

Mandates of the Special Rapporteur on the situation of human rights defenders; 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 rights to freedom of peaceful assembly and of association; 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)

19 August 2025

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights defenders; 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 rights to freedom of peaceful assembly and of association; 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 52/4, 53/3, 57/31, 55/5, 55/2, 58/10, 52/9, 50/17, 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 the **violent physical attacks and intimidation attempts since 2024 against Indigenous woman human rights defender Ms. Dewi Anakoda, in apparent connection with her work exposing the human and environmental impact of nickel mining on Halmahera Island, Indonesia**, in the context of Weda Bay Nickel's operations (WBN), in which the Chinese company Tsingshan Holding Group holds a majority stake. We further bring to your attention that this case occur in the wider context of **adverse human rights impacts of nickel mining and smelting operations in Central and East Halmahera, Indonesia, particularly those associated with the Indonesia Weda Bay Industrial Park, a joint venture of three Chinese companies (Tsingshan Holding Group, Huayou Cobalt, and Zhenshi Holding Group)**.

Ms. **Dewi Anakoda** is a woman environmental human rights defender belonging to the Indigenous Tobelo people of Halmahera Island, in the North Maluku Province of Indonesia. Since 2024, she has acted as a guide and translator for Survival International, a UK-based NGO campaigning for the rights of Indigenous Peoples worldwide. She has also worked as a fixer and translator for international media on stories related to the Indigenous Hongana Manyawa people of Halmahera Island, where nickel mining operations led by the company Weda Bay Nickel are reportedly harming

the environment and local communities.

WBN is a nickel and cobalt mining and hydrometallurgical processing company being developed on the island of Halmahera, located in the North Maluku Province of Indonesia. It is a joint venture between Chinese company Tsingshan Holding Group, holding the majority stake at 51.3 per cent, French company Eramet, holding a 37.8 per cent stake, and Indonesian state-owned company PT Aneka Tambang Tbk (ANTAM), holding a 10 per cent stake.

Indonesia Weda Bay Industrial Park (IWIP), a 5,000 hectare integrated smelter mega-project located in Central Halmahera, North Maluku, is a joint venture of three Chinese companies (Tsingshan Holding Group, Huayou Cobalt, and Zhenshi Holding Group).

According to the information received:

Physical attacks and intimidation attempts against Ms. Dewi Anakoda

Physical attacks

On 6 January 2025, the British newspaper *Daily Mail* published in its online and print editions an article about nickel mining and the rights of Indigenous Peoples in Halmahera, which Ms. Anakoda had facilitated by acting as a fixer, guide and translator.

On 7 January 2025, Ms. Anakoda was hit by a car while riding a motorbike in Tobelo town, on Halmahera Island. The driver immediately drove away, making it impossible to identify them or the car's plate number. Ms. Anakoda, whose leg was injured in the incident, was hospitalised for several days.

In April 2025, Ms. Anakoda started working with French news agency *AFP* on a story about the Hongana Manyawa people and the negative human rights impact of nickel mining. She notably accompanied journalists from the *AFP* Jakarta office to meet with Hongana Manyawa people and to witness the destruction of the rainforest related to Weda Bay Nickel's activities.

On 7 May 2025, at around 1 a.m., Ms. Anakoda was walking back to her aunt's house in Tobelo town after collecting water when two unidentified men approached her from behind on a motorbike. One of them got off the bike and hit her hard on the shoulder with a wooden object. Both men then fled on the motorbike. This physical attack left Ms. Anakoda with a torn shoulder muscle and a lot of pain, affecting her ability to work.

In late May 2025, following the publication of the *AFP* story that she had helped facilitate, Ms. Anakoda temporarily left Halmahera, in fear of a new attack, and went into hiding.

Digital security incidents and intimidation attempts

Since 2024, Ms. Anakoda has encountered several digital security incidents which she believes to be in relation to her campaigning and work on behalf of the Hongana Manyawa people.

In mid-2024, Ms. Anakoda reportedly became unable to access her Facebook account or WhatsApp, soon after publicly posting about the Hongana Manyawa people being affected by mining.

Throughout 2024 and 2025, Ms. Anakoda was also the target of online harassment, particularly through anonymous phone calls and messages, including from some unidentified individuals talking to her about the Hongana Manyawa people.

