

**Mandates of the Working Group on the issue of human rights and transnational corporations and other business enterprises; the Special Rapporteur in the field of cultural rights; the Special Rapporteur on the right to development; 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 the human rights of internally displaced persons; the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes 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)

28 April 2025

Excellency,

We have the honour to address you in our capacities as Working Group on the issue of human rights and transnational corporations and other business enterprises; Special Rapporteur in the field of cultural rights; Special Rapporteur on the right to development; 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 the human rights of internally displaced persons; Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes and Special Rapporteur on the human rights to safe drinking water and sanitation, pursuant to Human Rights Council resolutions 53/3, 55/5, 51/7, 55/2, 58/10, 52/9, 52/4, 50/6, 54/10 and 51/19.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **alleged human rights violations of the indigenous communities of the Ayllu Acre Antequera of the Sura nation, located in the municipalities of Pazña and Antequera in the Poopó province of the department of Oruro, Bolivia, related to the mining activities carried out at the Bolívar mine by the state-owned company COMIBOL and the Canadian company Santacruz Silver Mining Ltd., in addition to other smaller-scale mining operations operating in the ancestral territory of these communities, such as the Empresa Minera Salvada Sociedad Colectiva.** The alleged violations are related to environmental contamination and the impacts on the health, criminalization and displacement of human rights defenders, and abuses of the rights of Indigenous Peoples, including the right to free, prior and informed consent.

The Bolívar mine extracts silver, zinc and lead under a mixed concession. The state-owned company COMIBOL (Corporación Minera de Bolivia) holds a 55% stake, while Asociación Sociedad Minera Illapa S.A. (Illapa), a wholly owned subsidiary of the Canadian company Santacruz Silver Mining Ltd., holds the remaining 45%. Until 11 October 2021, Illapa was owned by the Swiss company Glencore, when the definitive sale of its operating rights in Bolivia to Santacruz Silver Mining Ltd. took place.

According to the information received:

The Ayllu (an ancestral communal system of life and land ownership in Bolivia) Acre Antequera has 3,264 inhabitants (2012 data) from 8 Quechua-speaking communities (Chapana, Antequera, Charcajara, Huacuyo, Queaqueani Grande, Queaqueani Chico, Totoral Grande, and Totoral Chico).

The communities are located in the eastern part of the Poopó province, in the department of Oruro. Large-scale mining operations in this arid highland region are having serious and worrying effects on the Indigenous Peoples living in the area.

Currently, communities that coexist with the Bolívar mine have suffered environmental contamination that affects their health and their right to a healthy environment, as well as criminalization and attacks against indigenous defenders. There have also been reports of a lack of free, prior and informed consultation and consent on projects, and serious impacts on ways of life, economy and traditional cultural transmission.

*Rights to water, health, food and a clean, healthy and sustainable environment*

Mining activities have severely contaminated water and soil in the Ayllu Acre Antequera, violating the communities' rights to access food, safe drinking water, right to health and to a clean, healthy and sustainable environment.

Large-scale mining extraction has led to water shortages, exacerbated by the diversion of underground springs to supply mining operations. In a region characterized by its aridity, the Bolívar mine uses 800,000 liters of water a day and discharges 80 liters of wastewater per second into the Antequera River<sup>1</sup>. According to several independent studies cited in a 2017 report, the remaining water is contaminated with arsenic, lead, cadmium, zinc, and cyanide sulphates at levels hazardous to health. As early as 2012, technical reports by the Ministry of Environment and Water had found levels of cyanide and ammonia in water treatment discharge that exceeded permitted limits.

Natural sources are contaminated and unsuitable for human, animal and agricultural consumption, failing to meet acceptable standards for colour, odour or taste. The state does not provide drinking water services. Only a tanker truck brings drinking water from Oruro to Antequera and the mining centres, while sources dry up in winter and springs have been diverted by mining activities.

