

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 human right to a clean, healthy and sustainable environment; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes

Ref.: AL THA 12/2025
(Please use this reference in your reply)

8 October 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 human right to a clean, healthy and sustainable environment; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes, pursuant to Human Rights Council resolutions 52/4, 53/3, 55/2, 52/9 and 54/10.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the **escalating death threats against human rights defenders Mr. Jorn Naowa-opas and Mr. Sumet Rianpongnam in the Eastern Region of Thailand in 2025**. Their situation reflects a wider pattern of reprisals against communities resisting industrial projects under the Eastern Economic Corridor. This happens in the context of reported pollution of water, land, and air caused by toxic waste facilities in Eastern Thailand, reportedly involving Thailand-based companies Waste 2 Energy Co. Ltd., KSD Recycle Co. Ltd., and Fusion Development Co. Ltd.

Mr. Jorn Naowa-opas is a human rights defender and member of the Volunteer Network for the Protection of Natural Resources and the Environment in the Phanom Sarakham District in Chachoengsao Province. Mr. Jorn was appointed Head of the Waste and Environmental Issues Working Group of the volunteer network. The network has over 500 members from several villages that have long been affected by severe pollution caused by industrial projects.

Mr. Sumet Rianpongnam is a human rights defender and leader of the Khon Rak Krok Sombun Group in Prachinburi Province. The group was formed by residents of several communities, comprising around 800 people. Mr. Sumet and other members of the group defend Prachinburi Province against pollution caused by companies operating in the area. Mr. Sumet's work is particularly focused on opposing the construction of a waste landfill by Waste 2 Energy Co. Ltd.

We have previously written to your Excellency's Government in 2013 ([THA 3/2013](#)) concerning the killing of environmental human rights defender Mr. Prajob Naowa-opas, the brother of Mr. Jorn Naowa-opas. Mr. Prajob was monitoring the activities of Fusion Development Co. Ltd., and prior to his assassination, received death threats. We thank your Excellency's Government for your reply dated [2 July 2013](#),

which outlines that one of the suspected perpetrators of the killing was a board member of Fusion Development Co. Ltd..

According to the information received:

Context of the Eastern Economic Corridor:

The Eastern Economic Corridor (EEC) is a special economic zone of three provinces in Eastern Thailand - Chachoengsao, Chonburi and Rayong. It reportedly accounts for over US\$80 billion in business investments, mostly foreign investment, contributing nearly 15% of Thailand's annual GDP. This State-led initiative aims at transforming the eastern provinces of Thailand into a hub for high-tech industries and innovation, driving economic growth and attracting foreign investment. Consequently, vast areas have been transformed into industrial zones.

The operations in the EEC designated area are governed by the Eastern Economic Corridor Act B.E.2561 (2018), establishing the EEC Policy Committee. This committee has broad discretion, including the power to designate the areas, and amend the criteria, procedures and conditions for business operations in the EEC. This includes exemptions from Environmental Impact Assessment (EIA) procedures and bypassing community hearings. Thailand's Environmental Law (NEQA) requires EIAs and public consultations for large-scale projects. However, in EEC practice, projects are often structured or screened to fall outside the thresholds, or approvals are expedited, resulting in minimal or no consultation of the communities affected by the industrialisation and concomitant pollution of air, water, and land. This pollution is caused by, amongst other, facilities that manage toxic wastes from industrial operations, including Waste 2 Energy Co. Ltd., KSD Recycle Co. Ltd., and Fusion Development Co. Ltd.

The EEC's impact on human rights defenders and the right to a healthy environment:

Most toxic waste facilities in the EEC are located close to communities, agricultural land, and bodies of water. This has led to the contamination of surface and groundwater, toxic residues in soil that undermine agricultural production, emissions causing serious health risks to nearby residents, and the displacement of farming communities.