On 9 June 2025, Ms. Anakoda received a critical security alert from her Google account, which showed signs of a suspicious hacking attempt coming from Indonesia. Her phone was frozen for about two hours after this alert.

Wider context of adverse human rights impacts of nickel mining and smelting operations in Central and East Halmahera

The construction and operation of Indonesia Weda Bay Industrial Park (IWIP), a 5,000 hectare integrated smelter mega-project located in Central Halmahera, North Maluku, which is a joint venture of three Chinese companies (Tsingshan Holding Group, Huayou Cobalt, and Zhenshi Holding Group), and upstream nickel mining have caused significant harm to Indigenous Peoples and rural communities in Indonesia, including in terms of land grabbing and inadequate compensation for customary and legally owned lands; failure to respect Indigenous and cultural rights; environmental degradation, including deforestation, mangrove destruction, and water pollution; loss of traditional livelihoods such as fishing, farming, and hunting; increased health risks due to air and water pollution from coal-fired power plants and industrial waste; and intimidation and legal retaliation against community members who oppose land acquisition or protest environmental harms.

Background

Indonesia is the world's largest producer of nickel, supplying 48 per cent of global demand in 2022. The country is investing in massive nickel industrial parks, where nickel ore is refined into usable materials for industrial applications and consumer products. In the past, nickel was primarily used for the production of stainless steel. Recently, demand has increased significantly due to its increasing use in renewable energy technologies, including electric vehicle batteries. It should be noted, however, that not all demand for nickel is linked to the energy transition and it can also serve other sectors that are contributing to climate change. Global nickel demand is expected to increase roughly 60 per cent by 2040. Strong government regulation and oversight are thus necessary to ensure that the growing critical mineral industry and related value chains do not replicate the adverse human rights impacts, including on

labor and the environment, that have characterized the extractives sector in different parts of the world.

Nickel deposits were discovered in Halmahera, North Maluku, in 1996 and plans to mine nickel in the region began in the late 1990s. In 2015, the Government announced plans to build up Indonesia's downstream minerals markets by incorporating nickel and electric vehicle production into the 2015-2035 national industrial master plan, thus setting the stage for the development of several large nickel industrial parks in the country, including IWIP.

In this context, IWIP was designated in 2020 as a "national strategic project" by the Indonesian Government. The concept of national strategic projects was announced by the Government in 2016 and prioritizes large-scale economic development projects across the country. These projects reportedly receive special benefits, including accelerated land acquisition and a guarantee that projects will not face political barriers – a guarantee that has led to an increase in land conflicts between project developers and local communities, including Indigenous Peoples, and serious environmental damage. IWIP began construction in August 2018 and nickel smelting operations began two years later, in April 2020.

The process for nickel mining and refining includes exploration, development, active mining, refining and waste management. In terms of refining, nickel ore mined in Halmahera is transported to IWIP to be processed. Conventional nickel refining involves grinding ore into small particles, heating materials in a rotary kiln and extracting metallic minerals through smelting. Alternatively, high-pressure acid leach (HPAL) is an energy-intensive process used to separate nickel and cobalt from low-quality nickel ores to obtain high-quality battery-grade nickel. This system operates by mixing milled nickel ore and acid in a container where they are subjected to extremely high temperatures and pressures. There are currently plans to develop an HPAL plant in IWIP. At each step of the nickel mining and refining process, industrial operations can pose significant and long-lasting threats to ecosystems, biodiversity and water resources.

Right to a clean, healthy and sustainable environment that is free from toxic substances, right to safe drinking water and sanitation and right to food, and the promotion and protection of human rights in the context of climate change

Nickel smelting at IWIP has a massive carbon footprint. IWIP has built at least five captive coal-fired plants and ultimately will be home to an additional seven new coal-fired power plants, for a total of twelve coal-fired plants. Once fully operational, these plants will have a total of 3.78 gigawatts of coal capacity.

Further, nickel mining is a significant driver of deforestation, which contributes to the climate crisis and biodiversity loss. Studies by civil society and academia have determined that at least 5,331 hectares of tropical forest have been cut within nickel mining concessions on Halmahera, totaling a loss of approximately 2.04 million metric tons of greenhouse gases previously stored as carbon in those forests.

