

Mandates of the Working Group on the issue of human rights and transnational corporations and other business enterprises; the Working Group on Arbitrary Detention; the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on minority issues; the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism and the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes

Ref.: AL CAN 6/2025

(Please use this reference in your reply)

1 December 2025

Excellency,

We have the honour to address you in our capacities as Working Group on the issue of human rights and transnational corporations and other business enterprises; Working Group on Arbitrary Detention; Working Group on Enforced or Involuntary Disappearances; Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the situation of human rights defenders; Special Rapporteur on minority issues; Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism 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 53/3, 60/8, 54/14, 53/4, 52/9, 52/4, 52/5, 58/14 and 54/10.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **alleged human rights violations and abuses related to mining operations in the Chagai District of Balochistan, specifically to the Reko Diq mine operated by a subsidiary of Canadian based Barrick Gold Corporation**. The allegations entail repeated acts of reprisals, arbitrary arrest and detention, enforced disappearances, and inhuman or degrading treatment in custody, of human rights defenders who have raised concerns about the mining activities and toxic contamination, in particular human rights defenders Dr. Mahrang Baloch and Mr. Sibghat Ullah Shah Jee Baloch.

According to the information received:

The Reko Diq project is a mining area of 13,000 square kilometers, operated by Reko Diq Mining Company (RDMC), a subsidiary of Barrick Gold Corporation headquartered in Toronto, Canada. The Reko Diq Copper and Gold Mining Project is funded by the International Finance Corporation (IFC), the International Development Association (IDA) and the Asian Development Bank (ADB), and owned in partnership with the Government of Pakistan, being 25 per cent owned by each of three federal State-owned enterprises (OGDCL, GHPL, PPL) and 25 per cent owned by the Government of Balochistan through its entity Balochistan Mineral Resources Limited, of which 15 per cent is on a fully funded basis and 10 per cent is on a free carried noncontributing basis. The estimated total cost of the project, initially set at USD 4.3 billion and later

revised to USD 6.6 billion, has most recently been updated to \$7.7 billion. The project is to be funded through a mix of debt and equity from a consortium of lenders, with other potential financiers including the US EXIM Bank, Export Development Canada, and Japan's JBIC. This increase in total cost of the first phase of the Reko Diq copper and gold project reflects potential risks of cost escalation and delays arising from economic volatility, financing pressures, technical and logistical challenges, regulatory and political uncertainties, and unforeseen external shocks.

The project's legal and operational framework started in 1993, with an agreement named 'Chagai Hills Exploration Joint Venture Agreement (CHEJVA), signed between the Balochistan provincial government and the Australian Broken Hill Proprietary Company (BHP). After several ownership transitions, the Tethyan Copper Company (TCC), jointly owned by Barrick Gold (Canada) and Antofagasta (Chile), took over the project and in 2010 proposed a \$3.3 billion investment plan. However, the Balochistan government rejected TCC's mining license application in 2011, citing insufficient local benefits and demanding greater local participation. In response, TCC filed a claim for an international arbitration with the World Bank's International Centre for Settlement of Investment Disputes (ICSID) (ICSID Case No. ARB/12/1), regarding Pakistan's obligations to perform the contract entered with TTC to allow them mining rights in Reko Diq areas of Balochistan. Pakistan's Supreme Court, meanwhile, declared the original CHEJVA agreement void and invalid in 2013. In 2019, the ICSID ruled against Pakistan and ordered it to pay nearly \$6 billion for breach of the bilateral investment treaty obligations. The federal and provincial governments negotiated an out-of-court settlement with TCC, allowing the mine's development as a joint venture between Barrick Gold, the Balochistan Government, and Pakistani State-owned enterprises. The ICSID dispute reached an out of court settlement in 2022, with the acquisition of Reko Diq by Barrick Gold Corporation, following the conclusion of a framework agreement among the Governments of Pakistan and Balochistan province.

The project is expected to begin production by 2028, with projected revenues of approximately \$74 billion over the estimated 37-year lifespan of the mine's reserves.