Residents lack sufficient water for personal consumption and hygiene. Lack of access to clean and sufficient water has had consequences on agricultural and livestock activities, which represent a fundamental source of livelihood and cultural tradition for communities in the region. Crops such as potatoes, essential to the Indigenous diet and culture, have decreased in size and quality, while the loss of domestic livestock, such as llamas and sheep, has further impacted the right to food and the livelihoods of families. Pollution has

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<sup>1</sup> Glencore Shadow Watch Network ( April 2017) Shadow Report on Glencore's Operations in Latin America <https://multiwatch.ch/content/uploads/2007/01/Shadow-Report-on-Glencore-Operations-in-Latin-America.pdf>

disrupted traditional food sources, diminishing the availability of safe and nutritious food. The contamination of water and soil has further led to water and food insecurity, forcing communities to rely on external supplies, which are often costly and insufficient.

Pollution has also compromised air and soil quality due to the accumulation and dispersion of toxic waste from tailings dams. These substances are carried by the wind to homes, farmlands and water sources, aggravating the exposure of communities to health risks. Communities are continuously exposed to hazardous substances, affecting their rights to life, health, physical integrity, safe food and water, adequate housing and a healthy environment.

### *Cultural Rights and community survival*

Water and soil contamination in the territory of the Ayllu Acre Antequera has led to environmental devastation that threatens the cultural and communal survival of Indigenous Peoples. In search of clean water and basic living conditions, many families have had to abandon their lands or confine themselves to ever smaller plots of land that cannot sustain their subsistence with the available natural resources.

Forced migration and the reduction of their territories have profoundly disrupted their traditional way of life, affecting their cultural identity and economy based on agricultural and livestock practices. Young people have been separated from the elderly, threatening to interrupt the transmission of cultural knowledge and participation in collective activities that are essential to preserving their heritage and collective identity.

### *Equality and non-discrimination*

As mining activity has eroded traditional livelihoods and collective economic systems in the Ayllu Acre Antequera, many residents have reportedly become dependent on employment in the mines as their only source of income. However, complaints have been reported from Indigenous community members due to discriminatory practices that exclude access to sources of employment, despite the existence of agreements that prioritize the hiring of local people.

In addition, mining companies have reportedly implemented strategies that foster social division, offering employment only to certain indigenous members (*comuneros*) on the condition that they act as informants in defense of the company, thus weakening community cohesion. Despite complaints filed by residents, no results have been observed to remedy this situation, perpetuating a pattern of exclusion and marginalization.

### *Criminalization and harassment of human rights defenders*

Human rights defenders in the Ayllu Acre Antequera face a systematic campaign of threats, reprisals, criminalization and violence by mining companies and unions affiliated with them. These actions are intended to demobilize those who defend the communities' rights to water, land and

territory, to live free of contamination, and have generated an environment of hostility and risks that affect both Indigenous leaders and the communities as a whole.

Since 2018, there have been reported cases of criminal charges, intimidation and physical attacks against community leaders and members, particularly women defenders. The misuse of criminal law (including of provisions relating to illegal mining appropriation and illegal possession of arms, for which the indigenous authority accused was declared innocent), has been aimed at silencing critical voices and dismantling collective community resistance. At least ten people, mostly women, are currently facing legal proceedings that undermine their ability to continue leading the defense of their territory and of the rights of their communities. Family members of the human rights defenders, who were employed in the mines, have been fired in retaliation for their relatives' activism.

On 18 March 2022, during a peaceful vigil organized to monitor mining waste, members of mining unions physically and verbally assaulted 14 women from the community of Totoral Chico. Although at least five of them required medical attention, they have been denied timely access to the Prosecutor's Office and the Forensic Investigations Institute. Their complaint to the Huanuni Prosecutor's Office has been closed due to inaction.

Between 15 May and 29 June 2022, members of the Ayllu held a peaceful vigil in protest of water pollution and scarcity. Following ignored demands for dialogue, on 7 June 2022, approximately 5,000 mine workers reportedly violently broke into the vigil, using dynamite explosions, inflicting physical and verbal violence, uttering threats of death and sexual violence, stealing belongings, and destroying sacred symbols of Indigenous authorities. The protesters, including elderly, women, and children, were reportedly forced to flee and hide. The women attacked have not yet been able to return to their homes due to risks to their safety and fear of reprisals, and the complaints filed have not progressed.