Human rights defenders and activists who expose violations and abuses of business suffer from intimidation and targeted violence, reportedly from state and private actors. As a result of their work, human rights defenders have been the target of surveillance and intimidation, bribery attempts to silence them, criminalisation through lawsuits, death threats, and assassinations. Community-based human rights defenders are at heightened risk as both their personal safety and their livelihoods are threatened.

In 2014, KSD Recycle Co. Ltd. paid a fine of 29 million Thai Baht to Mr. Jorn and over 200 other members of the Volunteer Network for the Protection of

Natural Resources and the Environment, after they had filed a civil lawsuit against the company for illegally dumping toxic chemicals. In 2020, Waste 2 Energy Co. Ltd. filed a 50-million-baht civil lawsuit and criminal defamation lawsuit against Mr. Sumet and other members of the Khon Rak Krok Sombun Group, after they filed a complaint against the company with the local authorities. The lawsuit was dismissed due to the withdrawal by the company after the group removed the banners referring to “toxic waste”. These legal cases exemplify the longstanding opposition of human rights defenders in the EEC against companies causing environmental damage, as well as the retaliatory measures these companies take against communities defending their livelihoods and the environment.

In 2024, the Ministry of Industry created the task force ‘Team Sudsoi’ to investigate irregular waste operations, yet it was heavily dependent on evidence submitted by local human rights defenders and could not hold companies responsible for pollution nor remediate the environmental damage caused by companies in the EEC. KSD Recycle Co. Ltd was also inspected by the task force in July 2025 for the illegal burial of industrial waste in Chachoengsao Province. Since the Constitutional Court removed the Prime Minister and his cabinet in August 2025, human rights defenders working with the task force have expressed their concerns over the disruption of the investigations and lack of protection for human rights defenders from reprisals by the companies they are monitoring.

Concerning Mr. Jorn Naowa-opas:

On 9 May 2024, police officers from Phanom Sarakham District contacted Mr. Jorn, requesting a meeting between him and a former high-ranking officer. Anticipating potential risks, Mr. Jorn arrived with fellow human rights defenders. They were taken to a waste recycling facility in Chachoengsao. There, the factory owner and the former officer attempted to coerce Mr. Jorn, offering compensation for stopping his human rights work. Mr. Jorn declined and left.

Since June 2025, Mr. Jorn and his network have been monitoring the illegal disposal of toxic waste by KSD Recycle Co. Ltd. and Fusion Development Co. Ltd. and submitting their evidence to the Sudsoi Team task force.

On 20 July 2025, Mr. Jorn received information that contract killers travelled to Chonburi Province to target activists opposing waste facilities in Chonburi and Chachoengsao.

In August 2025, a police officer from Phanom Sarakham District reportedly called Mr. Jorn, asking him about his whereabouts and warning him that he would be attacked soon. The same officer later invited him to inspect wastewater issues, an offer Mr. Jorn declined due to fears for his safety.

Concerning Mr. Sumet Rianpongnam

Mr. Sumet and members of the Khon Rak Krok Sombun Group live in areas severely affected by water and air pollution. These areas lie within the Kabin Buri District and the Sri Maha Phot District.

In 2024, while monitoring toxic waste facilities suspected of environmental violations in Prachinburi Province, Mr. Sumet reported that his movement was being monitored. On 3 September 2024, a man claiming to be a government official attempted to enter his property. Mr. Sumet photographed the individual and swiftly alerted fellow defenders, in order to protect his personal safety.

Since this incident and throughout 2025, the harassment and surveillance of Mr. Sumet have reportedly intensified, and he has received alerts from other human rights defenders that waste management companies had allegedly pooled resources to hire a contract killer.

The severity of the threats is evident from the assassination of Mr. Jorn's brother, Mr. Prajob Naowa-opas, in 2013. Mr. Prajob Naowa-opas was monitoring a facility of Fusion Development Co. Ltd., and he received threats shortly before being killed. Further, the suspected perpetrator of hiring the contract killers was a board member of Fusion Development Co. Ltd. and a government official at the Ministry of Industry. According to reports, the alleged perpetrator was found innocent and resumed his post at the Ministry of Industry, despite evidence of communication between the suspect and the contract killers.