These changes are also affecting the way of life of communities in the area, who have depended on natural resources to sustain themselves as artisanal fisherfolks, farmers, sago-makers and hunters for generations. The degradation of freshwater resources and harm to fisheries linked to the nickel industry's destruction of forests has made it difficult, if not impossible, for communities to continue their traditional ways of life. Nickel mining and smelting operations are thus threatening local residents' right to safe, clean drinking water, as industrial activities and deforestation are polluting the waterways on which local communities depend for their basic needs, and causing concerns around the lack of proper disposal of industrial waste and coal ash, and proper treatment of wastewater from industrial facilities and coal plants. Community members are also concerned that increasingly common flooding events are linked to deforestation by nickel mining companies.

Right to the highest attainable standard of health and right to access to information

Communities near IWIP have also reported respiratory and skin problems related to the pollution from the construction and operation of IWIP and its coal power plants. These issues are compounded by a lack of transparency or provision of basic information by the operating companies and the Indonesian Government, as community members have difficulties accessing information about the consequences of industrial pollution on their health. For instance, neither IWIP, nor the Indonesian Government, have reportedly provided information on air and water quality to local residents.

Right to housing, right to freedom of expression and right to freedom of peaceful assembly, and the situation of human rights defenders

Communities have reported that the process of land acquisition for nickel mining has been marred by unfair land sales that happen without adequate and meaningful consultation with the affected communities, and where little to no compensation is also provided to those affected. As a result, people living near IWIP have had their land taken, deforested, or excavated by nickel companies and developers without their consent. There have also reportedly been instances where community members refused to sell their land and subsequently experienced intimidation, received threats and faced retaliation from IWIP, police officers and members of the military. Such alleged incidents are especially concerning in view of reports of peaceful protests against mining projects in Indonesia being met with threats of arrest and intimidation by police or military personnel, such that protesters are afraid of criminalization.

Right to Free, Prior and Informed Consent and Right to Participation

In particular, there have been reports by Indigenous Peoples indicating how they were not informed about the purpose of the land acquisitions or other details of the projects to be undertaken by nickel mining or smelting companies. With the nickel industry transforming Halmahera as detailed above, coastal and forest Indigenous communities are experiencing existential threats to their traditional

livelihoods and ways of life, with their right to Free, Prior and Informed Consent not being duly respected. The participation of Indigenous Peoples in decision-making on matters that affect their rights, livelihoods and ways of life should be ensured at all stages of a project's development, but this has not been the case for IWIP according to the information received. It is in this context that the attacks on Ms. Dewi Anakoda have taken place.

While we do not wish to prejudge the accuracy of these allegations, we express grave concern about the alleged physical attacks against Ms. Dewi Anakoda, which we fear are related to her peaceful and legitimate human rights work on the human right to a healthy environment and the rights of Indigenous Peoples in the context of Weda Bay Nickel's mining operations. The attacks against Ms. Anakoda appear to be direct attempts to intimidate and dissuade her from continuing to bring attention to the human and environmental harms caused by nickel mining operations on the territory of the Hongana Manyawa people.

We are also concerned at the pattern of online harassment and targeted intimidation from anonymous sources, in apparent retaliation for her human rights work on Indigenous and environmental issues, including the exercise of their right to freedom of expression when advocating these causes.

Such actions not only undermine the rights of the affected communities but also create a harmful chilling effect on civil society, deterring individuals and groups from exercising their rights to freedom of peaceful assembly and freedom of expression, and advocating for justice. Indigenous human rights defenders and environmental human rights defenders must, in line with the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms (UN Declaration on Human Rights Defenders) and the UN Guiding Principles on Business and Human Rights, be enabled to exercise their right to promote and defend the rights of their communities and the environment without fear of reprisal, criminalisation or violence from both State and non-State actors.

Further, we express our serious concern regarding the allegations of human rights violations and abuses related to the nickel mining and smelting industry in Indonesia. We are particularly concerned that the industry's operations severely affect the right to the highest attainable standard of health, the right to food, the right to access to information and public participation, the right to housing, the right to safe drinking water, the right to an adequate standard of living, the right to a clean, healthy and sustainable environment that is free of toxic substances, the cultural rights, and the right to access to remedy, in particular of Indigenous Peoples and those whose ways of life and livelihoods depend on the coastal and forest resources. We are equally concerned for the safety of peaceful protestors against mining projects.