In April 2024, women from the Totoral Chico community led a peaceful vigil to protect collective grazing lands. During this action, a group of approximately 200 people, including miners from the Avicaya Union and their families (affiliated with the mining company "La Salvada Sociedad Colectiva", subcontracted by Illapa), allegedly violently attacked the group, dragging women on the ground, insulting them and destroying their belongings. This attack allegedly caused the displacement of 11 women and two children, who fled to the cities of Oruro and La Paz, many of them unable to return to their homes due to persistent insecurity, threats and risks.

In addition, Indigenous authorities have been targeted by new legal actions. In October 2024, criminal proceedings were reactivated against Bertha Ayala and Hernán Roque, ancestral authorities of the Ayllu Acre Antequera. Meanwhile, the demands of the displaced women, who demand guarantees for their safe return and freedom of movement, have still not received an effective response.

These cases reflect a systematic pattern of criminalisation, violence and displacement directed against the communities of the Ayllu Acre Antequera. Women human rights defenders, in particular, have been the target of attacks, threats and harassment.

*Right to free, prior and informed consent (FPIC)*

According to available information, the Bolívar mining project operates in the ancestral territory of the Ayllu without having carried out consultation and consent processes. In 2013, the companies Illapa and Sinchi Wayra (now owned by the Canadian company Santacruz Silver) signed a 15-year contract with the state-owned COMIBOL to exploit silver, zinc and lead, without consulting the 8 affected communities, which have not been adequately informed of the environmental, social and cultural impacts of the project. This contract, now under the administration of the Canadian company Santacruz Silver Mining Ltd., continues to affect the 8 communities of the Ayllu without their consent or participation.

In June 2024, the Empresa Minera Salvada Sociedad Colectiva, which would be operating in Totoral Chico in an irregular manner due to not having mining grids<sup>2</sup>, requested the start of a controversial “prior consultation” process through the Jurisdictional Administrative Mining Authority (AJAM). The AJAM is a technical body linked to the Ministry of Mining and Metallurgy of Bolivia that is responsible for regulating mining activities, managing concessions and supervising regulatory compliance, including conducting prior consultations in the affected indigenous territories (Law 535 on Mining and Metallurgy).

However, this process has not complied with the basic principles of FPIC, as it is not prior, since it seeks to approve ongoing operations; it excludes the rest of the affected Ayllu and does not recognize the status of the Indigenous People of the Totoral Chico community; it does not provide adequate information, not even in indigenous languages; and it does not respect the decision-making procedures of the communities. For these reasons, the Ayllu authorities have rejected these attempts. Meanwhile, the Ministry of Mining and Metallurgy has continued to meet with mining unions to endorse the continuation of operations without deliberation with the affected communities.

According to available information, the first consultation carried out by AJAM in October 2024 would have been considered valid under the terms of Law 535, under which the FPIC process is limited to three rounds of consultation. If no agreement is reached in these three consultations, the decision would fall unilaterally to the Ministry of Mining and Metallurgy, which could approve the operations even in the face of objections from the affected communities. Law 535, in addition to centralizing decision-making power in the Ministry, focuses on “consultation” rather than “consent,” allowing for an interpretation of this right as a mere administrative procedure.

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<sup>2</sup> Auto AJAM-DEP-OR/CAM/AUTO/28/2028

In this context, the regulatory deficiencies of Law 535 could undermine Indigenous rights, placing the communities of the Ayllu Acre Antequera in a vulnerable position in the face of decisions that would impact their territory, culture and livelihoods.

Without prejudging the accuracy of these allegations, we would like to recall that, as a reflection of the State's existing obligations under international human rights law, the UN Guiding Principles on Business and Human Rights indicate that States should protect against human rights violations committed in their territory and/or jurisdiction by third parties, including business enterprises, and require States to set out clearly the expectation that all business enterprises domiciled in their territory and/or jurisdiction respect human rights throughout their operations.

We express our deep concern regarding the alleged violations of the human rights of the communities of the Ayllu Acre Antequera and to attempt to clarify the allegations brought to our attention, including allegations of physical attacks, harassment and intimidation against members of local Indigenous communities, including human rights defenders, particularly in relation to their denunciation of alleged human rights violations and protest against certain business activities that affect the health, rights and well-being and way of life of these communities. These acts are likely to generate a deterrent and intimidating effect in terms of freedom of expression for the affected communities and those defending their rights. We also highlight the importance of guaranteeing the right to free and informed consent and consultation, the right to contribute to decision-making processes that have an impact on cultural life, and the concern about the impact on the rights to water, health, food, a clean, healthy and safe environment, and on cultural rights.

