

Mandates of the Working Group on the rights of peasants and other people working in rural areas; 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 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 situation of human rights defenders; the Special Rapporteur on the human rights of internally displaced persons; the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes and the Special Rapporteur on the human rights to safe drinking water and sanitation

Ref.: AL CAN 1/2026

(Please use this reference in your reply)

22 July 2026

Excellency,

We have the honour to address you in our capacities as Working Group on the rights of peasants and other people working in rural areas; 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 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 situation of human rights defenders; Special Rapporteur on the human rights of internally displaced persons; Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes and Special Rapporteur on the human rights to safe drinking water and sanitation, pursuant to Human Rights Council resolutions 54/9, 53/3, 55/2, 58/10, 52/9, 59/4, 61/22, 59/12, 54/10 and 51/19.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **allegations of violations and abuses of the human rights of peasants, other persons working in rural areas and Indigenous Peoples in the context of mining projects controlled by Canadian companies and their subsidiaries in Ecuador.**

This communication reflects concerns expressed in several previous communications, in particular the letters issued by the Special Procedures mandate holders on 22 October 2025 (ECU 8/2025) on the deterioration of fundamental freedoms and civic space in Ecuador and persecution of social movements and their leaders; and 17 April 2024 (ECU 2/2024) on the escalation of violence and misuse of criminal law against environmental and human rights defenders in the framework of environmental consultations for mining projects, in particular the communities of Las Pampas and Palo Quemado.

According to the information received:

"Curipamba – El Domo" mining project in the canton of Las Naves

In the upper area of the Las Naves canton, the Curipamba – El Domo mining project, whose construction began in January 2025 with the aim of starting operations by the end of 2026, is generating high human rights risks for affected communities. The project is operated by the Ecuadorian company Curimining S.A, which manages the mining concession. Curimining S.A. is controlled by the Canadian company Silvercorp Metals Inc. after acquiring the Canadian company Adventus Mining Corporation, in association with the Canadian company Salazar Resources Limited as a minority partner.

According to the plans submitted by the Ministry of Environment, Water and Ecological Transition, the project facilities will cover 290 hectares, with a part of the open pit mine occupying 53 hectares. There will also be a mineral processing plant where minerals will be separated using toxic substances such as sodium cyanide, sodium hydroxide, copper sulfate, and sodium metabisulfite. Due to its installation in an area of river headwaters used for human consumption and agricultural irrigation, the implementation of this project would represent a direct threat to the right to health, the right to safe drinking water, food security, the environment, and the livelihoods of numerous peasant families and Indigenous Peoples of the canton. According to the information received, a situation of water risk is already observed, derived from the decrease in the flow, contamination and mixing of wastewater, with a greater impact on the health of the people surveyed: 54% would report cases of digestive problems, 31% would observe skin irritations and 22% would mention respiratory diseases related to the consumption of contaminated water.

Since 2021, more than 50 criminal investigation proceedings have been opened against human rights and environmental defenders for alleged crimes of illicit association, violation of private property, attack or resistance, injuries and kidnapping, for their participation in public meetings and peaceful protests against the Curipamba-El Domo mining project. In October 2025, 13 defenders were reportedly sentenced to up to 4 years in prison, allegedly handed down without respect for due process and without sufficient evidentiary support.

Between June 2023 and January 2024, the Ministry of the Environment, Water and Ecological Transition carried out an environmental consultation process in the Las Naves canton. However, this process was allegedly carried out under conditions of pressure and intimidation, with a strong police and military presence, the exclusion of peasant communities, Montuvias, and Indigenous Peoples, and the absence of minimum guarantees of meaningful participation of the impacted communities. This would have limited the population's access to the space where the information was made available. Thirteen people were reportedly injured and two arrested and later sentenced for participating in peaceful demonstrations against the project. In addition, at the time of the consultation, advanced exploration activities in the territory had already begun, and the impacted communities would not have been adequately informed, since the information provided was overly technical, incomplete and prepared by the

company Curimining S.A. In addition, only 420 people, out of a total of 7012 inhabitants of the canton, participated in the consultation.

As of December 2024, a local community began to be affected by the intensive traffic of heavy machinery linked to the mining project, which would have caused damage to homes, environmental pollution and risks to pedestrian safety on its communal road. On May 13, 2025, the community reportedly began to restrict access to the road. On May 21, 2025, agents of Law Enforcement and the Motorized Police, accompanying vehicles of the company involved in the mining project, violently evicted people in resistance, using tear gas and physical force against women and the elderly. On June 24, 2025, more than 300 police officers carried out a large-scale operation in the community camp, where about 30 people were located, mostly women, children and the elderly. During the intervention, less lethal projectiles and tear gas were fired, tents were set on fire and food and utensils were destroyed. Three people were injured. Despite multiple public complaints and requests for peaceful intervention submitted by a local organization to local and provincial authorities, no institution adopted protective measures or investigated the reported abuses.

