

Mandates of the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Working Group on Arbitrary Detention; the Working Group on the issue of human rights and transnational corporations and other business enterprises; the Special Rapporteur on the promotion and protection of human rights in the context of climate change; the Special Rapporteur in the field of cultural rights; the Special Rapporteur on the human right to a 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 situation of human rights defenders; the Special Rapporteur on violence against women and girls, its causes and consequences and the Special Rapporteur on the human rights to safe drinking water and sanitation

Ref.: AL IND 13/2024
(Please use this reference in your reply)

11 February 2025

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the rights to freedom of peaceful assembly and of association; Working Group on Arbitrary Detention; Working Group on the issue of human rights and transnational corporations and other business enterprises; Special Rapporteur on the promotion and protection of human rights in the context of climate change; Special Rapporteur in the field of cultural rights; Special Rapporteur on the human right to a 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 situation of human rights defenders; Special Rapporteur on violence against women and girls, its causes and consequences and Special Rapporteur on the human rights to safe drinking water and sanitation, pursuant to Human Rights Council resolutions 50/17, 51/8, 53/3, 57/31, 55/5, 55/2, 49/13, 52/9, 52/4, 50/7 and 51/19.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the **alleged reiterated and widespread suppression of local activists, human rights defenders, and journalists during the peaceful assemblies held from 23 to 28 April 2023, that were protesting against the construction of a refinery and petrochemicals facility in the village of Barsu, in Ratnagiri, Maharashtra, due to the human rights, environmental and climate impacts of the refinery. In this regard, we also received information about the alleged arrest of environmentalists Mr. Mangesh Chavan and Mr. Satyajit Chavan on 23 April 2023. Among the companies involved in the project of the refinery are Ratnagiri Refinery and Petrochemicals Limited (RRPCL), the Indian Oil Corporation Limited (IOCL), Bharat Petroleum Corporation Limited (BPCL) and Hindustan Petroleum Corporation Limited (HPCL), which are based in India.**

As Special Procedures mandate-holders, we have raised our concerns in the past about alleged attacks and ill-treatment, including by law enforcement, against journalists, human rights defenders and activists (JAL IND 3/2023). We note that no response has been received to this communication and would welcome a response from Your Excellency's Government. In the same vein, we also raised concerns regarding the detention and alleged ill-treatment of another human rights activist (JAL IND 2/2023), for which no response has been obtained.

According to the information received:

The project of building a refinery and petrochemicals plant in the village of Barsu, in Ratnagiri, Maharashtra, is being planned by a joint venture company named Ratnagiri Refinery and Petrochemicals Limited (RRPCL), formed by three Indian national oil firms: the Indian Oil Corporation Limited (IOCL), Bharat Petroleum Corporation Limited (BPCL) and Hindustan Petroleum Corporation Limited (HPCL). In addition, they signed a Memorandum of Understanding with Saudi Arabian Oil Company Saudi Aramco and the UAE's state-owned Abu Dhabi National Oil Company ADNOC, that also expressed their interest in the project.

Due to the location, as well as the scale of the project, serious concerns have been raised by the local farmers and villagers regarding the adverse effects that the RRPCL project might pose to the surrounding and other likely to be impacted ecosystems and, therefore, to the right to a healthy environment and social, economic and cultural rights of the local population that depends on farming and fishing to support their traditional livelihoods. Concerns have also been raised regarding the likelihood of pollutant leakage from the plant into the local groundwater supply, which is the villagers' primary source of freshwater for drinking and irrigation.

The placement of the refinery, the Western Ghats region, is recognized as a UNESCO World Natural Heritage Site, due to the area hosting endemic species and unique habitats. Furthermore, the area constitutes a crucial ecosystem as it is playing a pivotal role in regulating the regional climate through its influence on the Indian monsoon system. Based on information received, the refinery in the village of Barsu would demand up to 15,000 acres.