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 on the measures the Government of your Excellency has taken, or is considering taking, to ensure that business enterprises domiciled in your territory and/or jurisdiction respect human rights in all their activities, including with regard to their supply chain, in alignment with the UN Guiding Principles on Business and Human Rights (UNGPs).
3. Please provide information on concrete progress made by the Government of your Excellency in requiring or encouraging companies domiciled in your territory and/or jurisdiction to implement human rights due diligence processes, including with regard to their supply chain, in alignment with the UN Guiding Principles on Business and Human

Rights (UNGPs).

4. Please provide information on the measures taken by your Excellency's Government in ensuring that the relevant companies facilitated active, free and meaningful participation – as part of human rights due diligence or otherwise – of the affected individuals and communities in decisions concerning the relevant mining projects.
5. Please provide information on the steps the Government of your Excellency is taking or considering taking to ensure that individuals affected by the activities of business enterprises domiciled in your jurisdiction have access to remedy in your country, through judicial or extrajudicial State mechanisms.
6. Please describe the steps that your Excellency's Government is taking or plans to take to ensure that human rights defenders, including women and indigenous human rights defenders, are protected and guaranteed a safe and enabling environment to carry out their peaceful and legitimate activities, without fear of threats, violence, harassment, criminalization or reprisals.
7. Please provide information regarding processes, evaluations or efforts that the Government of your Excellency is or will consider taking for the detection, investigation, prosecution and enforcement of cross-border cases concerning business involvement in severe human rights abuses, in particular, regarding Santacruz Silver Mining Ltd. Canadian company mining activities with respect to the alleged human rights violations in the Oruro Department.
8. Please provide information on measures taken to prevent and assist displacement caused by displacement, as well as on measures envisaged to promote durable solutions for displaced persons.

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 measures be taken to exert leverage so that the alleged violations are halted, their re-occurrence is prevented and in the event that the investigations support or suggest the allegations to be correct, the accountability of any person(s) responsible for the alleged violations is ensured.

Please be informed that a letter on this subject matter has been also sent to those business enterprises involved, including COMIBOL (Bolivian Mining Corporation), Santacruz Silver Mining Ltd., the Asociación Sociedad Minera Illapa SA (Illapa), Empresa Minera Salvada Sociedad Colectiva and Glencore, as well as to the home-States of all involved companies (Canada and Switzerland).

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

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Chair-Rapporteur of the Working Group on the issue of human rights and  
transnational corporations and other business enterprises

Alexandra Xanthaki  
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Mary Lawlor  
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management and disposal of hazardous substances and wastes

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 above alleged facts and concerns, without intending to prejudge the alleged facts, we would like to draw your attention to the applicable international human rights norms and standards, as well as authoritative guidance on their interpretation. These include the following:

- International Covenant on Economic, Social and Cultural Rights (ICESCR).
- International Covenant on Civil and Political Rights (ICCPR).
- International Labour Organization (ILO) convention No. 169 on Indigenous and Tribal Peoples.
- United Nations Declaration on the Rights of Indigenous Peoples.
- UN Guiding Principles on Business and Human Rights.
- United Nations Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms.
- UN Declaration on the Right to Development.
- UN recognition of the human rights to a clean, healthy and sustainable environment.
- United Nations Framework Principles on Human Rights and the Environment.

We would like to highlight the UN Guiding Principles on Business and Human Rights, which were unanimously endorsed in 2011 by the Human Rights Council in its resolution (A/HRC/RES/17/31) after years of consultations with governments, civil society and the business community. guiding principle 1 reiterates the State duty to "protect against human rights abuses by business enterprises within its territory and/or jurisdiction. This requires the adoption of appropriate measures to prevent such abuses, and when they occur, to investigate, punish and redress them through policies, laws, regulations and judicial procedures. guiding principle 2 requires states to make clear that they expect all business enterprises domiciled in their territory and/or under their jurisdiction to respect human rights in all their activities. In addition, guiding principle 3 reaffirms that States should, inter alia, provide effective guidance to business enterprises on how to respect human rights in all their activities and encourage companies to disclose how they manage the human rights impacts of their operations, and to compel them to do so where appropriate. The commentary to guiding principle 13 notes that business enterprises can have negative impacts on human rights, either through their own activities or through their business relationships with other

parties (...) The "activities" of business enterprises include both actions and omissions; and their "business relationships" include relationships with business partners, entities in their value chain, and any other State or non-State entities directly related to their business operations, products or services. In addition, under guiding principle 26, States should take appropriate measures to ensure the effectiveness of domestic judicial mechanisms when dealing with business-related human rights abuses, including by considering how to limit legal, practical and other obstacles that may lead to denial of access to remedies.