Financial institutions have their own responsibilities under the UN Guiding Principles to respect human rights and conduct human rights due diligence. Financial businesses can be directly linked to adverse human rights impacts through its business relationships (such as through the provision of financing); they can also contribute to human rights harm through their own operations and actions. Further, the Office of the United Nations High Commissioner for Human Rights has issued statements indicating

that if a bank identifies, or is made aware of, an ongoing human rights issue that is directly linked to its operations, products or services through a client relationship, yet over time fails to take reasonable steps to seek to prevent or mitigate the impact, it can be viewed as enabling the situation. The Organisation for Economic Co-operation and Development (OECD) Guidance on Due Diligence for Responsible Corporate Lending and Securities Underwriting further states that where a bank is directly linked to an adverse human rights impact through a client, it still has a responsibility to prevent or mitigate the impact, and that “[w]here the adverse impacts are directly linked to a bank’s lending or securities underwriting through a client, it should also use its leverage to seek to prevent and mitigate those impacts”. This approach has been applied by the OECD National Contact Points (NCP): for example, the Norwegian NCP concluded that “If [an investor], after investing, learns of a portfolio company’s human rights impacts, it still has a number of tools available, including shareholder proposals, engagement with management, and the threat of divestment”. Further, in the Society for Threatened Peoples Switzerland’s complaint to the Swiss NCP regarding UBS Group AG, the Swiss NCP recognized that a financial business, through investing in a business enterprise, was directly linked to potential adverse human rights impacts by its relationship with that business enterprise.

Further, a financial business can move from being directly linked to an adverse human rights impact to contributing to that impact if it does not take action to prevent or mitigate the business relationship to which it is directly linked, including by undertaking human rights due diligence. Therefore, the alleged involvement of financial institutions in the financing of Weda Bay Nickel and IWIP’s activities could be in violation of international human rights law and standards.

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 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 alleged human rights abuses by Weda Bay Nickel, in which China-headquartered Tsingshan Holding Group has a majority stake, and by Indonesia Weda Bay Industrial Park, a joint venture of three Chinese-headquartered companies (Tsingshan Holding Group, Huayou Cobalt, and Zhenshi Holding Group), ensuring that business enterprises domiciled in its territory and/or jurisdiction conduct human rights due diligence to identify, prevent, mitigate, and account for how they address their impacts on human rights, including the human right to a healthy environment, throughout their operations (including abroad), as set forth by the UN Guiding Principles on Business and Human Rights and also elaborated upon in the Working

Group's reports on the Extractive Sector, Just Transition and Human Rights (A/78/155) as well as on Business-related impacts on the rights of Indigenous Peoples (A/68/279) and on Investors, ESG and human rights (A/HRC/56/55), and the report of the Special Rapporteur on toxics and human rights on The impact of toxic substances on the human rights of Indigenous Peoples (A/77/183).

3. Please describe the guidance, if any, that your Excellency's Government has provided to Tsingshan Holding Group, Huayou Cobalt, and Zhenshi Holding Group on how to respect human rights throughout its operations in line with the UN Guiding Principles on Business and Human Rights. This guidance may include measures, inter alia, conducting human rights due diligence, consulting meaningfully potentially affected stakeholders, and remediating any negative impacts. In particular, please indicate whether any guidance was provided with regards to the duty to obtain free and informed consent of Indigenous Peoples prior to the approval of the project on their traditional lands, as per the UN Declaration on the rights of Indigenous Peoples' rights.
4. Please provide specific information on any steps that may have been taken by the Chinese embassy in Indonesia to support human rights defenders from the indigenous communities directly and indirectly affected by the mining operations developed by Weda Bay Nickel, in which Tsingshan Holding Group holds a majority stake. If no such action has been taken, please explain why.
5. Please provide information regarding the measures that your Excellency's Government is taking or considering to ensure that those affected by the overseas activities of Tsingshan Holding Group, Huayou Cobalt, and Zhenshi Holding Group have access to effective remedy in your country, through State judicial or extra-judicial mechanisms, as per the UN Guiding Principles on Business and Human Rights.