Without prejudging the information received, we express our serious concern over the threats against human rights defenders Mr. Jorn and Mr. Sumet. The threats, surveillance, and other human rights violations against Mr. Jorn and Mr. Sumet appear to be a direct reprisal for monitoring, reporting, and opposing harmful corporate practices in the EEC.

The previous assassination of a human rights defender who was working on environmental protection, corruption, and corporate abuse in the EEC, and the failure of the State to hold all alleged perpetrators accountable, highlight the concerning security situation of Mr. Jorn and Mr. Sumet. In her report to the Human Rights Council in 2020 ([A/75/165](#)), the Special Rapporteur on the situation of human rights defenders highlighted the link between the killing of human rights defenders and death threats, noting that "[n]ot all death threats to human rights defenders are followed by a murder, and not all such murders are preceded by death threats. However, many killings are preceded by a threat."

We also express our concern over the lack of appropriate measures taken by the Government to ensure that businesses operating in the ECC respect human rights and the environment, in particular the rights of human rights defenders, including requiring human rights due diligence. We are extremely concerned that on the contrary, the State would have weakened environmental and human rights safeguards through bypassing environmental regulations when approving industrial projects, particularly those involving toxic waste. We are alarmed by the failure of the State to protect communities

from corporations such as Waste 2 Energy Co. Ltd., KSD Recycle Co. Ltd., and Fusion Development Co. Ltd., which profit at the expense of damaging the environment, the livelihoods of local communities, and the security of human rights defenders opposing illegal activities.

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 whether your Excellency's Government has taken measures to investigate the death threats against Mr. Jorn Naowa-opas and Mr. Sumet Rianpongnam and other forms of harassment against human rights defenders documenting human rights violations in the Eastern Economic Corridor. If no investigation has been undertaken, please explain why.
3. Please indicate what measures your Excellency's Government has taken to ensure that individuals and human rights defenders are able to exercise their rights to freedom of expression and to expose abuses and voice concerns without fear of threats or acts of intimidation and harassment.
4. Please highlight the steps that your Excellency's Government has taken, or is considering to take, to protect against adverse human rights impacts of businesses, including environmental impacts, ensuring that companies domiciled in its territory and/or within its jurisdiction conduct effective human rights due diligence to identify, prevent, mitigate and account for how they address their impacts on human rights throughout their operations, including the rights of human rights defenders, as set forth by the UN Guiding Principles on Business and Human Rights (UNGPs).
5. Please provide information on how the National Action Plan on business and human rights that your Excellency's Government has published addresses the concerns raised here, including in relation to judicial harassment in the form of strategic litigation against public participation against human rights defenders who speak out against the adverse human rights impacts of business activities.
6. Please provide information in relation to the additional steps and remedies taken by your Excellency's Government to make sure that human rights, including environmental human rights and the rights of human rights defenders, are respected in the EEC.

7. Please indicate what measures your Excellency's Government has taken or is planning to take to discourage strategic lawsuits against public participation (SLAPPs), including criminalize companies for engaging in these lawsuits, as these are an abuse of the process and are not a legitimate tool for a company to use to promote its own ends, including through strong anti-SLAPP laws and training to judges and prosecutors to recognise SLAPPs, identify frivolous complaints against human rights defenders, and establish procedures to promptly dismiss the lawsuit and charges.
8. Please provide information on the measures taken or planned by your Excellency's Government to ensure that the potentially affected individuals receive full and effective reparation, through judicial or extrajudicial State-based mechanisms. In particular, please indicate the plans to investigate and adjudicate the complaints of irregular waste operations and lawsuits against human rights defenders in the context of business activities in EEC.

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 to clarify the issue/s in question.