In addition, principle 18 emphasizes the critical role of civil society and human rights advocates in identifying the potential adverse human rights impacts of business. The commentary to principle 26 emphasizes that States, in order to ensure access to remedy, must ensure that the legitimate activities of human rights defenders are not impeded.

It is also important to recall that the Committee on Economic, Social and Cultural Rights, in its general recommendation 24 (2017), states that "the extraterritorial obligation to protect requires States parties to take measures to prevent and remedy violations of Covenant rights that occur outside their territory as a result of the activities of business entities over which they may exercise control, in particular in cases where remedies available to victims before the domestic courts of the State where the harm occurs are unavailable or ineffective."

We would also like to highlight to Your Excellency's Government article 12 of the International Covenant on Economic, Social and Cultural Rights which enshrines the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. The right to health is also guaranteed by article 25 of the Universal Declaration of Human Rights, which refers to the potential of the individual, the social and environmental conditions affecting the health of the individual, and health services. general comment 14 of the Committee on Economic, Social and Cultural Rights describes the normative content of article 12 of the International Covenant on Economic, Social and Cultural Rights and the legal obligations undertaken by States parties to respect, protect and fulfil the right to physical and mental health. In its general comment No. 14, paragraph 11, the Committee on Economic, Social and Cultural Rights interprets the right to health as "a comprehensive right that encompasses not only timely and appropriate health care, but also the underlying determinants of health, such as access to safe drinking water and adequate sanitation, an adequate supply of safe food, nutrition and housing, healthy occupational and environmental conditions, and access to health-related education and information. In addition, the Committee on Economic, Social and Cultural Rights has affirmed that "corporate activities may have adverse effects on the enjoyment of the rights set forth in the Covenant," including adverse effects on the right to health, standard of living, and the natural environment, and has reiterated "the obligation of States parties to ensure that all economic, social and cultural rights set forth in the Covenant are fully respected and that the holders of these rights are adequately protected in the context of corporate activities" (E/C.12/2011/1, para. 1).

It is also important to remind the explicit recognition of the human rights to safe drinking water and sanitation by the United Nations General Assembly (resolution 64/292) and the Human Rights Council (resolution 15/9), which is derived

from the right to an adequate standard of living, protected, inter alia, by article 25 of the Universal Declaration of Human Rights and article 11 of the ICESCR. In general comment No. 15, the Committee on Economic, Social and Cultural Rights (CESCR) clarified that the human right to water means that everyone has the right to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic use.

The Committee also affirmed that the human right to water entails "sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic uses" not only to prevent death from dehydration, but also to reduce the risk of water-related diseases and to meet drinking, cooking and personal and domestic hygiene needs. The Committee also noted the obligation of States to ensure the protection of natural water resources.

We would like to refer Your Excellency's Government to its obligations under article 27 of the International Covenant on Civil and Political Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights, concerning, respectively, the right of everyone to enjoy his or her own culture and to take part in cultural life. Under these provisions, States Parties have committed themselves to respect the enjoyment and development of cultural practices and to respect the freedom indispensable for creative activity. In its general comment No. 21, the Committee on Economic, Social and Cultural Rights makes it clear that States should adopt appropriate measures or programmes to support minorities or other groups in their efforts to preserve their culture (para. 52.f), and should obtain their free, prior and informed consent when the preservation of their cultural resources is at risk (para. 55). In the case of Indigenous Peoples, cultural life has a strong communal dimension that is indispensable to their existence, well-being and full development, and includes the right to the lands, territories and resources they have traditionally owned, occupied or otherwise used or acquired. The Committee has stressed that 'the cultural values and rights of Indigenous Peoples associated with their ancestral lands and their relationship with nature must be respected and protected, in order to avoid the degradation of their distinctive way of life, including their means of subsistence, the loss of their natural resources and, ultimately, their cultural identity'. The Committee also emphasised the right to participate in the development of one's community and in the definition, elaboration and implementation of policies and decisions that have an impact on the exercise of one's cultural rights (paragraph 15c).