In addition to the direct environmental impacts, the main source of employment in the region are mango and cashew orchards, which are sensitive to environmental disturbances, while the Konkan coastline in the area constitutes the main income for fisherfolk in the community. We have received information that local communities are concerned that potential oil spills, wastewater discharge, and toxic emissions will have adverse effects on farming and fishing in the area. This would furthermore affect the availability and quality of water. Many farmers expressed worry that if their land is taken for the project, they would lose their main source of income. Additionally, soil contamination and air pollution from industrial activities could reduce crop yields and degraded farmland, making it difficult for farmers to sustain their agricultural activities. The destruction of fertile land would further impact the region's food security and economic stability. This would furthermore affect the availability and quality of water, further impacting the right to food by limiting access to safe and sustainably produced food sources.

Furthermore, the coastline of the proposed placement of a related port at Sakri Nate, a Muslim-majority village, is falling under the Coastal Regulation Zone (CRZ) 1A category as per the 2019 CRZ Notification, due to the presence of corals, dunes, and other coastal vegetation. According to the information

received, the Pre-Feasibility Report of the project has not been prepared, and therefore details of the port infrastructure, and other parts of project are not available. This undermines likely affected communities' right to access to information, as well as the right of access to information of other interested holders of the human right to a healthy environment.

Given this information, the proposed establishment of RRPCL can potentially cause important environmental degradation in the area, affecting ecosystems and the rights of communities. Impacts might include groundwater contamination, habitat destruction, and disruption of traditional livelihoods and living cultural practices linked with farming and fishing, along with other ecological and social harms. Soil contamination from refining operations is often a less visible but persistent issue. Leaks, accidents, or spills on or off-site during the shipping process might contaminate the soil with hazardous wastes, used catalysts, coke dust, tank bottoms, and sludges from the treatment operations which can degrade soil fertility, making it difficult for farmers to grow crops and leading to reduced agricultural yields, further impacting their livelihoods.

The complex is also expected to contribute dramatically to the ongoing climate crisis, due to the emissions that would result from its operations and chemical outputs. In fact, the International Energy Agency highlighted that oil and gas' production, transport and processing worldwide resulted in 5.1 billion tonnes (Gt) CO₂-eq in 2022, which corresponded to around 15% of total energy-related emissions at the global level for the same year. According to the information received, the RRPCL would be the world's largest integrated refinery and petrochemical facility, with an output capacity of 60 million metric tonnes of crude oil per year. In its Updated First Nationally Determined Contribution Under Paris Agreement, India has recently committed to reduce emissions intensity of its GDP by 45 % by 2030, from 2005 level. In addition to the climate and environmental impacts of the output of the refinery, both at the national and international level, the production process and the construction of the refinery will also contribute to climate change and potentially worsen air, water and soil quality in the area, with related impacts on the human rights to health and to a healthy environment in particular.

Apart from health-related issues caused by the project, villagers are concerned that the polluting gases can harm mango cultivation in the region, which witnesses an annual turnover of Rs 2,200 crore (2,541,705.40 US Dollars) for the district. With a 167-km coastline, Ratnagiri district has 6,600 sq m of continental shelf area and a potential fishing region up to 40 fathoms, translating to 2,910 sq km. Chemicals and gases like nitrates and sulphates in turn would contaminate villages nearby. Pollution caused by the waste released into the sea will affect the fish, adversely impacting the traditional fisheries business.

The project's planned location and scale allegedly also threaten the cultural heritage site of Konkan, which is considered for inclusion in the Tentative List of UNESCO World Heritage Sites. This region holds a number of cultural artifacts known as geoglyphs, which evidence the region's long cultural legacy. Barsu village, part of the Konkan site, contains the largest cluster of geoglyphs

in the region. Thus, the construction of the plant, together with the chemical reactions related to it, could have an irreparable and serious damage on the geoglyphs in the area.

Reprisals against those opposing the project

Due to the environmental and climate impacts described above, the proposed RRCPL project would potentially affect all of the key substantive elements of the right to healthy environment: clean air; a safe climate; healthy and sustainably produced food; access to safe drinking water and adequate sanitation; non-toxic environments in which to live, work and play; and healthy ecosystems and biodiversity. The proposed RRCPL project will furthermore affect other rights such as the right to health, water, food and cultural rights. In response to the detrimental effects on ecosystems, traditional livelihoods and natural, built and living heritage in the region, and to the lack of information, many members of the local community, especially women, have organized, over the years, peaceful gatherings and protests to challenge the implementation of the project.

