in the authorities' response to the protests in Khuzestan and other provinces since 15 July 2021.
6. Please provide information about the number of individuals arrested, including their age and gender and place of detention. Please provide information about the legal basis for such arrest and about any subsequent charge, prosecution or trial. Kindly also indicate whether the accused have been afforded their right to receive legal assistance and if accurate information on their place of detention has been communicated to their families or their representatives or counsels. With regard to the allegations of enforced disappearances, please provide updated information on any investigation undertaken, or being conducted, with a view to ensuring accountability of those responsible. If no investigation was or is being conducted, please explain why. Moreover, with regard to persons whose fate and whereabouts remain unknown to date, please illustrate the measures undertaken to search for them and inform their relatives accordingly.
7. Please provide information about the directives issued, if any, by the Government to law-enforcement personnel concerning the precise circumstances in which the use of force is authorized, and indicate how these directives comply with the Islamic Republic of Iran's obligations

under the International Covenant on Civil and Political Rights (ICCPR), as well as with the requirements of the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

8. Please provide information about areas in which access to internet and mobile data has been disrupted. Please explain the legal basis for such disruptions and explain how this is consistent with your Excellency's Government's obligations under the ICCPR, in particular article 19 (3).
9. Please provide information on the process and result of the environmental impact assessment conducted in connection with the construction and operation of the Godvan Dam, including whether and how consultation with the population was ensured.
10. Please provide information on action taken to address and redress the water crisis and human rights impacts in the region, including through a human rights-based approach to water and sanitation management. Please also provide information on measures undertaken or envisaged to address and redress the water and environmental pollution caused by oil spills.

We would appreciate receiving a response within 60 days. Past this delay, this communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#). 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 prevent irreparable damage to the life and personal integrity of people living in the Khuzestan province, 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.

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

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Luciano Hazan
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Pedro Arrojo-Agudo
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Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw the attention of your Excellency's Government to the relevant international norms and standards that are applicable to the issues brought forth by the situation described above. In particular, we refer to articles 6, 7, 9, 16, 19, and 21 of the International Covenant on Civil and Political Rights (ICCPR), ratified by the Islamic Republic of Iran on 24 June 1975, which guarantee the rights to life, the prohibition of torture and inhuman or degrading treatment, liberty and security of person, the right to recognition as a person before the law, the right to freedom of opinion and expression and the right to freedom of peaceful assembly, respectively.

Excessive use of force

In connection with the right to freedom of peaceful assembly guaranteed under article 21 of the ICCPR, we would like to draw the attention of your Excellency's Government to resolution 25/38 of the Human Rights Council, which urges States to avoid using force during peaceful protests, and to ensure that, where force is absolutely necessary, no one is subject to excessive or indiscriminate use of force.

In this regard, we also refer to the Human Rights Committee, General Comment 36, stating that "States parties are expected to take all necessary measures to prevent arbitrary deprivation of life by their law enforcement officials, including soldiers charged with law enforcement missions. These measures include putting in place appropriate legislation controlling the use of lethal force by law enforcement officials, procedures designed to ensure that law enforcement actions are adequately planned in a manner consistent with the need to minimize the risk they pose to human life, mandatory reporting, review and investigation of lethal incidents and other life-threatening incidents, and supplying forces responsible for crowd control with effective, less-lethal means and adequate protective equipment in order to obviate their need to resort to lethal force (...). In particular, all operations of law enforcement officials should comply with relevant international standards, including the Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials ("the Basic Principles", and law enforcement officials should undergo appropriate training designed to inculcate these standards so as to ensure, in all circumstances, the fullest respect for the right to life."

Principle 12 of the Basic Principles provides that "everyone is allowed to participate in lawful and peaceful assemblies, in accordance with the principles embodied in the Universal Declaration of Human Rights and the ICCPR. Governments and law enforcement agencies and officials shall recognize that force and firearms may be used only in accordance with principles 13 and 14." These provisions restrict the use of firearms to situations of violent assemblies and provide that force and firearms may only be used as a last resort when unavoidable and require exercising the utmost restraint. In addition, pursuant to principle 5I, law enforcement officials should ensure the provision of timely medical assistance to anyone injured as a result of the use of force or firearms.