However, the international arbitration process with the World Bank's International Centre for Settlement of Investment Disputes (ICSID) (ICSID Case No. ARB/12/1) failed to consider the broader human rights context in Balochistan, particularly the ongoing patterns of enforced disappearances, extrajudicial killings, and repression of the Baloch Indigenous population under the guise of counter-terrorism operations. The process reportedly also did not take into account the perspectives of affected communities and, the rights of Baloch Indigenous Peoples, including the free, prior, and informed consent (FPIC) and disregarded allegations of exposure to hazardous substances and wastes and environmental damage, such as cyanide contamination in grazing areas.

Specific context of Balochistan

Balochistan is a resource rich region, abundant in oil, coal, gold, copper, and gas. Although it is the largest province in Pakistan by area, Balochistan remains one of the most impoverished regions in the country and continues to face systemic under-development. According to the 2023 census, the province is home to approximately 15 million of Pakistan's estimated 240 million people, with over 70 per cent of the population living in extreme poverty¹.

The significant reserves of natural gas and minerals have attracted multinational businesses interest, but the Baloch population has long demanded autonomy in managing their natural resources, as stipulated by the 18th Amendment of 2010, which designates this as a provincial matter. Despite this, ethnic Baloch communities allege systematic marginalization by the Pakistani State, which has extracted substantial wealth from Balochistan's resources without meaningful consultation or engagement. This has reportedly resulted in a lack of fair benefit-sharing with local populations and has fueled political unrest and ongoing human rights violations in the province.

In that context, Baloch people's struggles are closely tied to the foreign business operations on their lands and the appropriation of natural resources. State security forces have reportedly carried out extensive crackdowns marked by unnecessary and disproportionate use of force to silence and suppress social and political movements advocating for Balochistan's rights, leading allegedly to the enforced disappearance of up to 18,000 people in the province since 2000, as well as with thousands of local people abducted, disappeared, tortured and extrajudicially killed, particularly among Baloch indigenous communities. Additionally, local leaders and residents have described an increasingly oppressive environment since 2023, marked by intensified State repression of those peacefully advocating for the return of forcibly disappeared individuals and the people's community's right to self-determination.

Environmental impacts of Reko Diq project

In the context of the new framework agreement for Barrick Gold's acquisition of mining rights, the required initial environmental and social impact assessment for the project, as mandated under section 15 of the Balochistan Environmental Protection Act (BEPA) 2012, has not been conducted. The 2024 environmental and social impact assessment (ESIA) for the Reko Diq Mining Project – approved by regulatory authorities for infrastructure development – disregards BEPA 2012's procedural requirements, which state that only after the Balochistan Environmental Agency has reviewed and granted approval can any further steps, including strategic assessments, be taken.

Despite Barrick's Gold statement that the ESIA was based on comprehensive social and environmental studies conducted over a period of 2.5 years by a team of independent experts, in consultation with local communities, environmental groups, and Government stakeholders, local stakeholders have argued that the

¹ Balochistan has the second highest headcount for multi-dimensional poverty out of all the provinces; at 71.2 per cent. Available at: <https://www.undp.org/pakistan/projects/balochistan-sdgs-bsdg-accelerated-delivery>

consultations lacked transparency, and that there is no clear mechanism to demonstrate how community feedback was incorporated into decision-making processes. Additionally, it was alleged that the ESIA report lacks clarity on the structure of the grievance system and the criteria for its accessibility.

The environmental impacts of the Reko Diq project are a major source of concern. The extraction of large quantities of water from deep aquifers threatens to deplete groundwater resources and worsen drought conditions in an already arid region, exacerbating water insecurity for local communities. These communities, already facing water scarcity and land dispossession, are also exposed to the broader environmental consequences of the project. Additionally, the mine poses risks to traditional livelihoods, particularly for those relying on pastoralism and small-scale agriculture. Developed on land purchased or leased from the government of Balochistan, the project will reportedly limit access to crucial grazing areas and migration routes essential for livestock herders.

The high water consumption of the mine raises concerns about the depletion and toxic contamination of groundwater, directly affecting crop irrigation and drinking water for people and animals. Dust emissions from mining operations could also damage pastureland, reduce crop productivity, and contaminate animal fodder with heavy metals. The project could further exacerbate water scarcity in Balochistan, with the added risk of worsening water quality, already compromised by previous cyanide contamination incidents.