Notwithstanding the peaceful nature of the protests, various measures were taken to impede the demonstrations. In April 2023, around 2,000 police officers were mobilized in Ratnagiri in relation to planned protests. Then, public gatherings were prohibited by the Maharashtra government in the region for over a month. Lastly, in Rajapur Taluka, as well as in a 1 km radius of Barsu and five adjacent villages, a strict curfew was imposed from 24 April to 31 May 2023, based on section 144 of the Criminal Code.

On 23 April 2023, the environmental human rights defenders Mr. Mangesh Chavan and Mr. Satyajit Chavan were arrested, reportedly as a consequence of their activism against the establishment of the plant. The arrests were reportedly a result of prior police monitoring. Mr. Mangesh Chavan and Mr. Satyajit Chavan were not released until 26 April 2023, after having been charged with several criminal offenses. Eight other residents from villages surrounding the plant site were also pre-emptively arrested.

Reportedly, local community members continued to organize peaceful assemblies after these arrests. On 24 April 2023, many villagers, especially women, assembled at the project's planned site to protest a soil inspection. The next day, around 50 to 60 women peacefully obstructed the roads leading to the site to hinder the entry of the vehicles related to the tests. Police officers, armed with batons, disrupted the protests. Numerous protesters were hit, stripped of their possessions, and arrested.

On 26 April 2023, a contingent of around 2,000 police officers was deployed to Barsu and the surrounding villages. They established a checkpoint for inspections in Rajapur. On 27 April 2023, more than 700 protesters were detained, many being booked under rioting, unlawful assembly and disobedience of public order. The police also allegedly blocked community members from the surrounding villages from reaching the protests. In addition to that, journalists from multiple media platforms interested in reporting on the

protests, including the Marathi TV news channels, were prevented from reaching the site by the police. On 28 April 2023, the police reportedly dispersed the protests using tear gas.

According to the information received, in recent months, activists have continued to face threats and are reportedly blackmailed, in order to pressure them into supporting the project of the RRPCL.

Without prejudging the accuracy of these allegations, we would like to express our deep concern about the highly repressive environment and the suppression of protests and peaceful assemblies related to the RRPCL project. In addition, we note that these rights have been exercised in a context where the human right to access to information was not protected and therefore did not support the exercise of civil and political rights in this context. These oppressive measures undermine the right to freedom of opinion and expression, of peaceful assembly and the right to take part in decision-making processes that have an impact on cultural life. We are deeply concerned about the potential negative impact this would have on the local community's rights to a clean, healthy and sustainable environment and to legitimately express their discontent and concerns, as well as sharing their knowledge about the detrimental effects the project's completion might have on the environment, the climate, their cultural heritage, and their livelihoods. We are also concerned that this situation undermines the right to information of the general public in the context of climate change and their right to a healthy environment.

We are furthermore concerned by the criminal prosecution, arbitrary detention and violent intimidation of journalists, environmental activists, members of civil society and human rights defenders, which have particularly affected women. Likewise, we remind your Excellency's Government that such acts would constitute serious human rights violations, including breaches of the rights to freedom of peaceful assembly and association, freedom of expression and the human right to a clean, healthy and sustainable environment.

Lastly, we are also deeply concerned about the human rights, environmental and climate impacts of the RRPCL project, contributing to the current planetary crisis of climate change, biodiversity loss and toxic pollution, noting that India has recognized the right to a healthy environment at the national level. In particular, we are preoccupied by the potential serious human rights negative impacts resulting from the construction and operation of the refinery, including due to potential risks of air, water, soil contamination and negative consequences on ecosystems. In order to effectively prevent irreparable damages of the construction and production of the refinery, access to information along with meaningful participation must be ensured, in line with India's international human rights obligations. In addition, a participatory and comprehensive human rights and environmental impact assessment is needed, as well as the conduct of human rights due diligence by the companies involved in accordance with the UN Guiding Principles on Business and Human Rights. Opportunities to participate in such evaluations should furthermore be made public to ensure timely access to accurate and meaningful information is fulfilled. Access to justice and effective remedies must be provided if there are concerns about the quality and inclusivity of these evaluations.

