

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

Ref.: AL OTH 92/2025

(Please use this reference in your reply)

19 August 2025

Dear Mr. Ardianto,

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.

We are independent human rights experts appointed and mandated by the United Nations Human Rights Council to report and advise on human rights issues from a thematic or country-specific perspective. We are part of the special procedures system of the United Nations, which has 60 thematic and country mandates on a broad range of human rights issues. We are sending this letter under the communications procedure of the Special Procedures of the United Nations Human Rights Council to seek clarification on information we have received. Special Procedures mechanisms can intervene directly with Governments and other stakeholders (including companies) on allegations of abuses of human rights that come within their mandates by means of letters, which include urgent appeals, allegation letters, and other communications. The intervention may relate to a human rights violation that has already occurred, is ongoing, or which has a high risk of occurring. The process involves sending a letter to the concerned actors identifying the facts of the allegation, applicable international human rights norms and standards, the concerns and questions of the mandate-holder(s), and a request for follow-up action. Communications may deal with individual cases, general patterns and trends of human rights violations, cases affecting a particular group or community, or the content of draft or existing legislation, policy or practice considered not to be fully compatible with international human rights standards.

ANTAM

In this connection, we would like to bring to your attention 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 (WBN)'s operations. 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.

Moreover, State-owned enterprises should have an increased responsibility to act fully in line with international human rights standards. The responsibility exists independently of States' ability and/or willingness to respect, protect and fulfil human rights. Moreover, it exists over and beyond compliance with applicable laws (such as domestic laws regulating companies' environmental impacts).

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 the steps that your company takes to determine whether it causes, contributes to, or is directly linked to human rights abuses as a result of its business activities or through business relationships.
3. Please provide information on the human rights policy commitments and human rights due diligence processes put in place by ANTAM, as set out in the United Nations Guiding Principles on Business and Human Rights, to identify, prevent, mitigate and account for adverse human rights abuses caused by or contributed to through your own activities, or directly linked to your operations, products or services by your business relationships, and also elaborated upon in the Working Group's reports on the Extractive Sector, Just Transition and Human Rights (A/78/155), Investors, ESG and human rights (A/HRC/56/55), Leading by example - The State, State-owned enterprises, and Human Rights (A/HRC/32/45) as well as on Business-related impacts on the rights of Indigenous Peoples (A/68/279), 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).
4. Please explain what concrete steps have been taken by your company to exercise leverage, in line with the UN Guiding Principles on Business and Human Rights, in your business relationships to prevent and mitigate human rights abuses committed by businesses, including how your company requires its business partners to conduct human rights due diligence in order to respect human rights, including those of Indigenous Peoples and human rights and environmental human rights defenders.
5. Please indicate whether your company has a human rights policy commitment, informed by human rights experts, that describes what your company, as an investor, expects of all business relationships in terms of human rights, and whether this takes into account climate change-related human rights impacts. Please indicate whether any such commitment is public and actively communicated, and whether it is embedded throughout the business, including within other policies and procedures.
6. Please provide information on the risk assessments that your company carries out prior to engaging in business activities or business relationships, and whether these studies are prepared with a human

rights-based approach, taking into account social and cultural impacts on relevant communities located in affected areas.

7. Please indicate measures taken to ensure that your company complies with international human rights standards and environmental laws, including through its business relationships.
8. Please provide information on the steps taken by your company to ensure that 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 have been undertaken.
9. Please provide information on steps taken by your company to establish, or participate, in operational-level grievance mechanisms, in line with the UN Guiding Principles on Business and Human Rights, to effectively address adverse human rights impacts caused by or (contributed to) your company throughout your operations.
10. Please describe the measures that your company has taken, or plans to take, to prevent recurrence of such business-related human rights abuses in the future.
11. Please provide information on the policies your company has adopted or plans to adopt to ensure the protection of human rights defenders and groups that may be exposed to abuses and violations, such as Indigenous Peoples.

This communication and any response received from you 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 to take measure to exert leverage so that the alleged violations are promptly halted and their re-occurrence is prevented.

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 you 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, China and France, and to Weda Bay Nickel, Indonesia Weda Bay Industrial Park, Eramet, Tsingshan Holding Group, Huayou Cobalt, and Zhenshi Holding Group.

Please accept, dear Mr. Ardianto, 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

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Irene Khan
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Gina Romero
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Marcos A. Orellana
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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

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, Indonesia 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, Indonesia 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, 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).

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.

Moreover, 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.

Finally, we would like to refer to the thematic report of the Working Group on the issue of human rights and transnational corporations and other business enterprises (ref. A/HRC/32/45) and recommendations contained therein elaborating on the duty of States to protect against human rights abuses involving those business enterprises that they own or control. This includes the following considerations:

88. *All business enterprises, whether they are State-owned or fully private, have the responsibility to respect human rights. This responsibility is distinct but complementary to the State duty to protect against human rights abuses by business enterprises. This duty requires States to take additional steps to protect against abuses by the enterprises they own or control. This goes to the core of how the State should behave as an owner and the ways in which its ownership model is consistent with its international human rights obligations.*
94. *States, as primary duty bearers under international human rights law, should lead by example. To show leadership on business and human rights requires action and dedicated commitment on many fronts. It also includes using all the means at the disposal of States to ensure that the enterprises under their ownership or control fully respect human rights throughout their operations. There is untapped potential for State-owned enterprises to be champions of responsible business conduct, including respect of human rights. The Working Group calls on States and State-owned enterprises to demonstrate leadership in this field.*