We would also like to draw the attention of your Excellency's Government to article 14 of the International Covenant on Civil and Political Rights (ICCPR), which enshrines that everyone has the right to a fair and public hearing by a competent, independent and impartial tribunal established by law, in the determination of his civil rights and obligations.

Additionally, article 19 of the ICCPR enshrines the right of everyone to freedom of expression, which includes the freedom to seek, receive and impart information and ideas of all kinds, either orally, in writing or in print or in the form of art. This right applies both online and offline and includes not only the sharing of favorable information but also information that may criticize, shock or offend. In its general comment No. 34, the Human Rights Committee stated that States parties to the ICCPR must guarantee the right to freedom of expression, including "political speech,

comment on one's own and public affairs, propaganda, debate on human rights, journalism, cultural and artistic expression, teaching and religious discourse" (CCPR/C/GC/34, para. 11). The Committee further affirms that States have a duty to take effective measures to protect against attacks aimed at silencing those who exercise their right to freedom of expression (para. 23).

We would like to emphasize article 21 of the ICCPR which guarantees the right to freedom of peaceful assembly. Likewise, the article establishes that any restriction on this right must be strictly governed by the principles of legality, necessity and proportionality. In this regard, we would also like to refer to the report of the Special Rapporteur on the rights to freedom of peaceful assembly and association on the exercise of these rights for the promotion of climate justice, which indicates that States must "take all necessary measures to ensure that individuals, organizations, communities and indigenous peoples who exercise their rights to freedom of peaceful assembly and association in support of climate justice are not subject to attacks, harassment, threats and intimidation (...); recognize and provide spaces for civil disobedience and non-violent direct action campaigns, (...)" (A/76/222, para. 90(b) and (d)). The Rapporteur goes on to urge that States should "(G) ensure that their legal systems do not provide avenues through which corporations and other public and private entities can intimidate, criminalize and repress climate justice activists through legal proceedings, including strategic lawsuits against public participation, binding orders and injunctions (...)" (A/76/222, para. 90(e)).

We would also like to remind your Excellency's Government of the State's duty to protect human rights defenders, as enshrined in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders. In particular, we wish 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 wish to refer to the following provisions of the Declaration:

- articles 5(a), which states that everyone has the right to "meet or assemble peacefully";
- article 6(b), which provides for everyone's right to "publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms"; and
- article 12, which reiterates the State's responsibility to "take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, 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" (article 12).

Both the United Nations Special Rapporteur on the situation of human rights defenders and the Special Rapporteur on the rights of indigenous peoples have noted an

alarming increase in attacks and criminalisation against indigenous defenders, especially in the context of large-scale development projects and the defense of their lands and territories (A/HRC/37/51/Add.2, A/HRC/39/17). On this issue, the former Special Rapporteur on the rights of indigenous peoples, Ms. Victoria Tauli-Corpuz, has recommended to States to ensure that indigenous communities affected by development projects and those defending their rights are not stigmatized, and that "their concerns are recognized as legitimate components of a process aimed at achieving sustainable development" (A/HRC/39/17, para. 91.b).

The Working Group on Business and Human Rights, in its 2021 guidance on ensuring respect for human rights defenders (A/HRC/47/39/Add.2), also highlighted the urgent need to address the adverse impacts of business activities on human rights defenders. It outlined for States and businesses the normative and practical implications of the Guiding Principles in relation to protecting and respecting the vital work of human rights defenders.

We would also like to draw the attention of your Excellency's Government to the United Nations Declaration on the Rights of Indigenous Peoples, which reflects existing legal obligations arising from international human rights treaties. We would also like to refer to article 26 of the UN Declaration on the Rights of Indigenous Peoples which recognises the right of indigenous peoples to the lands, territories and natural resources which they have traditionally owned, occupied or used and that States shall ensure the legal recognition and protection of these lands, territories and resources with due respect for their customs, traditions and land tenure systems. On the other hand, article 32 provides that "States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilisation or exploitation of mineral, water or other resources". We would also like to draw attention to convention 169 of the International Labour Organisation (ILO), in particular articles 6, 7, 14, 17 and 18, which, among other aspects, state the obligation to consult freely and in good faith, to guarantee the effective protection of the rights of indigenous peoples over the lands they traditionally occupy.