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 advise what steps your Excellency's Government is taking to ensure accountability for serious violations against those who were exercising their rights to freedom of peaceful assembly, association, and expression, in relation to the completion of the RRPCL project, including journalists reporting on the project, human rights defenders and activists.
3. Please provide detailed information about the existing laws, regulations, and procedures that guide police conduct during arrest, and detention; and what mechanisms exist to monitor its conduct and prevent abuse of power.
4. Please advise what steps your Excellency's Government is taking to ensure that individuals and groups, including those expressing dissent or criticism, are able to exercise their rights to freedom of peaceful assembly, of association and expression without fear of arrest or harassment, and to ensure law enforcement refrain from using excessive force in response to protests. Please also kindly provide information specifically in light of the recommendations provided to States in the report of the Working Group on the issue of human rights and transnational corporations and other business enterprises on the adverse impact of business activities on human rights defenders (A/HRC/47/39/Add.2), recalling for States and businesses the normative and practical implications of the UN Guiding Principles on Business and Human Rights in relation to protecting and respecting the vital work of human rights defenders.
5. Please provide information about all measures the Government has taken to inform the population concerned about the project, and to seek their meaningful consultation in the decision-making processes about the project, that will have an impact on their livelihoods and ways of life. If no such consultation was organized, please indicate how this is compatible with India's international human rights commitments.
6. Please advise what steps your Excellency's Government is taking to ensure civil society, human rights defenders and the media are free to document and report on human rights in the country, including regarding the human right to a clean, healthy and sustainable environment, to work to promote democratic freedoms, justice and accountability, in an

enabling environment without intimidation, harassment or criminal prosecution.

7. Please advise what steps your Excellency's Government is taking to ensure the fulfilment of the right to a clean healthy and sustainable environment for communities in the area, including information on what steps were taken to prevent and address the negative social, cultural, human rights, environmental and climate impacts on the local population in the surrounding area of the RRPCL project.
8. Please provide detailed information about the existing laws, regulations, and procedures that guide the consideration of comprehensive environmental impacts of the establishment of the mentioned refinery and petrochemical project (the RRPCL), including any environmental impact assessments conducted previously to the authorization of the project and whether and how the environmental (including biodiversity and climate) impacts were considered, in line with national and international law.
9. Please indicate measures taken to ensure that your Excellency's Government complies with international environmental laws and human rights standards, especially in relation to air quality, water quality, and preventing people from exposure to toxic substances.
10. Please indicate measures put in place to achieve the targets to reduce emissions intensity of its GDP by 45% by 2030, from 2005 level by 2030, as pledged in India's Updated First Nationally Determined Contribution Under the Paris Agreement.
11. Please provide information as to India's general measures (laws, programmes, information, trainings for enforcement officers) to ensure 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 (see Annex).
12. Please provide information as to India's general measures (laws, programmes, information, trainings for enforcement officers) to ensure participatory and comprehensive prior human rights and environmental impact assessments of projects that may have significant negative impacts on biodiversity and the climate.
13. Please indicate what steps your Excellency's Government has taken or is considering to take, including policies, legislation, and regulations, to uphold its obligations to protect against human rights abuses by business enterprises in its territory and/or under its jurisdiction, and ensuring that business enterprises within its territory and/or jurisdiction conduct effective human rights due diligence to identify, prevent, mitigate, and account for how they address their impacts on human rights, including on the natural environment, throughout their operations, as set forth by the UN Guiding Principles on Business and Human Rights.

14. Please describe the guidance, if any, that your Excellency's Government has provided to Indian business enterprises, including those involved in the construction of a refinery and petrochemicals facility in the village of Barsu, on how to respect human rights throughout their operations in line with the UN Guiding Principles. This guidance may include measures, inter alia, conducting human rights due diligence, consulting meaningfully potentially affected stakeholders, and remediating any negative impacts.
15. Please indicate specific initiatives taken to ensure that those affected by business-related human rights abuse within your jurisdiction and/or territory have access to effective remedy.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 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.