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.

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

Please be informed that a letter on this subject matter has also been sent to the Governments of Indonesia and France, and to Weda Bay Nickel, Indonesia Weda Bay Industrial Park, PT ANTAM, Eramet, Tsingshan Holding Group, Huayou Cobalt, and Zhenshi Holding Group.

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

Mary Lawlor
Special Rapporteur on the situation of human rights defenders

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

Elisa Morgera
Special Rapporteur on the promotion and protection of human rights in the context of climate change

Alexandra Xanthaki
Special Rapporteur in the field of cultural rights

Astrid Puentes Riaño
Special Rapporteur on the human right to a clean, healthy and sustainable environment

Michael Fakhri
Special Rapporteur on the right to food

Irene Khan
Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Gina Romero
Special Rapporteur on the rights to freedom of peaceful assembly and of association

Marcos A. Orellana
Special Rapporteur on the implications for human rights of the environmentally sound 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, we would like to draw the attention of your Excellency's Government to the following human rights norms and Standards.

In particular, we would like to refer your Excellency's Government to the International Covenant on Civil and Political Rights (ICCPR), which China signed on 5 October 1998, and in particular to articles 6, 9 and 19, which guarantee the rights to life, liberty and security of person, and the right to freedom of opinion and expression.

In connection to article 6 of the ICCPR, we would like to highlight the Human Rights Committee's general comment 36 (CCPR/C/GC/36), concerning the right to life. In its general comment, the Committee highlighted that the obligation to protect the right to life as per article 6 of the ICCPR requires States to take special measures of protection towards persons in vulnerable situations whose lives have been placed at particular risk because of specific threats or pre-existing patterns of violence, and that such persons include human rights defenders (para. 23).

Similarly, in its general comment No. 35 (CCPR/C/GC/35) to article 9 of the ICCPR, the Committee underlined that in order to protect the rights to liberty and security of person, States must respond appropriately to patterns of violence against categories of victims such as intimidation against human rights defenders and journalists (para. 9).

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 favourable 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). 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).

As provided for in article 19 of the ICCPR, the right to freedom of opinion and expression includes the right to seek, access and receive information of all kinds. Freedom of expression, including the right to access information, "is a necessary condition for the realization of the principles of transparency and accountability, which

are in turn essential for the promotion and protection of human rights” (CCPR/C/GC/34, paragraph 3). “Article 19 sets forth a right of access to information held by public bodies” and, consequently, “in order to give effect to the right of access to information, States parties should actively pursue the incorporation into the public domain of government information that is of public interest. States parties should make every effort to ensure easy, rapid, effective, and practical access to such information” (paras. 18 and 19).

The Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression has repeatedly emphasized the importance of access to information and transparency as fundamental pillars for peace, democracy, and development, as well as the fundamental role that this right plays in the enjoyment of other rights (A/68/362, paras. 18, 19, 20, and 89; E/CN.4/1998/40, para. 12; E/CN.4/1995/32, para. 135). Along these lines, the Special Rapporteur has recommended and encouraged States to review their regulatory and institutional frameworks, mechanisms, and tools to guarantee and promote the right to access information and transparency in the most comprehensive and full manner possible. The actions of States should move in this direction and, in any measures adopted, take into account the impact that any measure may have on this right, in order to avoid setbacks in this area.

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

- article 6 points b) and c), which provides for the right to freely publish, impart or disseminate information and knowledge on all human rights and fundamental freedoms, and to study, discuss and hold opinions on the observance of these rights;
- article 11, which states that everyone has the right, individually and in association with others, to the lawful exercise of his or her occupation or profession.
- 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 draw your attention to General Assembly resolution 68/181 whereby States expressed particular concern about systemic and

structural discrimination and violence faced by women human rights defenders. States should take all necessary measures to ensure the protection of women human rights defenders and to integrate a gender perspective into their efforts to create a safe and enabling environment for the defence of human rights. This should include the establishment of comprehensive, sustainable and gender-sensitive public policies and programmes that support and protect women defenders. Such policies and programmes should be developed with the participation of women defenders themselves. (OP5,19 and 20)

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).