General Comment 36 further holds that "an important element of the protection afforded to the right to life by the Covenant is the obligation on the States parties, where they know or should have known of potentially unlawful deprivations

of life, to investigate and, where appropriate, prosecute the perpetrators of such incidents, including incidents involving allegations of excessive use of force with lethal consequences (...). Investigations and prosecutions of potentially unlawful deprivations of life should be undertaken in accordance with relevant international standards, including the Minnesota Protocol on the Investigation of Potentially Unlawful Death, and must be aimed at ensuring that those responsible are brought to justice, at promoting accountability and preventing impunity, at avoiding denial of justice and at drawing necessary lessons for revising practices and policies with a view to avoiding repeated violations. Investigations should explore, inter alia, the legal responsibility of superior officials with regard to violations of the right to life committed by their subordinates...Investigations into allegations of violations of article 6 must always be independent, impartial, prompt, thorough, effective, credible and transparent.”

Arbitrary detention

Article 9(1) of the ICCPR requires that no one is deprived of his liberty except on such grounds and in accordance with such procedure as established by law. This would normally require the issuance and presentation of a warrant for and during the arrest. Article 9(2) of the ICCPR provides that anyone who is arrested shall be informed, at the time of arrest, of the reasons for their arrest and shall be promptly informed of any charges against them. In addition, we would like to remind that pursuant to article 9(3) of the ICCPR that pre-trial detention is an exceptional measure and must be assessed on an individual basis. The rationale in paragraph 3 of article 9 also indicates that alternative measures including house arrest, judicial monitoring, release on bail shall not be regarded as compulsory vis-à-vis a pretrial detention but rather optional. The consideration of alternative non-custodial measures allows it to be ascertained whether the principles of necessity and proportionality have been met (see A/HRC/19/57, para. 54).

Detention should be assessed at all stages of proceedings, non-custodial measures should be taken whenever possible, and particularly during public health emergencies (Deliberation No. 11 on prevention of arbitrary deprivation of liberty in the context of public health emergencies, para. 14). Moreover, we would like to recall that article 9.3 requires that the arrested person shall be brought promptly before a judge. The decision on the need to subject the accused to pre-trial detention shall be taken by a judge or immediately subjected to judicial oversight. The fact that the prosecution, as the investigative authority, decides on the need to impose the pretrial detention represents a conflict of interest, which can negatively affect the rights and guarantees of the individual under the ICCPR.

Article 9 (4) of the ICCPR provides that “[a]nyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful”. In this respect, “[t]he right to bring proceedings applies in principle from the moment of arrest and any substantial waiting period before a detainee can bring a first challenge to detention is impermissible. In general, the detainee has the right to appear in person before the court, especially where such presence would serve the inquiry into the lawfulness of detention or where questions regarding ill-treatment of the detainee arise. The court must have the power to order the detainee brought before it, regardless of whether the detainee has asked to appear” (CCPR/C/GC/35, para. 42). Moreover, “[t]o facilitate

effective review, detainees should be afforded prompt and regular access to counsel. Detainees should be informed, in a language they understand, of their right to take proceedings for a decision on the lawfulness of their detention” (Ibid, para. 46).

We would also like to recall that the deprivation of liberty as punishment for the legitimate exercise of the rights to freedom of opinion and expression and freedom of assembly and association is arbitrary. Moreover, enforced disappearances violate numerous substantive and procedural provisions of the Covenant and constitute a particularly aggravated form of arbitrary detention and imprisonment after a manifestly unfair trial is arbitrary. (CCPR/C/GC/35, para. 17).

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).

Enforced disappearance

We also recall that enforced disappearance constitutes a particularly aggravated form of arbitrary detention as it places the person outside the protection of the law, in violation of article 6 of the Universal Declaration of Human Rights (see namely opinions No. 82/2018, para. 28; No. 18/2019, para. 33).