Please be informed that a letter on this subject matter has also been sent to the directors of Waste 2 Energy Co. Ltd. and Fusion Development Co. Ltd.

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

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Special Rapporteur on the situation of human rights defenders

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management and disposal of hazardous substances and wastes

Annex

Reference to international human rights law

In connection with the above alleged facts and concerns, we would like to draw your attention to the applicable international human rights norms and standards, as well as authoritative guidance on their interpretation. With regard to the allegations stated above, we refer Your Excellency's Government to the International Covenant on Civil and Political Rights (ICCPR), acceded to by Thailand on 29 October 1996.

We would like to remind your Excellency's Government of the obligation to investigate gross human rights violations, punish them and provide reparations to the victims. Article 2 of the ICCPR states that states must take measures to ensure that persons whose rights or freedoms are violated have an effective remedy and that competent authorities ensure the enforcement of such a remedy when it is granted. Article 6 states that everyone has "the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life." Further, article 9 protects the right to liberty and security of a person. The right to freedom of opinion and expression is enshrined in article 19 of the ICCPR and includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers. It includes not only the exchange of information that is favourable, but also that which may criticize, shock, or offend. Any restriction on the right to freedom of expression must be provided by law; be necessary and proportionate and pursue one of the legitimate aims for restriction, which are the respect of the rights or reputations of others and the protection of national security or of public order (*ordre public*), or of public health or morals.

Human rights defenders

We 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 the Rights of Human Rights Defenders. Article 5 guarantees the right to meet or assemble peacefully for the purpose of promoting and protecting human rights. Article 6 affirms that everyone has the right to know, seek, obtain, receive and hold information, including having access to information as to how rights and freedoms are given effect. Article 8 provides for everyone's right to participate in the conduct of public affairs, including the right to submit to governmental bodies criticism and proposals drawing attention to aspects of their work that might hinder or impede the promotion, protection and realization of human rights. Article 9 recalls the right to an effective remedy. Finally, article 12 reaffirms the right to participate in peaceful activities against violations of human rights and requires States to take all necessary measures to ensure the protection of human rights defenders against "any violence, threats, retaliation, *de facto* or *de jure* adverse discrimination, pressure or any other arbitrary action".

Right to liberty and security of a person

Further, the right to liberty and security of a person is protected under the UDHR (article 3), the ICCPR (article 9) and the UN Declaration on the Rights of Peasants (article 6). The later document also states in article 8 that “States shall take all necessary measures to ensure protection by the competent authorities of everyone, individually and in association with others, against any violence, threat, retaliation, de jure or de facto discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise and defense of the rights described in the present Declaration”. General comment No. 35 on the right to liberty and security of person clarifies that security of person concerns “freedom from injury to the body and the mind, or bodily and mental integrity”.

Right to freedom of expression

Article 19 of the ICCPR guarantees the right to freedom of opinion and the right to freedom of expression, which includes the right “to seek, receive and impart information and ideas of all kinds, either orally, in writing or in print, in the form of art, or through any other media”. This right applies online as well as offline and includes not only the exchange of information that is favourable, but also that which may criticize, shock, or offend.

In its general comment No. 34, the Human Rights Committee stated that States parties to the ICCPR are required to guarantee the right to freedom of expression, including “political discourse, commentary on one's own and on public affairs, canvassing, discussion of human rights, journalism, cultural and artistic expression, teaching, and religious discourse” (CCPR/C/GC/34, para. 11). The Committee further asserts that there is a duty of States to put in place effective measures to protect against attacks aimed at silencing those exercising their right to freedom of expression (para. 23). Recognizing how journalists and persons who engage in the gathering and analysis of information on the human rights situation and who publish human rights-related reports, including judges and lawyers, are frequently subjected to threats, intimidation and attacks because of their activities, the Committee stresses that “all such attacks should be vigorously investigated in a timely fashion, and the perpetrators prosecuted, and the victims, or, in the case of killings, their representatives, be in receipt of appropriate forms of redress” (para. 23).