These risks are inherent to large-scale industrial copper mining and pose adverse effects on animal health, as well as to water and air quality. Additionally, the mine will be powered by a heavy fuel oil (HFO) plant, a highly polluting and carbon-intensive energy source. The IFC Environmental and Social Review Summary (ESRS) highlights that the project is expected to emit significant levels of particulate matter, affecting air quality and posing risks to workers on-site.

Adverse impact on the rights of Indigenous Peoples

The Baloch people, who identify themselves as Indigenous, have consistently demanded greater autonomy and the right to determine how their natural resources are managed, as they allege that the Pakistani State has systematically marginalized them while extracting significant wealth from Balochistan's natural resources. These demands stem from long-standing grievances over the federal Government's control of provincial resources and its failure to translate mineral wealth into local development. Although the Government of Pakistan does not formally recognize Indigenous Peoples and does not have any national policies on indigenous and tribal peoples, the Baloch people meet the criteria established under the Indigenous and Tribal Peoples Convention, 1989 (No. 169), and the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), including self-identification, traditional lifestyle, a distinct language and culture, a unique social organization, and a historical connection to land.

The Chagai district, located in the Balochistan province of Pakistan, is home to various tribes, with the land holding deep cultural and historical significance for

these Indigenous groups. The Balochistan High Court has ruled in *Sher Zaman v. The Government of Balochistan* (constitutional petition No. 1269 of 2018 and 1128 of 2020 in the Balochistan High Court) that, under section 50(2)5 of the Land Revenue Act 1967 (“LRA”), ownership of unsettled lands – land that does not have any formal or written documents authorised by the state – is presumed to belong to the local tribes, and that the Government is responsible for maintaining the settlement records. Over 90 per cent of the land in Balochistan remains unsettled and has been inhabited by indigenous tribes for centuries. The Court emphasized that longstanding possession and control by these tribes over the land provide them with legitimate ownership rights, even in the absence of formal documentation. This ruling underscores the critical need for Government recognition and respect of Indigenous land rights.

In this context, the Pakistani Government’s increased security measures around the Reko Diq project have been perceived by many Baloch Indigenous leaders as militarization, which intensifies regional tensions and unrest. Local communities and human rights defenders have raised serious concerns regarding the lack of transparency, limited access to project-related information, and human rights abuses linked to this militarization. Moreover, fear of retaliation and a history of violence have reportedly silenced many Indigenous voices, resulting in their exclusion from meaningful consultation and consent processes.

Reprisals against those opposing the projects

Human rights defenders and Indigenous leaders who have denounced the adverse human rights impact of the Reko Diq mining project have reportedly suffered retaliation, attacks and detention. The demonstrations they have held have been reportedly violently suppressed by local authorities and the private security of the company. This would include targeted attacks against the Baloch Yekhehti Committee (BYC), an organization known for its vocal opposition to the exploitation of the region and aiming to raise awareness of human rights abuses, particularly extrajudicial killings and enforced disappearances, against ethnic Baloch people. Concerns have been raised in previous communications and press releases from Special Procedures mandate holders regarding the situation of human rights defenders in Balochistan, including the arrest, arbitrary detention, enforced disappearance and mistreatment of the leaders and members of the BYC, as well as on the impact of counter-terrorism measures on fundamental rights and freedoms, and the criminalization of activists and human rights defenders belonging to the Baloch minority, advocating for their rights.

On 28 July 2024, the BYC called for a ‘Baloch Raaji Machi’ (Baloch National Gathering) in Gwadar to protest systemic discrimination, enforced disappearances, State violence, impunity, and the unlawful appropriation of Indigenous lands and resources linked to foreign investment operations. Notwithstanding the peaceful nature of the protests, various measures were reportedly taken by the authorities to impede the demonstrations. Highways were blocked by authorities, resulting in clashes and arrests. Pakistani State forces reportedly employed unnecessary and disproportionate force against peaceful protesters and human rights defenders attending the gathering, who were reportedly targeted and injured during the protest, including an alleged

attempt on the life of woman human rights defender Dr. Mahrang Baloch. Following the tragic deaths of at least three activists, the rally transformed into a 12-day sit-in protest, which ended after negotiations between the BYC and Government representatives, including the release of detainees.