Further, we would like to inform your Excellency's Government that after having transmitted the information contained in the present communication to the Government, the Working Group on Arbitrary Detention may also transmit the case through its regular procedure in order to render an opinion on whether the deprivation of liberty was arbitrary or not. The present communication in no way prejudices any opinion the Working Group may render. The Government is required to respond separately to the present communication and the regular procedure.

Please note that a letter expressing similar concerns was sent to the Governments of the Kingdom of Saudi Arabia and United Arab Emirates, as well as to the following business enterprises: Ratnagiri Refinery and Petrochemicals Limited (RRPCL), the Indian Oil Corporation Limited (IOCL), Bharat Petroleum Corporation Limited (BPCL), Hindustan Petroleum Corporation Limited (HPCL), Saudi Arabian Oil Company (Saudi Aramco) and Abu Dhabi National Oil Company (ADNOC).

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

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Mary Lawlor
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Reem Alsalem
Special Rapporteur on violence against women and girls, its causes and consequences

Pedro Arrojo-Agudo
Special Rapporteur on the human rights to safe drinking water and sanitation

Annex

Reference to international human rights law

In connection with the above-alleged facts and concerns, we would like to draw your attention to the relevant international norms and standards that apply to the issues raised by the situation above.

Freedom of opinion and expression

We would like to refer your Excellency's Government to the International Covenant on Civil and Political Rights (ICCPR), to which India acceded on 10 April 1979. We recall article 19 of the ICCPR, which guarantees that everyone shall have the right to hold opinions without interference, and the right to freedom of expression, which includes freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of one's choice. As interpreted by the Human Rights Committee in general comment No. 34 (CCPR/C/GC/34), such information and ideas include, *inter alia*, political discourse, commentary on one's own and on public affairs, cultural and artistic expression, and discussion of human rights (paragraph 11) as well as expression of criticism or dissent. This right applies online as well as offline, covers the right of a free press and other media able to comment on public issues without censorship or restraint and to inform public opinion and a corresponding right of the public to receive media output. It includes not only the exchange of information that is favourable, but also that which may criticize, shock, or offend.

In [general comment No. 34](#), the Human Rights Committee asserts that there is a duty of States to put in place effective measures to protect against attacks aimed at silencing those exercising their right to freedom of expression (para. 23). Recognizing how journalists and persons who engage in the gathering and analysis of information on the human rights situation and who publish human rights-related reports, including judges and lawyers, are frequently subjected to threats, intimidation and attacks because of their activities, the Committee stresses that "all such attacks should be vigorously investigated in a timely fashion, and the perpetrators prosecuted, and the victims, or, in the case of killings, their representatives, be in receipt of appropriate forms of redress" (para. 23).

Any restriction on the right to freedom of expression must be compatible with the requirements set out in article 19(3) ICCPR. Under these requirements, restrictions must (i) be provided by law; (ii) pursue one of the legitimate aims for restriction, which are the respect of the rights or reputations of others and the protection of national security or of public order (*ordre public*), or of public health or morals; and (iii) be necessary and proportionate for those objectives. The Human Rights Committee has clarified that not only should the restrictions be enacted in law but that the language of the law should be clear, precise, accessible, and predictable. Furthermore, "necessity" implies that the restrictions must be proportionate to the objectives to be achieved. In other words, the restrictions must be "the least intrusive instrument among those which might achieve the desired result." The State has the burden of proof to demonstrate that any such restrictions are compatible with the Covenant (Human Rights Committee, general comment No. 34, CCPR/C/GC/34).

In its general comment No. 35, the Human Rights Committee has found 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), or on discriminatory grounds, in violation of article 2, paragraph 1, article 3 or article 26, are in principle arbitrary.