Any restriction on the right to freedom of expression must be compatible with the requirements set out in article 19(3) ICCPR. Under these requirements, restrictions must (i) be provided by law; (ii) pursue one of the legitimate aims for restriction, which are the respect of the rights or reputations of others and the protection of national security or of public order (ordre public), or of public health or morals; and (iii) be necessary and proportionate for those objectives. The State has the burden of proof to demonstrate that any such restrictions are compatible with the Covenant, proving “in specific and individualized fashion the precise nature of the threat, and the necessity and proportionality of the specific action taken, in particular by establishing a direct and immediate connection between the expression and the threat” (CCPR/C/GC/34, para. 35). The Human Rights Committee recalled that the relation between right and restriction and between norm and exception must not be reversed. In this regard, the Human Rights Committee stated that the restrictions must be “the least intrusive

instrument among those which might achieve their protective function”. (CCPR/C/GC/34, para. 34).

The right to access information of citizens is an essential component of the right to freedom of expression. As provided for in article 19 ICCPR, the right to freedom of opinion and expression encompasses the right to seek and receive information of all kinds. The Human Rights Committee in its general comment No. 34 affirmed that freedom of expression, including therefore the right to access information, “is a necessary condition for the achievement of the principles of transparency and accountability which, in turn, are essential for the promotion and protection of human rights” (CCPR/C/GC/34, para. 3) The Committee reaffirmed that “article 19 sets out a right of access to information held by public bodies” and, accordingly, “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 in the public interest. States parties should make every effort to ensure easy, prompt, 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 stressed the importance of access to information and transparency as fundamental pillars for peace, democracy and development, as well as the fundamental role 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 of access to information and transparency as fully and completely as possible. The action of the States should tend in this direction and, in any measure adopted, consider the impact on this right that may be caused by any measure that may be adopted, in order to avoid setbacks in this area.

UN Guiding Principles on Business and Human Rights

We would like to highlight the UN Guiding Principles on Business and Human Rights, which were unanimously endorsed in 2011 by the Human Rights Council in its resolution (A/HRC/RES/17/31) after years of consultation with governments, civil society, human rights defenders and the business community. The guiding principles have been established as the authoritative global standard for all States and businesses to prevent and address business-related adverse human rights impacts. These guiding principles are based on the recognition of:

- a) "The existing obligations of States to respect, protect and fulfil human rights and fundamental freedoms.
- b) The role of business enterprises as specialized bodies or corporations performing specialized functions, which must comply with all applicable laws and respect human rights.
- c) The need for rights and obligations to be matched by appropriate and effective remedies when they are violated".

The guiding principles also make clear that companies have an independent responsibility to respect human rights. Principles 11-24 and 29-31 provide guidance to companies on how to meet their responsibility to respect human rights and to provide remedies where they have caused or contributed to adverse impacts. The guiding principles have identified two main components of the corporate responsibility to respect human rights, which require “business enterprises to:

- a) Prevent their own activities from causing or contributing to adverse human rights impacts and address those impacts when they occur.
- b) Seek to prevent or mitigate adverse human rights impacts directly related to operations, products or services provided through their business relationships, even where they have not contributed to those impacts” (guiding principle 13).

To meet their responsibility to respect human rights, companies should have in place policies and procedures appropriate to their size and circumstances:

- a) A political commitment to uphold their responsibility to respect human rights.
- b) A human rights due diligence process to identify, prevent, mitigate and account for how they address their human rights impact.
- c) Processes to redress any adverse human rights impacts they have caused or contributed to (guiding principle 15).

According to guiding principles 16-21, human rights due diligence involves:

- a) Identifying and assessing actual or potential adverse human rights impacts that the enterprise has caused or contributed to through its activities, or that are directly related to the operations, products or services provided by its business relationships.
- b) Integrate the results of impact assessments into relevant business functions and processes and take appropriate action in accordance with their involvement in the impact.
- c) Monitor the effectiveness of the measures and processes adopted to address these adverse human rights impacts in order to know whether they are working.
- d) Communicate how adverse effects are addressed and demonstrate to stakeholders - particularly those affected - that appropriate policies and processes are in place to implement respect for human rights in practice.