On 25 January 2025, during a movement organized in Dalbandin by the BYC to mark Baloch Genocide Remembrance Day, Dr. Mahrang Baloch publicly criticized foreign investors and the Government for the exploitation and displacement of local communities. She highlighted the lack of consent of Baloch People for the Reko Diq project, and denounced forced evictions, environmental degradation, and violations of Indigenous Peoples' rights, including their right to self-determination and control over natural resources. After the BYC announced that they would be commemorating 25 January as 'Baloch Genocide Remembrance Day', there have been allegedly increased repression against the organization, including intimidation, arbitrary arrests, police brutality, restrictions on public gatherings, and the shutdown of mobile and internet services to prevent public participation.

In that context, on 22 March 2025, members of the BYC were reportedly subjected to State violence and arbitrary arrests while participating in a peaceful sit-in protest in Quetta, Balochistan. On that day, Dr. Mahrang Baloch and Beebow Baloch were arrested and later charged under Pakistan's anti-terrorism laws. The following day, on 23 March, three protesters were killed as a result of the excessive use of force by law enforcement agencies. Subsequently, Mr. Sibghat Ullah Shah Jee Baloch was arrested in Quetta between the night of 30 and 31 March, and on 7 April 2025, Gulzadi Baloch was also detained by Pakistani authorities.

Following Dr. Mahrang's arrest, protests and sit-ins were held across Balochistan, including in Turbat, Gwadar, and Khuzdar. Despite the peaceful nature of these gatherings, the provincial Government has repeatedly extended Dr. Baloch's detention under section 3 of the Maintenance of Public Order (MPO) ordinance. On 11 October, the Balochistan Government decided to hold hearings of the detained BYC leaders inside prison premises, citing security concerns. During these closed proceedings, the judicial remand of all detained leaders was extended for an additional ten days, with a further hearing held on 22 October. Other BYC leaders and activists, including Beebarg Baloch, remain in custody under the same law.

The Balochistan Home Department has repeatedly extended the custody of Dr. Mahrang and members of the BYC, who were later transferred from preventive custody under section 3 of the MPO law to the Anti-Terrorism Court (ATC) and cases were filed against them under provisions of the Anti-Terrorism Act and the Pakistan Penal Code. The ATC in Quetta repeatedly prolonged their custody for nearly two months. After six extensions, the ATC rejected a request from the Counter Terrorism Department (CTD) to extend the physical remand of BYC leaders and transferred them to judicial custody in September 2025, while the charges against them remain under dispute. The BYC leaders, who were detained in March and April 2025, are now eligible to apply for bail.

While we do not wish to prejudge the accuracy of these allegations, we express deep concern about the potential exacerbation of environmental and social risks in this fragile and conflict-affected context, as initial assessments suggest that the Reko Diq project falls short of the standards required for a comprehensive human rights-based due diligence process. The allegations suggest that the Reko Diq project may be proceeding without proper due diligence or meaningful community participation, in contravention of the standards set out in the UN Guiding Principles on Business and Human Rights (UNGPs). There is a need for comprehensive and participatory human rights and environmental impact assessments, integrating community concerns through participatory decision-making and establishing an effective grievance mechanism. Such measures are essential to align with international human rights standards and help mitigate social risks. Companies involved in such projects must ensure that they do not contribute to or benefit from human rights violations and are required to conduct heightened human rights due diligence, especially in conflict-affected or high-risk environments.

We are deeply concerned about the potential negative impact this mining project would have on the local community's rights to a clean, healthy and sustainable environment and to legitimately express their discontent and concerns, as well as sharing their knowledge about the detrimental effects the project's completion might have on the environment, the climate, their cultural heritage, and their livelihoods. These ongoing challenges highlight the urgent necessity of addressing the rights of Indigenous Peoples in Balochistan. The lack of meaningful consultation and failure to uphold the principle of FPIC, combined with increasing militarization and the negative environmental and socio-economic impacts of the Reko Diq project, risks worsening existing tensions, undermining local sovereignty, and further marginalizing Baloch communities. Protecting cultural, social, and land rights, as well as ensuring the Baloch people's right to self-determination, is critical. If left unaddressed, these issues could perpetuate historical grievances and exacerbate the economic and cultural marginalization of Baloch Peoples.