We would also like to draw Your Excellency's attention to the obligations established in convention No. 169 of the International Labour Organization (ILO) on indigenous and tribal peoples in independent countries, ratified by Bolivia on 11 December 1991, in particular to articles 6, 7, 14, 17 and 18, which indicate, among other aspects, the obligation to consult freely and in good faith, to guarantee the effective protection of the rights of indigenous peoples over the lands they traditionally occupy.

We would like to refer to the United Nations Declaration on the Rights of Indigenous Peoples, adopted by the General Assembly on 13 September 2007. In particular, we would like to refer to article 7.1 on the right to life, physical and mental integrity, liberty and security of indigenous peoples; article 3 on the right to self-determination and political status and to freely pursue their economic, social and cultural development; article 32 on the obligation to obtain their free and informed consent before approving any project affecting their territories and other resources, particularly in relation to the development, use or exploitation of mineral, water or other

resources; and article 28 on the right to reparation by means that may include restitution or, where this is not possible, fair and equitable compensation for lands that have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent.

We would also like to draw the attention of Your Excellency's Government to article 12.1 of the United Nations Declaration on the Rights of Indigenous Peoples, which stipulates that indigenous peoples have the right to manifest, practice, develop and teach their spiritual and religious traditions, customs and ceremonies ; States shall provide redress through effective mechanisms, which may include restitution, established jointly with indigenous peoples, in respect of cultural, intellectual, religious and spiritual property deprived of their free, prior and informed consent or in violation of their laws, traditions and customs (article 11.2).

It is also worth noting that on 4 January 2024, the Committee on the Elimination of Racial Discrimination (CERD) addressed free, prior and informed consent (FPIC) in its concluding observations on Bolivia's periodic review and recommended that it establish an FPIC law and protocols in consultation with indigenous peoples; guarantee FPIC in mining and hydrocarbon projects; conduct independent social, environmental and human rights impact studies; and ensure compensation and benefits for affected peoples.

Furthermore, the Committee expressed concern that the current regulatory framework “is sectoral, fragmented and does not uphold international and regional standards on the right to consultation and free, prior and informed consent”. It also noted with alarm complaints received about mining and hydrocarbon concessions with potential for soil contamination and impact on the traditional livelihoods of indigenous peoples without consultations to obtain FPIC, and specifically expressed its concern about allegations of violation of the constitutional right to prior consultation in the Ayllu Acre Antequera.

We would also like to recall to your Excellency's Government of article 2(3) of the UN Declaration on the Right to Development, adopted by General Assembly on 4 December 1986 (resolution 41/128), which provides that “States have the right and the duty to formulate appropriate national development policies that aim at the constant improvement of the well-being of the entire population and of all individuals, on the basis of their active, free and meaningful participation in development and in the fair distribution of the benefits resulting therefrom.”

Furthermore, we would like to recall the UN Special Rapporteur on the right to development's 2023 report to the General Assembly on the “Role of business in realizing the right to development” (A/78/160), in which he underscored the importance of the principle of self-determination in times where States or companies tend to justify taking control over the natural resources of vulnerable or marginalized communities, without their meaningful participation, for the larger public good or to accomplish a top-down model of economic development.

The Special Rapporteur on the right to development in the same report further noted that “Lack of effective remediation and accountability for business-related human rights abuses – many of which are linked to development projects – is another obstacle

to achieving social development. (...) business can play a critical role by ensuring that mining or other development projects in which they are involved promote – rather than undermine – cultural development not only of the present generation but also future generations. Businesses must ensure that mining is not only responsible and sustainable but also conducted only after obtaining a social license from the affected communities through their active, free and meaningful participation.”