Freedom of peaceful assembly and protection from arbitrary detention

We also recall article 21 of the ICCPR, which protects the right to peaceful assembly. The Human Rights Committee highlighted that article 21 ‘protects peaceful assemblies wherever they take place: outdoors, indoors and online; in public and private spaces; or a combination thereof. Such assemblies may take many forms, including demonstrations, protests, meetings, processions, rallies, sit-ins, candlelit vigils and flash mobs’ (CCPR/C/GC/37, para. 6). The Human Rights Committee also affirmed that States “should effectively guarantee and protect the freedom of peaceful assembly and avoid restrictions that do not respond to the requirements under article 4 of the Covenant. In particular, it should refrain from imposing detention on individuals who are exercising their rights and who do not present a serious risk to national security or public safety” (CCPR/C/THA/CO/2, para. 40).

Moreover, in reference to the seemingly arbitrary nature of the protesters and activists’ arrest, we would like to refer to article 9 of the ICCPR enshrining the right to liberty and security of person and establishing in particular that no one shall be deprived of his or her liberty except on such grounds and in accordance with such procedure as are established by law, as well as the right to legal assistance from the moment of detention. The international law on deprivation of liberty includes the right to be presented with an arrest warrant, which is procedurally inherent in the right to liberty and security of person and the prohibition of arbitrary deprivation, under articles 3 and 9 respectively of the Universal Declaration of Human Rights and article 9 of the Covenant, as well as under principles 2, 4 and 10 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment. Article 9(4) also entitles everyone detained to challenge the legality of such detention before a judicial authority.

Furthermore, in its general comment No. 35, the Human Rights Committee has found 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). This has also been established in consistent jurisprudence of the Working Group on Arbitrary Detention. Article 14 upholds the right to a fair trial and equality of all persons before the courts and tribunals, the right to a fair and public hearing by a competent, independent and impartial tribunal established by law, as well as the right to legal assistance.

The Universal Declaration of Human Rights also establishes, through its article 10, that “Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his/her rights and obligations and of any criminal charge against him/her”. The Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, specifically

principle 2, makes clear that “[a]rrest, detention or imprisonment shall only be carried out strictly in accordance with the provisions of the law and by competent officials or persons authorized for that purpose. It should also be noted that principle 9, states that “[t]he authorities which arrest a person, keep him/her under detention or investigate the case shall exercise only the powers granted to them under the law and the exercise of these powers shall be subject to recourse to a judicial or other authority.” Lastly, principle 11 outlines the right of all detainees to be heard promptly by a judicial authority.

Human rights defenders

Furthermore, we bring to your attention 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. We would like to draw further attention to the following provisions of the UN Declaration on Human Rights Defenders:

- article 5(a) and (b), which provides for the right of all persons to meet or assemble peacefully and to form, join and participate in non-governmental organisations, associations, or groups;
- 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.

We would also like to refer to the Human Rights Council resolution 31/32 which in paragraph 2 calls upon all States to take all measures necessary to ensure the rights and safety of human rights defenders, including those working towards realization of economic, social and cultural rights and who, in so doing, exercise other human rights, such as the rights to freedom of opinion, expression, peaceful assembly and association, to participate in public affairs, and to seek an effective remedy. It further underlines in paragraph 10 the legitimate role of human rights defenders in mediation efforts, where relevant, and in supporting victims in accessing effective remedies for violations and abuses of their economic, cultural rights, including for members of impoverished communities, groups, and communities vulnerable to discrimination, and those belonging to minorities and indigenous peoples.

We would also like to refer to the report of the former Special Representative of the Secretary-General on the situation of human rights defenders to the General Assembly on 5 September 2006 (A/61/312), where the Special Representative urges States to ensure that law enforcement officials are trained in and aware of international human rights standards and international standards for the policing of peaceful

assemblies and to investigate allegations of indiscriminate and/or excessive use of force by law enforcement officials (para. 98).

Cultural rights

We would like to refer your Excellency's Government to article 15 paragraph 1(a) of International Covenant on Economic, Social and Cultural Rights (ICESCR), to which India acceded on 10 April 1979, recognizing the right of everyone to take part in cultural life. In its general comment 21, the Committee on Economic, Social and Cultural Rights stressed the right of everyone to contribute to the development of the community to which a person belongs, and in the definition, elaboration and implementation of policies and decisions that have an impact on the exercise of a person's cultural rights. Accordingly, every person, without discrimination, has a right to contribute in shaping culture and the society they live in, and "to be involved in creating the spiritual, material, intellectual and emotional expressions of the community" (E/C.12/GC/21, para. 15c).