On 3 April 2025, the Court of Criminal Guarantees of Bolívar issued sentences against three local community leaders imposing four years in prison, a fine equivalent to four unified basic salaries (*salario básicos unificados*) and the payment of six hundred US dollars as reparation in favor of the complainants, including relatives of workers of the mining company Curimining S.A. In these cases, the court reportedly criminalized cultural practices of territorial and collective defense such as *mingas* (traditional forms of collective, voluntary community work), community assemblies and actions of social control, interpreting them as acts of "vandalism", "illicit association" or "violation of private property". The fact that the accused identified themselves as community leaders, indigenous, Montuvio, and peasant leaders was presumably used as evidence of authorship or leadership of the alleged crime, and as evidence of the unlawful conduct.

In addition, in May 2025, six environmental defenders were sentenced to three years in prison, a fine equivalent to ten unified basic salaries and the payment of six hundred US dollars in favour of the company Curimining S.A. as comprehensive reparation. The information alleges that the conviction was handed down without any material or expert evidence to prove the commission of the crime of "illicit association", and in a process allegedly marked by serious violations of due process, evidentiary irregularities and lack of judicial impartiality, in a context of persecution of community leaders who legitimately exercise their right to defend water, Nature, and its territories.

"La Plata" mining project, in the parroquias of Palo Quemado and Las Pampas

According to the information received, the La Plata mining project, located in the parishes of Palo Quemado and Las Pampas, Sigchos canton, Cotopaxi province, is in the final stages of obtaining environmental permits and licenses. Its objective is to exploit sulphides from volcanic stones and would seek to extract gold, silver, copper and zinc on 2,222 hectares. The project is managed

by the Ecuadorian company La Plata S.A., which is controlled by the Canadian company Toachi Mining Inc., a subsidiary of the Canadian company Atico Mining Corporation.

The mining project is located within the parishes of Palo Quemado, with around 1,500 inhabitants, and Las Pampas, with around 3,000 inhabitants, including peasants and Indigenous Peoples. This region, known as "El Tigre", contains at least 27 springs considered vital for human consumption and for the rivers that supply the communities downstream. The land is agricultural, and is used for family livestock, which depends on fertile soils and clean water.

The proposed mining activity threatens these livelihoods by risking soil degradation, toxic contamination of rivers, and loss of water sources. Communities have spoken out against this project because of the serious adverse risks of harm to their livelihoods.

On 19 June 2023, the Ministry of Environment, Water and Ecological Transition (MAATE) initiated environmental consultation processes in Palo Quemado and Las Pampas to license the La Plata mining project. It was apparently observed that a large part of the community was excluded and incidents involving injured persons and reports of threats and violence by armed groups linked to the mining company were recorded. In view of this, the MAATE called for a new consultation for March 2024. The resumption of the consultation on 16 March 2024 led to clashes, at least 20 injuries and accusations of terrorism against more than 70 people. On 25 March 2024, a judge ordered the provisional suspension of the process through a protection action, and the MAATE announced the temporary suspension of the consultation, while the court hearings scheduled for April were postponed.

On August 23, 2025, a new environmental consultation was held in Palo Quemado. In September 2025, the company Atico Mining S.A. announced that more than 90% of the participants had expressed their support for the project, concluding that an environmental license can be granted to continue exploitation activities.

However, the consultation process was seriously flawed. A disproportionate military deployment would have been observed in Palo Quemado, and the vast majority of the people affected by the project would have been prevented from participating in the environmental consultation process. Therefore, the process allegedly did not respect constitutional and international law guarantees regarding good faith consultation of the impacted communities.

"Loma Larga" mining project in Kimsacocha, cantón Cuenca

The Loma Larga mining project, Kimsacocha, is located in the Kimsacocha páramo, in the canton of Cuenca, Azuay province, southern Ecuador. Since the early 2000s, foreign mining companies have promoted exploration studies in the area due to the presence of gold and copper. Today the Loma Larga project is controlled by the Canadian company Dundee Precious Metals.

Reportedly, social opposition has emerged since the early years of the project linked to concerns about environmental protection and access to safe drinking water, as the project is located near sensitive ecosystems, and that the area is a water recharge zone for the city of Cuenca and nearby rural communities.

On October 2, 2011, local communities, on their own initiative, held a community consultation in which more than 90% of the participants rejected mining in Kimsacocha. That consultation marked the beginning of an organized movement in defense of access to water and the páramo.

In 2019, a popular consultation was held in the canton of Girón (Azuay) in which participants voted more than 86% against the question "Do you agree that mining activities should be carried out in the moors and water sources of the Kimsacocha hydrological system?".