In her report to the General Assembly, the Special Rapporteur in the field of cultural rights highlighted that in many cases, "development" policies and strategies reflecting dominant cultural viewpoints or those of the most powerful sectors of society, with historic ties to colonialism and domination, are designed and implemented to the detriment of the most vulnerable in a manner that impedes the future sustainable development and survival of these persons and communities and probably, in the longer term, of humanity. 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; (e) Recognize that indigenous peoples must give their free, prior and informed consent before any project that affects them is implemented. (A/77/290, paras. 97-98). States, international organizations and other stakeholders must ensure that local communities are consulted and lead programmes on sustainable development that are consistent with their values and priorities (A/77/290, para. 99 b).

In addition, we wish to recall Human Rights Council resolution 31/32, which in paragraph 1 reaffirms the urgent need to respect, protect, promote and facilitate the work of those defending economic, social and cultural rights as a vital factor contributing towards the realization of those rights, including as they relate to environmental and land issues as well as development. In this context, we would also like to refer to general comment No. 26 of the Committee on Economic, Social and Cultural Rights), on the connections between land and the rights guaranteed in the International Covenant on Economic, Social and Cultural Rights (E/C.12/GC/26). In the general comment, the Committee cites the UN Declaration on Human Rights Defenders, reiterating the State duty to respect human rights defenders and their work, including where it connects with struggles over land. The Committee further clarified that the State duty to protect requires States to take proactive actions to ensure economic, social and cultural rights are not infringed upon by the activities of businesses and investors either at home or abroad.

We would also like to draw the attention of your Excellency's Government to the United Nations Declaration on the Rights of Indigenous Peoples, adopted by the General Assembly on 13 September 2007, which reflects existing legal obligations arising from international human rights treaties. We would like to refer in particular to article 26 of the Declaration, 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".

Moreover, we would like to recall articles 11 and 12 of International Covenant on Economic, Social and Cultural Rights (ICESCR), which was ratified by China on 27 March 2001. They stipulate the rights of everyone to an adequate standard of living, including adequate food, clothing and housing, and to the continuous improvement of living conditions, and to the enjoyment of the highest attainable standard of physical and mental health.

With regard to article 12, the Committee on Economic, Social and Cultural Rights (CESCR) adopted general comment No. 14. This general comment describes the normative content of article 12 of ICESCR and the legal obligations undertaken by the States parties to the Covenant to respect, protect and fulfil the right to health. The Committee stated that the right to health "embraces a wide range of socioeconomic

factors that promote conditions in which people can lead a healthy life, and extends to the underlying determinants of health, such as [...] a healthy environment” (para. 4). It interprets the right to health as an inclusive right extending not only to timely and appropriate health care but also to 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 (para. 11). According to general comment 14 of the CESCR, States must protect the right to health of its population by taking measures to prevent pollution caused by businesses (para. 35 and 51). States must also take all measures to ensure that the activities of the enterprises present on their territory are in compliance with the right to healthy food and its access (para. 15 and 27). The Committee has determined on numerous occasions that any person whose rights to health and to food have been violated by the State or by a company have the right to an effective remedy and to adequate reparation (general comment No. 14 para. 59; general comment No. 12 para. 32; general comment No. 24 para. 14, 15 and 38-57).

The CESCR has also described the core content of the right to food, in its general comment No. 12, along with the corresponding obligations of States to respect, protect and fulfil the right to food. The Committee considers that the core content of the right to adequate food implies, inter alia, the availability of food, acceptable within a given culture, in a sufficient quantity and quality; and accessibility of such food in ways that are sustainable and that do not interfere with the enjoyment of other human rights (para. 8). The right to adequate food refers to the possibilities either for feeding oneself directly from productive land or other natural resources, or for well-functioning distribution, processing and market systems (para. 12). It entails both economic and physical accessibility of food, as well as the sustainability of food access for both present and future generations (para. 7).