We remind your Excellency's Government that participatory and comprehensive human rights and environmental impact assessments are needed for such projects, as well as the conduct of human rights due diligence by the companies involved in accordance with the UN Guiding Principles on Business and Human Rights. Opportunities to participate in such evaluations should furthermore be made public to ensure timely access to accurate and meaningful information. Access to justice and effective remedies must be provided if there are concerns about the quality and inclusivity of these evaluations.

With regard to the responsibility of the home State of Barrick Gold Corporation, the UNGPs expressly indicate that States must ensure that business enterprises respect human rights throughout their operations and that in meeting their duty to protect, States: (a) Enforce laws that are aimed at, or have the effect of, requiring business enterprises to respect human rights, and periodically to assess the adequacy of such laws and address any gaps; (b) Ensure that other laws and policies governing the creation and ongoing operation of business enterprises, such as corporate law, do not constrain but enable business respect for human rights; (c) Provide effective guidance to business enterprises on how to respect human rights throughout their operations; (d) Encourage, and where appropriate require, business enterprises to communicate how they address

their human rights impacts. The UNGPs also state that States and business enterprises must provide for access to remedy for affected individuals and communities. The responsibility of these States also arises as a result of a failure to exercise reasonable human rights due diligence over the relevant extraterritorial activities of the [...] corporations (see e.g., HRC, Basem Ahmed Issa Yassin v Canada, para. 6.5. ff.; CESCR, GC 24 2017, para. 15-16, 30-32).

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, to uphold its duty to protect against human rights abuses by the Reko Diq project, 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 throughout their operations (including abroad), as set forth by international law and standards, including the UN Guiding Principles on Business and Human Rights (UNGPs).
3. Please describe the guidance, if any, that your Excellency's Government has provided to the Barrick Gold Corporation on how to respect human rights throughout its operations in line with international law and standards, including international environmental law and the UN Guiding Principles. Measures to be implemented include, inter alia, guaranteeing effective access to information, public participation and access to justice, conducting human rights due diligence, consulting meaningfully potentially affected stakeholders, and remediating any negative impacts.
4. Please kindly provide information on how your Excellency's Government ensures that business enterprises under its jurisdiction, including private military and security companies, do not impact negatively the ability of human rights defenders to conduct their legitimate work, specifically in light of the recommendations provided to States in the report of the Working Group on the issue of human rights and transnational corporations and other business enterprises on the adverse impact of business activities on human rights defenders (A/HRC/47/39/Add.2) recalling for States and business the normative and practical implications of the UNGPs in relation to protecting and respecting the vital work of human rights defenders.

5. Please indicate what measures your Excellency's Government has taken, or is considering taking, to support victims of business-related human rights abuses and human rights defenders who have been affected by the operations of business enterprises domiciled in Canada and ensure that they have access to an effective remedy through judicial or non-judicial State-based mechanisms, in line with the UNGPs. If no such action has been taken, please explain why.

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 influence is exerted in order 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 Government of Pakistan, as well as to those business enterprises that are involved in the development and financing of the Reko Diq project including Barrick Gold Corporation, International Finance Corporation (IFC), International Development Association (IDA) and the Asian Development Bank (ADB).

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

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

Matthew Gillett
Vice-Chair of the Working Group on Arbitrary Detention

Gabriella Citroni
Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances

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Mary Lawlor
Special Rapporteur on the situation of human rights defenders

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Special Rapporteur on minority issues

Ben Saul
Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism

Marcos A. Orellana
Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes

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 relevant international norms and standards that are applicable to the issues brought forth by the situation described above.

We would like to refer your Excellency's Government to articles 9, 14, 19, 21 and 22 of the International Covenant on Civil and Political Rights (ICCPR), acceded by Canada on 19 May 1976.

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). States have a duty under international human rights law to ensure that human rights, including freedom of expression, are respected not only within their borders but also in relation to activities abroad by companies domiciled in their territory.