In relation to the village's cultural heritage, we refer also to the Human Rights Council resolution (33/20), which "calls for the identification of innovative ways and best practices, at the national, regional and international levels, for the prevention of violations and abuses of cultural rights, and for the prevention and mitigation of damage caused to cultural heritage, both tangible or intangible". In that same vein, we note that any destruction or permanent damage to the village's cultural sites would conflict with (A/HRC/RES/49/7), which clearly encourages the implementation of strategies to prevent the destruction of cultural heritage by, *inter alia*, ensuring accountability, establishing and/or maintaining inventories documenting the cultural heritage within their jurisdiction, including through digital means, implementing educational programmes on the importance of cultural heritage and cultural rights.

In her report to the General Assembly, the Special Rapporteur in the field of cultural rights highlighted that no violation of human rights, including cultural rights, may be justified in the name of development or sustainable development (A/77/290, para. 95). She stressed that people and peoples must be the primary beneficiaries of sustainable development processes and recommended that States, international organizations and other stakeholders ensure that sustainable development processes (a) Are culturally sensitive and appropriate, contextualised to specific cultural environments and seek to fully align themselves with the aspirations, customs, traditions, systems and world views of the individuals and groups most likely to be affected; (b) Fully respect and integrate the participation rights and the right of affected people and communities to free, prior and informed consent; (c) Are self-determined and community led; (d) Are preceded by human rights impact assessments to avoid any negative impacts on human rights, including impact assessments on cultural rights; any impact assessment failing to address living heritage or the cultural significance of affected natural resources, or conducted without the free, prior and informed consent, consultation and active participation of the persons and communities affected directly or indirectly, should be rejected as insufficient and incomplete (A/77/290, paras. 97-98).

Business and human rights

We would like to draw attention to the United Nations Guiding Principles on Business and Human Rights (A/HRC/17/31). The guiding principles affirm the international legal obligations applicable to the State: "States must protect against human rights violations committed within their territory and/or jurisdiction by third parties, including business" (guiding principle 1). This requires States to "clearly state that all companies domiciled in their territory and/or jurisdiction are expected to respect human rights in all their activities" (guiding principle 2). "In compliance with their obligation to protect, States must: (b) Ensure that other laws and regulations governing the creation and activities of companies, such as commercial law, do not restrict but rather encourage respect for human rights by companies; (d) Encourage and if necessary require companies to explain how they take into account the impact of their activities on human rights (guiding principle 3). States should also take appropriate measures to ensure, through appropriate judicial, administrative, legislative or other appropriate channels, that when such abuses occur in their territory and/or jurisdiction, those affected have access to effective redress mechanisms" (principle 25). The guiding principles also emphasize that "States must ensure [...] that no obstacles are placed in the way of legitimate and peaceful activities of human rights defenders" (commentary on guiding principle 26).

Businesses also have a responsibility to respect human rights, which requires them to have appropriate policies and procedures in place; such as a human rights due diligence process to identify, prevent, mitigate, and account for how they address their human rights impact; and processes to redress all negative human rights consequences they have caused or contributed to causing (principles 11-24).

The right to a clean, healthy and sustainable environment

Regarding the possible adverse effects on the environment, we would like to cite that, on 8 October 2021, the Human Rights Council adopted resolution 48/13, recognizing the right to a clean, healthy and sustainable environment, confirmed by the General Assembly in July 2022 with resolution A/RES/76/300.