We recall that the Declaration on the Protection of all Persons from Enforced Disappearance proclaims that no State shall practice, permit or tolerate enforced disappearance (article 2); the right to be held in an officially recognized place of detention, in conformity with national law and to be brought before a judicial authority promptly after detention and the obligation to make available accurate information on the detention of persons and their place of detention to their family, counsel or other persons with a legitimate interest (article 10); that no circumstances whatsoever, whether a threat of war, a state of war, internal political instability or any other public emergency, may be invoked to justify enforced disappearances (article 7). Article 13 requires States to guarantee that any person having knowledge or a legitimate interest who alleges that a person has been subjected to enforced disappearance has the right to complain to a competent and independent State authority and to have that complaint promptly, thoroughly and impartially investigated by that authority. Whenever there are reasonable grounds to believe that an enforced disappearance has been committed, the State shall promptly refer the matter to that authority for such an investigation, even if there has been no formal complaint. No measure shall be taken to curtail or impede the investigation. We also refer to the study on enforced disappearance and economic, social and cultural rights (A/HRC/30/38/Add.5), in particular, paras. 33 and 35, which highlighted the use of enforced disappearance as a practice often used to repress and intimidate individuals claiming their rights.

Freedom of peaceful assembly

We recall that the right to freedom of peaceful assembly can be subject to certain restrictions in strict conditions of necessity and proportionality only. We would like to refer to 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”.

Freedom of Expression

We would also 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 calling 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).

With regard to Internet restrictions, we wish to express our concern about the negative effects that restrictions on Internet access may have on the right to freedom of opinion and expression, in particular the right to impart and receive information, and the right to peaceful assembly. In this context, we recall that the Human Rights Council has “condemned unequivocally measures to intentionally prevent or disrupt access to or dissemination of information online in violation of international human rights law, and called upon all States to refrain from and cease such measures.” (A/HRC/32/13).

Right to Food

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 (ICESCR), which recognizes the right of everyone adequate food. In its General Comment No. 15, the CESCR highlights that the right to water is inextricably related to the right adequate food. States are required to “take appropriate steps to ensure the realization of the right to food”, which the CESCR defined as the corresponding obligations to respect, protect, and fulfil the right to food in its General Comment No. 12. According to the Committee, the obligations to respect existing access to adequate food requires State parties to refrain from taking any pressures 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 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 their access to land in order to ensure their food security. (para. 15). 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. Furthermore, its General Comment No. 12 holds that the right to food requires States to proactively engage in activities to enhance access and populations of the resources and means necessary to ensure their livelihoods. The formulation and implementation

of national strategies, mandatory for the progressive realization of the right to food, require full compliance with the principles of transparency, accountability and participation of the people.

Right to a clean, healthy and sustainable environment

Finally, we would like to highlight that on 8 October 2021, the Human Rights Council adopted resolution 48/13, recognizing the right to a clean, healthy and sustainable environment. The management of water resources having a strong link with the effective enjoyment of the right to a healthy, clean and sustainable environment, we would like to emphasize that in order to respect, protect and fulfil the water related component of the right to a healthy environment, States should follow the seven stages of rights-based water governance as described in the report of the Special rapporteur on human rights and the environment on the topic (A/HRC/46/28). Those stages include; capacity building, public participation and empowerment, monitoring, inventory and enforcement of legal provisions and the development of rights-based plans, implementation and evaluation.

Furthermore, 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. Principle 4 provides, specifically, that “States should provide a safe and enabling environment in which individuals, groups and organs of society that work on human rights or environmental issues can operate free from threats, harassment, intimidation and violence.”

Right to safe drinking water and sanitation

We recall the explicit recognition of the human rights to safe drinking water by the UN General Assembly (resolution 64/292) and the Human Rights Council (resolution 15/9), which derives from the right to an adequate standard of living, protected under, inter alia, article 25 of the Universal Declaration of Human Rights, and article 11 of ICESCR. In its General Comment No. 15, the Committee on Economic, Social and Cultural Rights clarified that the human right to water means that everyone is entitled to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic uses.

Furthermore, the UN General Assembly (resolution 70/169) and the Human Rights Council (resolution 33/10) recognized that water and sanitation are two distinct but interrelated human rights. In particular, we recall explicit recognition that “the human right to sanitation entitles everyone, without discrimination, to have physical and affordable access to sanitation, in all spheres of life, that is safe, hygienic, secure, socially and culturally acceptable and that provides privacy and ensures dignity, while reaffirming that both rights are components of the right to an adequate standard of living”.