We would also like to refer to the responsibility of States to take appropriate steps to prevent, investigate, punish and redress human rights abuses within their territory and/or jurisdiction by third parties, including business enterprises, reiterated by the Guiding Principles on Business and Human Rights, which were unanimously endorsed by the Human Rights Council in its resolution (A/HRC/RES/17/4) in 2011. The guiding principles have been established as the authoritative global standard for all States and businesses with regard to preventing and addressing adverse business-related human rights impacts.

The guiding principles clarify that under international human rights obligations "States must protect against human rights violations committed in their territory and / or their jurisdiction by third parties, including companies" (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" (principle 2). In

particular, this includes companies undertaking a due diligence process in the field of human rights to identify, prevent, mitigate and respond to the negative human rights consequences in which they may be involved, either through their own activities or as a result of their commercial relations (principles 17-21). This process of identifying and assessing actual or potential negative human rights consequences should include substantive consultations with potentially affected groups and other stakeholders. 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.

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. In particular, the guiding principles recognise the heightened risk of gross human rights violations in conflict-affected areas and require States to help ensure that business enterprises operating in those contexts are not involved with such abuses (guiding principle 7). In this respect, particular consideration needs to be given to the role of “home” States of transnational corporations in ensuring that businesses are not involved with human rights abuse as, in conflict-affected areas, the “host” State may be unable to adequately protect human rights due to a lack of effective control.

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

The guiding principles 25 to 31 provide guidance to States and business enterprises on steps to be taken to ensure that victims of business-related human rights abuse have access to effective remedy.

In this connection, we recall that guiding principle 25 states that as part of their duty to protect against business-related human rights abuse, “States must take appropriate steps to ensure, through judicial, administrative, legislative or other appropriate means, that when such abuses occur within their territory and/or jurisdiction those affected have access to effective remedy”. As underlined in the commentary to guiding principle 25, “State-based judicial and non-judicial grievance mechanisms should form the foundation of a wider system of remedy. Within such a system, operational-level grievance mechanisms can provide early stage recourse and resolution.”

Guiding principle 26 further notes that States should take appropriate steps to ensure the effectiveness of domestic judicial mechanisms when addressing business-related human rights abuses, including considering ways to reduce legal, practical and other relevant barriers that could lead to a denial of access to remedy.

Guiding principle 28 highlights that, “States should consider ways to facilitate access to effective non-State based grievance mechanisms dealing with business-related human rights harms.” The commentary to guiding principle 29 further provides that operational-level grievance mechanisms should not be used to preclude access to judicial or non-judicial grievance mechanisms.

Guiding principle 31 clarifies that in order to ensure their effectiveness, nonjudicial grievance mechanisms, both State-based and non-State-based, should be:

- a) Legitimate: enabling trust from the stakeholder groups for whose use they are intended, and being accountable for the fair conduct of grievance processes;
- b) Accessible: being known to all stakeholder groups for whose use they are intended, and providing adequate assistance for those who may face particular barriers to access;
- c) Predictable: providing a clear and known procedure with an indicative time frame for each stage, and clarity on the types of process and outcome available and means of monitoring implementation;
- d) Equitable: seeking to ensure that aggrieved parties have reasonable access to sources of information, advice and expertise necessary to engage in a grievance process on fair, informed and respectful terms;
- e) Transparent: keeping parties to a grievance informed about its progress, and providing sufficient information about the mechanism's performance to build confidence in its effectiveness and meet any public interest at stake;
- f) Rights-compatible: ensuring that outcomes and remedies accord with internationally recognized human rights;
- g) A source of continuous learning: drawing on relevant measures to identify lessons for improving the mechanism and preventing future grievances and harms.

Operational-level mechanisms should also be:

- h) Based on engagement and dialogue: consulting the stakeholder groups for whose use they are intended on their design and performance, and focusing on dialogue as the means to address and resolve grievances.”

Furthermore, 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 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.

In particular, 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 5, point a), which states that everyone has the right to meet or assemble peacefully;
- article 6, point a), which provides for the right to know, seek, obtain, receive and hold information about all human rights and fundamental freedoms;
- 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 9, paragraph 1, which provides for the right to benefit from an effective remedy and to be protected in the event of the violation of those rights;
- and 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.