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

impeded. In its 2021 guidance for ensuring respect for human rights defenders (A/HRC/47/39/Add.2), the Working Group on Business and Human Rights stressed the urgency of addressing the negative impacts of business activities on human rights defenders. It highlighted the normative and practical implications of the UNGPs for States and companies to protect and respect the vital work of human rights defenders.

The Working Group highlighted in its guidance illustrative steps that States should take to ensure that strategic litigation against public participation (SLAPP) is not used to silence the voices of human rights defenders, for example by:

1. Introduce legislative reforms to prevent human rights defenders from being sued for criminal defamation and commercial companies from claiming large sums of money for alleged damage to their reputation through criminal defamation.
2. Sanction companies that bring strategic lawsuits against public participation (SLAPP), as they are an abuse of process and not a legitimate tool for a company to use to achieve its own objectives.
3. End the collusion between states and companies, where companies use the police to demand action against human rights defenders, who then end up in detention for an alleged criminal offence, which is actually designed to silence their protests about company activities.
4. introduce stronger laws and institutions to protect whistleblowers, and to prevent SLAPPs through strong anti-SLAPP laws.
5. Ensure that judges and prosecutors are trained to recognise SLAPPs, to identify frivolous complaints against human rights defenders and to establish procedures to manage and respond to this situation.
6. Give courts the power to dismiss a case if they consider that the intention of the complaint/charge is to misrepresent the facts about a human rights defender's work, or to harass or take advantage of the defendant. In this case, the plaintiff/complainant could be barred from bringing the same case again.

The Working Group also stated that companies should not expose human rights defenders to undue risk, for example by engaging in frivolous litigation, including SLAPPs, or reporting them to the authorities as a means of intimidation. They should recognise that SLAPPs are not only wrong in principle, as they are incompatible with responsible business, but also that engaging in them makes poor strategic sense, as they destroy any credibility of the company's commitment to respect human rights generally.

Where an enterprise causes or is likely to cause an adverse human rights impact, it should take the necessary steps to end or prevent that impact. “The establishment of operational-level grievance mechanisms for those potentially affected by corporate activities can be an effective means of redress provided they meet certain requirements listed in principle 31 (guiding principle 22).

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 and other attempts to influence the outcome (commentary to guiding principle 25).

Right to an adequate standard of living and right to land

The right to an adequate standard of living guaranteed under the UDHR (article 25) and the ICESCR (article 11) encompasses, among others, the right to adequate food and housing. General Comment No. 4 on the right to adequate housing states that the right to housing “should be seen as the right to live somewhere in security, peace, and dignity”. Therefore, for instance, “housing should not be built on polluted sites nor in immediate proximity to pollution sources that threaten the right to health of the inhabitants”. General comment No. 12 on the right to adequate food states that food must be free from adverse substances and requires means to prevent contamination of foodstuffs, for instance, through poor environmental hygiene. The UN Declaration on the Rights of Peasants protects the right to adequate food, which includes the right to produce food (article 15), the right to an adequate standard of living (article 16), and the right to adequate housing (article 24).

Although land is not mentioned in the ICESCR, it plays an essential role in the realization of a range of human rights under the Covenant such as the right to adequate food, the right to adequate housing, the right to water, the right to the highest attainable standard of physical and mental health, the right to take part in cultural life, and the right to self-determination. General comment No. 26 on land and economic, social, and cultural rights stresses that “the sustainable use of land is essential to ensure the right to a clean, healthy, and sustainable environment and to promote the right to development, among other rights”. Communities must be “properly informed about and allowed to meaningfully participate in decision-making processes that may affect their enjoyment of rights under the Covenant in land-related contexts, without retaliation”. Reliance of rural communities on the land is crucial. Article 17 of the UN Declaration on the Rights of Peasants protects the right to land, both individually and collectively, which includes the right to have access to, sustainably use, and manage land and the water bodies and forests to achieve an adequate standard of living as well as to have a place to live in security. Peasants have “the rights to be protected against arbitrary and unlawful displacement from their land or place of habitual residence, or from other natural resources used in their activities and necessary for the enjoyment of adequate living conditions”.