In its general comment 15 on the right to water, CESCR explains that the right to water is considered implicit in articles 11 and 12 of ICESCR, covering the right to an adequate standard of living and health, respectively. The Committee has affirmed that the human right to water entitles everyone to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic uses. Furthermore, the Committee stated that environmental hygiene is an aspect of the right to health encompassing taking steps on a non-discriminatory basis to prevent threats to health from unsafe and toxic water conditions (para. 8). In addition, in July 2010, the UN General Assembly adopted a resolution that “recognized the right to safe and clean drinking water and sanitation as a human right essential for the full enjoyment of life and all human rights” (GA res. 64/292).

The central obligation in relation to ICESCR is for States Parties to give effect to the rights recognized therein (general comment No. 9, para. 1). Moreover, CESCR stated that “corporate activities can adversely affect the enjoyment of Covenant rights”, including through harmful impacts on the right to health, standard of living, the natural environment, and reiterated the “obligation of States Parties to ensure that all economic, social and cultural rights laid down in the Covenant are fully respected and rights holders adequately protected in the context of corporate activities” (E/C.12/2011/1, para. 1).

Further, States have a duty to prevent exposure to hazardous substances and wastes, as detailed in the 2019 report of the Special Rapporteur on the human rights implications of the environmentally sound management and disposal of hazardous substances and wastes to the United Nations General Assembly (A/74/480). This obligation derives implicitly, but clearly, from a range of rights and duties enshrined in the global human rights framework, under which States are obliged to respect and fulfil recognized human rights, and to protect those rights, including from the consequences of exposure to toxic substances. These rights include the human rights to life, health, food and drinking water, a healthy environment, adequate housing and safe and healthy working conditions.

Both the United Nations General Assembly and the Human Rights Council recognized the right to a clean, healthy and sustainable environment with the adoption of resolutions A/RES/76/300 and A/HRC/RES/48/13. In this regard, we would like to draw the attention of your Excellency's Government 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 fulfill human rights (principle 1); States must respect, protect and fulfill 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 highlight the UN Guiding Principles on Business and Human Rights (A/HRC/17/31), which were unanimously endorsed by the Human Rights Council in June 2011, are relevant to the impact of business activities on human rights. These Guiding Principles are grounded in recognition of:

- a. “States’ existing obligations to respect, protect and fulfil human rights and fundamental freedoms;
- b. The role of business enterprises as specialized organs or society performing specialized functions, required to comply with all applicable laws and to respect human rights;
- c. The need for rights and obligations to be matched to appropriate and effective remedies when breached.”

According to the Guiding Principles, States have a duty to protect against human rights abuses within their territory and/or jurisdiction by third parties, including business enterprises. In this regard, China has a duty to ensure that foreign businesses operating within its territory respect human rights by taking steps to prevent as well as investigate, punish, and redress abuses through legislation, regulations, policies, and adjudication. Furthermore, China has an obligation to ensure access to effective remedial mechanisms for persons whose rights have been violated by business activities within its territory. States are required to take appropriate steps to “prevent, investigate, punish and redress such abuse through effective policies, legislation, regulations and adjudication” (guiding principle 1). This requires States to “state clearly that all companies domiciled within their territory and/or jurisdiction are expected to respect human rights in all their activities” (guiding principle 2). In addition, States should

“enforce laws that are aimed at, or have the effect of, requiring business enterprises to respect human rights [...]” (guiding principle 3). The Guiding Principles also require States to ensure that victims have access to effective remedy in instances where adverse human rights impacts linked to business activities occur.

Furthermore, we would like to note that as set forth in the United Nations Guiding Principles on Business and Human Rights, all business enterprises have a responsibility to respect human rights, which requires them to avoid infringing on the human rights of others to address adverse human rights impacts with which they are involved. The responsibility to respect human rights is a global standard of expected conduct for all business enterprises wherever they operate. It exists independently of States’ abilities and/or willingness to fulfil their own human rights obligations, and does not diminish those obligations. Furthermore, it exists over and above compliance with national laws and regulations protecting human rights.

Principles 11 to 24 and principles 29 to 31 provide guidance to business enterprises on how to meet their responsibility to respect human rights and to provide for remedies when they have caused or contributed to adverse impacts. Moreover, the commentary of principle 11 states that “business enterprises should not undermine States’ abilities to meet their own human rights obligations, including by actions that might weaken the integrity of judicial processes”. The commentary of guiding principle 13 notes that business enterprises may be involved with adverse human rights impacts either through their own activities or as a result of their business relationships with other parties. (...) Business enterprise’s “activities” are understood to include both actions and omissions; and its “business relationships” are understood to include relationships with business partners, entities in its value chain, and any other non-State or State entity directly linked to its business operations, products or services”.