Also, on 8 October 2021, the Human Rights Council adopted resolution 48/13 recognising the right to a clean, healthy and sustainable environment and on 28 July 2022 the UN General Assembly adopted resolution 76/300 recognising the right to a clean, healthy and sustainable environment. In addition, the Framework Principles on Human Rights and the Environment, presented to the Human Rights Council in March 2018 (A/HRC/37/59) set out the core obligations of States under human rights law regarding the enjoyment of a safe, clean, healthy and sustainable environment. Principle 4 states that "States should establish a safe and enabling environment in which individuals, groups of individuals and organs of society concerned with human rights or environmental issues can operate free from threats, harassment, intimidation and violence."

We would also like to draw attention to the Framework Principles on Human Rights and the Environment detailed in the 2018 report of the Special Rapporteur on human rights and the environment (A/HRC/37/59). The Principles provide that States must ensure a safe, clean, healthy and sustainable environment in order to respect, protect and fulfil human rights (principle 1); States must respect, protect and fulfil human rights in order to ensure a safe, clean, healthy and sustainable environment (principle 2); and States must ensure effective enforcement of their environmental standards against public and private actors (principle 12).

We would like to refer to the Guiding Principles on Internal Displacement of 1998 (E/CN.4/1998/53/Add.2), which establishes that all authorities and international actors shall respect and ensure respect for their obligations under international law, including human rights and humanitarian law, in all circumstances, so as to prevent and avoid conditions that might lead to displacement of persons (principle 5). Every human being shall have the right to be protected against being arbitrarily displaced from his or her home or place of habitual residence, including in cases of large-scale development projects, which are not justified by compelling or overriding public interests. (principle 6). Prior to any decision requiring the displacement of persons, the authorities concerned shall ensure that all feasible alternatives are explored in order to avoid displacement altogether. Where no alternatives exist, all measures shall be taken to minimize displacement and its adverse effects (principle 7(1)). The authorities undertaking such displacement shall ensure, to the greatest practicable extent, that proper accommodation is provided to the displaced persons, that such displacements are effected in satisfactory conditions of safety, nutrition, health and hygiene, and that members of the same family are not separated (principle 7(1)).

If displacement occurs in situations other than during the emergency stages of armed conflicts and disasters, the following guarantees shall be complied with: (a) A specific decision shall be taken by a State authority empowered by law to order such measures; (b) Adequate measures shall be taken to guarantee to those to be displaced full information on the reasons and procedures for their displacement and, where

applicable, on compensation and relocation; (c) The free and informed consent of those to be displaced shall be sought; (d) The authorities concerned shall endeavour to involve those affected, particularly women, in the planning and management of their relocation; (e) Law enforcement measures, where required, shall be carried out by competent legal authorities; and (f) The right to an effective remedy, including the review of such decisions by appropriate judicial authorities, shall be respected (principle 7(3)).

Displacement shall not be carried out in a manner that violates the rights to life, dignity, liberty, and security of those affected (principle 8). States are under a particular obligation to protect against the displacement of indigenous peoples, minorities, peasants, pastoralists and other groups with a special dependency on and attachment to their lands (principle 8). States are under a particular obligation to protect against the displacement of indigenous peoples, minorities, peasants, pastoralists and other groups with a special dependency on and attachment to their lands (principle 9). Every human being has the right to dignity and physical, mental, and moral integrity, and shall be protected in particular against inter alia rape, mutilation, torture, cruel, inhuman or degrading treatment or punishment and other outrages upon personal dignity, such as acts of gender-specific violence, forced prostitution, and any form of indecent violence, acts of violence intended to spread terror among internally displaced persons, and threats and incitement to commit any of the foregoing acts shall be prohibited (principle 11). All internally displaced persons have the right to an adequate standard of living, which at a minimum should include essential food and potable water, basic shelter and housing, appropriate clothing, and essential medical services and sanitation (principle 18).

Finally, we would like to refer to the Escazú Agreement, ratified by Bolivia on 22 April 2021, and in particular to article 9 of the Agreement, which establishes that each Party shall ensure a safe and enabling environment in which individuals, groups and organizations that promote and defend human rights in environmental matters can act without restrictions, and that each Party shall take appropriate and effective measures to recognize, protect and promote all the rights of human rights defenders in environmental matters.

The full texts of the above-mentioned human rights instruments and standards are available at [www.ohchr.org](http://www.ohchr.org) or can be made available upon request.