Right to health

The right to health is protected under the UDHR (article 25.1) and the ICESCR (article 12) and it includes the enjoyment of the highest attainable standard of both physical and mental health. General comment No. 14 on the right to health interprets the right “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 and potable

water and adequate sanitation, an adequate supply of safe food, nutrition and housing, healthy occupational and environmental conditions (...). “A further important aspect is the participation of the population in all health-related decision-making at the community, national and international levels.” The right to health also comprises the prevention and reduction of the population’s exposure to harmful substances, such as harmful chemicals or other detrimental environmental conditions that directly or indirectly affect human health. Moreover, under the UN Declaration on the Rights of Peasants, article 23 protects the right to health.

The right to a clean, healthy and sustainable environment

We also wish to refer to Human Rights Council resolution 48/13 of 8 October 2021 and General Assembly resolution 76/300 of 29 July 2022, which recognize the right to a clean, healthy and sustainable environment as a human right.

We would also like to bring to the attention of your Excellency’s Government the Framework Principles on Human Rights and the Environment as detailed in the 2018 report of the Special Rapporteur on human rights and the environment (A/HRC/37/59). The principles state that States should ensure a safe, clean, healthy and sustainable environment in order to respect, protect and fulfil human rights (principle 1); States should respect, protect and fulfil human rights in order to ensure a safe, clean, healthy and sustainable environment (principle 2).

We also highlight the Special Rapporteur’s report A/79/270, that provides an overview of the right to a clean, healthy and sustainable environment and details States’ obligation to guarantee safe civic spaces for all environmental, climate and human rights defenders, who must be free from any stigmatization, intimidation, criminalization and violence. Furthermore, States must diligently investigate, prosecute and punish perpetrators of such acts, while addressing the root causes of environmental and climate-related conflicts. This includes those at high risk as a result of their efforts in protecting their lands, the environment and climate, such as Indigenous Peoples, young people, children, women, journalists and scientists.

Right to water

We also recall to your Excellency the explicit recognition of the human rights to safe drinking water and sanitation by the UN General Assembly (resolution 64/292) and the Human Rights Council (resolution 15/9), which derives from the right to an adequate standard of living, protected under, inter alia, article 25 of the Universal Declaration of Human Rights, and article 11 of ICESCR.

General comment No. 15 on the right to water stresses that the right to water “clearly falls within the category of guarantees essential for securing an adequate standard of living” enshrined in article 11 of the ICESCR, acceded by Thailand on 5 September 1999, and that it is also “inextricably related to the right to the highest attainable standard of health” guaranteed under article 12. A sufficient and continuous water supply must be available for personal and domestic use, and “water is necessary to produce food (right to adequate food) and ensure environmental hygiene (right to health).”

Moreover, water required for personal or domestic use must be safe, i.e., free from micro-organisms, chemical substances, and radiological hazards that constitute a threat to a person's health. Water facilities and services must be accessible to everyone, both physically and economically, and must be free from discrimination. Such accessibility includes the right to seek, receive, and impart information on water issues. Further, "access to traditional water sources in rural areas should be protected from unlawful encroachment and pollution".

In addition, considering the importance of water for rural communities, the UN Declaration on the Rights of Peasants protects the right to safe and clean drinking water under Article 21. Peasants have the right to water for personal and domestic use and farming. They also have the right to equitable access to water and water management systems and to be free from the contamination of water supplies. Accordingly, states are required to prioritize water for human needs before other uses.