The guiding principles have identified two main components to the business responsibility to respect human rights, which require that “business enterprises: (a) Avoid causing or contributing to adverse human rights impacts through their own activities, and address such impacts when they occur; [and] (b) Seek to prevent or mitigate adverse human rights impacts that are directly linked to their operations, products or services by their business relationships, even if they have not contributed to those impacts” (guiding principle 13).

Principles 17-21 lays down the four-step human rights due diligence process that all business enterprises should take to identify, prevent, mitigate and account for how they address their adverse human rights impacts. Principle 22 further provides that when “business enterprises identify that they have caused or contributed to adverse impacts, they should provide for or cooperate in their remediation through legitimate processes”.

We wish to underscore that the guiding principles recognize the important and valuable role played by independent civil society organizations and human rights defenders. In particular, guiding principle 18 underlines the essential role of civil society and human rights defenders in helping to identify potential adverse business-related human rights impacts.

Furthermore, business enterprises should remedy any actual adverse impact that they cause or to which they contribute. Remedies can take a variety of forms and may include apologies, restitution, rehabilitation, financial or non-financial compensation and punitive sanctions (whether criminal or administrative, such as fines), as well as the prevention of harm through, for example, injunctions or guarantees of non-repetition. Procedures for the provision of remedy should be impartial, protected from corruption and free from political or other attempts to influence the outcome (commentary to guiding principle 25).

States may be considered to have breached their international human law obligations where they fail to take appropriate steps to prevent, investigate and redress human rights violations committed by private actors. While States generally have discretion in deciding upon these steps, they should consider the full range of permissible preventative and remedial measures.

Further, the right to an effective remedy is a key component of the full enjoyment of human rights, recognized as such in all three documents of the International Bill of Human Rights (UDHR art. 8; ICCPR art. 2; ICESCR art. 2). Without being able to access an effective remedy, human rights violations go unpunished, and victims may be deprived of justice, compensation and their dignity.

We further refer to the report of the Working Group on the issue of human rights and transnational corporations and other business enterprises on the Extractive Sector, Just Transition, and Human Rights (A/78/155), which explores factors leading to human rights abuses in the context of energy transition programs, including how the design and implementation of such programs remain largely characterized by power imbalances and fragmented and inconsistent regulatory frameworks. The report considers how to address persistent challenges by offering States, businesses, and other stakeholders in the extractive sector action-oriented recommendations on how to best design and implement just, inclusive, and human rights-based energy transition programs in line with the United Nations Guiding Principles on Business and Human Rights.

We also refer to the report of the Working Group on the issue of human rights and transnational corporations and other business enterprises on Investors, environmental, social and governance approaches and human rights (A/HRC/56/55), which clarifies the responsibilities of investors with regard to respecting human rights under the UNGPs.

In addition, we refer to the report of the Working Group on the issue of human rights and transnational corporations and other business enterprises on Business-related impacts on the rights of indigenous peoples (A/68/279), which explores the challenges faced in addressing the adverse impacts of business-related activities on the rights of Indigenous Peoples through the lens of the UNGPs, bringing clarity to the roles and responsibilities of States, business enterprises and Indigenous Peoples when addressing these impacts.

With specific reference to the expansion of fossil fuel use, we recall the Advisory Opinion of the International Court of Justice of 23 July 2025 on the obligations of states in respect of climate change indicating that “failure of a State to

take appropriate action to protect the climate system from greenhouse gas emissions – including through fossil fuel production, fossil fuel consumption, the granting of fossil fuel exploration licences or the provision of fossil fuel subsidies – may constitute an internationally wrongful act which is attributable to that State.”

In this connection, the UN Special Rapporteur on Climate Change and Human Rights clarified that all States should conduct environmental and human rights assessments of proposed projects in all sectors to ascertain how they contribute to prevent the creation or further development of sacrifice zones; and whether they do not delay defossilization of the economy or cause negative impacts on ecosystems, water, food and health (A/HRC/59/42).