In relation to this, we wish to refer to the Framework Principles on human rights and the environment of the Special Rapporteur on human rights and the environment (A/HRC/37/59, annex), which summarize the main human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment. Namely, Framework **principle 1** provides that States should ensure a safe, clean, healthy and sustainable environment in order to respect, protect and fulfil human rights. In the same vein, **principle 2** reiterates that States should respect, protect and fulfil human rights in order to ensure 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." Accordingly, "the requirements for such an environment include that States: adopt and implement laws that protect human rights defenders in accordance with international human rights standards; publicly recognize the contributions of human rights defenders to society and ensure that their work is not criminalized or stigmatized; develop, in consultation with human rights defenders, effective programmes for

protection and early warning; provide appropriate training for security and law enforcement officials; ensure the prompt and impartial investigation of threats and violations and the prosecution of alleged perpetrators; and provide for effective remedies for violations, including appropriate compensation (see also A/71/281, A/66/203 and A/HRC/25/55, paras. 54–133).”

With regard to the protection of the human rights of climate activists as environmental human rights defenders, the Special Rapporteur on the rights to freedom of peaceful assembly and of association called on States to: adopt all necessary measures to ensure that climate defenders meaningfully participate in all just-transition policy development and implementation at all levels of decision-making; conduct thorough, prompt, effective and impartial investigations into killings and violence against civil society actors; ensure that perpetrators are brought to justice; and refrain from issuing official and unofficial statements stigmatizing climate defenders. The Special Rapporteur on climate change and human rights has called on States to: protect climate activists as environmental human rights defenders; urgently develop, in coordination with civil society, positive narratives on the contributions of environmental human rights defenders to the protection of human rights in the context of climate change; gather and share information on threats of violence or attacks against environmental human rights defenders and available protection measures and challenges faced in accessing justice, including for children. She also underscored that intimidation or harassment of environmental human rights defenders by public administration bodies, business and other actors can have a deterrent effect on requesting information, which undermines the contribution of climate and environmental human rights defenders to the protection of everyone’s human right to a healthy environment, including a safe climate.

Furthermore, **Principle 8** of the Framework Principles on human rights and the environment of the Special Rapporteur on human rights and the environment (A/HRC/37/59, annex), reaffirms that, to avoid undertaking or authorizing actions with environmental impacts that interfere with the full enjoyment of human rights, States should require the prior assessment of the possible environmental impacts of proposed projects and policies, including their potential effects on the enjoyment of human rights. The assessment requires meaningful participation of the public, done in a manner that does not discriminate anyone. **Principle 14** require States to ensure that they 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.

In addition, we recall that The Committee on the Rights of the Child, in its general comment No. 26(2023), emphasized that to protect children’s right to a healthy environment, which is implicit in the Convention on the Rights of the Child, States must take immediate action to equitably phase out the use of coal, oil and gas; and States that have substantial fossil fuel industries should assess the social and economic impact on children of their related decisions. Furthermore, several Special Rapporteurs have pointed out the tremendous negative impacts on human rights of fossil fuels throughout their life cycle, from exploration and extraction to combustion and contamination, noting that fossil fuels exploitation affects the rights to life, health, food, water and sanitation, education, an adequate standard of living, cultural rights, and a clean, healthy and sustainable environment with marginalised and vulnerable communities bearing the

brunt of the consequences.

We further recall that under the Convention on Biological Diversity, States have obligations to: manage biological resources important for the conservation of biodiversity whether within or outside protected areas, with a view to ensuring their conservation and sustainable use (art. 8); and introduce appropriate procedures requiring environmental impact assessment of its proposed projects that are likely to have significant adverse effects on biodiversity with a view to avoiding or minimizing such effects and allow for public participation in such procedures (art. 14). CBD Parties committed to: include approaches to conserve, enhance and sustainably use biodiversity and ecosystem functions and services in upstream decisions on investments in the energy sector, through strategic environmental assessments and integrated spatial planning, including the evaluation of alternatives to such investments; apply best practices on environmental impact assessments; review and, as appropriate, update legal frameworks, policies and practices to promote the mainstreaming of biodiversity in the energy sector, including through safeguard, monitoring and oversight measures; and promote the full and effective participation of Indigenous peoples and local communities, academia, women, and youth, through consultations with Indigenous peoples and local communities with a view to obtaining free, prior and informed consent, consistent with international agreements (decision XIV/3, 2018).

Right to water

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.”