On February 7, 2021, a popular consultation was held in the canton of Cuenca approved by the National Electoral Council, therefore, with a binding nature. In this consultation, more than 80% of the population of Cuenca voted against the authorization of mining projects in the canton, which directly includes the Kimsacocha páramo.

On July 14, 2022, the Provincial Court of Justice of Azuay granted precautionary measures and ordered the suspension of the Loma Larga project, arguing that the prior, free, and informed consultation of the communities and several environmental requirements had not been complied with. This decision was ratified in subsequent instances during 2023, keeping the project halted.

On February 7, 2024, the Constitutional Court of Ecuador reaffirmed the suspension of the project and established that no mining activity could advance as long as collective rights, popular consultations, and environmental standards are not respected.

On June 23, 2025, Ecuador's Ministry of Environment, Water and Ecological Transition issued an environmental license for the exploitation of the mining project to the company Dundee Precious Metals. This decision provoked new protests, legal actions and mass mobilizations. On September 16, the "March for Water" was held in Cuenca, which brought together more than 100,000 people against the Loma Larga project.

On 14 July 2022, the Provincial Court of Justice of Azuay granted precautionary measures and ordered the suspension of the Loma Larga project, arguing that the prior, free, and informed consultation obligations of the communities, and several environmental requirements, had not been complied with. This decision was ratified in subsequent instances during 2023, keeping the project halted.

On October 4, 2025, the Government of Ecuador announced the revocation of that same environmental license due to technical reports from local authorities on possible impacts on water sources and the health of communities, and as part of a precautionary approach to protect the constitutional rights of nature and water. However, local organizations expressed concern that the revocation of

the environmental license does not protect Kimsacocha, and that the only effective guarantee would be the definitive cancellation of the Loma Larga project and the mining concessions that affect the tropical Andean ecosystem (páramos).

While we do not wish to prejudge the veracity of these allegations, the information provided raises serious concerns regarding the alleged multiple violations of the rights of peasants, rural workers and indigenous communities in Ecuador; including their rights to life, security, including the right to be protected from arbitrary or forced displacement; food security and food sovereignty, a healthy environment, safe drinking water, land and property, freedom of expression, peaceful assembly and association, participation and consultation in good faith. We are concerned that, in the context of extractive projects, the human rights of the inhabitants of these communities are being violated in a massive and systematic way.

In the case of the "Curipamba – El Domo" mining project in the canton of Las Naves, we are concerned about the alleged toxic contamination of river headwaters for human consumption and agricultural irrigation, which directly threatens the rights to health, drinking water, food security and livelihoods of numerous families in the canton. peasants, rural workers and indigenous communities. We are also concerned that there has not been a process of consultation in good faith with local communities. Likewise, the cases of criminalization of social leaders and human rights defenders raise our deepest concerns, as does the repression of peaceful protests and the excessive use of force – including less-lethal weapons which can cause permanent lesions, as well as acts of torture and mistreatment up to and including death – by law enforcement and private actors against protesters, among them vulnerable people such as children and the elderly.

In the case of the "La Plata" mining project in Palo Quemado, we are concerned about the alleged toxic contamination of springs and rivers. In addition, as we have pointed out in our letter of 17 April 2024 (ECU 2/2024), we are alarmed by the situation of escalation of violence, including by the security forces, and the improper use of criminal law against human rights and environmental defenders in the framework of environmental consultations. The latest developments raise our concerns regarding respect for the right to participation and consultation in good faith of the communities affected by the mining project.

In the case of the "Loma Larga" mining project in Kimsacocha, we appreciate that the Government has taken into consideration the impact of the project on water sources and the health of the communities, and we note that the environmental license was revoked due to these reasons. However, we are concerned that on 23 June 2025, an environmental license was issued in apparent contradiction with the Constitutional Court's decision of 7 February 2025. We are also concerned that, despite the revocation of the licence, future developments may take place that violate the rights of local communities, peasants, rural workers and indigenous communities.

We would like to express our serious concerns regarding several cases in Ecuador in which extractive projects controlled by Canadian companies have been associated with allegations of adverse impacts on the rights of peasants, other persons working in rural areas, and Indigenous Peoples. According to the information received,

these projects have reportedly been linked to risks of environmental degradation, pollution of water sources, encroachment on the ancestral lands, and disruptions to the traditional livelihoods and social cohesion of affected communities risking exposing these communities to environmental and security risks, forced or arbitrary displacement, forced relocation without meaningful consultation, planned relocation, or compensation.

We are further concerned about allegations of insufficient consultation and participation peasants, Indigenous Peoples and local communities, including gaps in ensuring for Indigenous Peoples their free, prior and informed consent, and for peasants their right to participate in the preparation and implementation of policies, programmes and projects that affect their lives, as well as reports of intimidation, stigma, and criminalization of individuals opposing or questioning these projects.

These situations raise important questions regarding the responsibilities of companies domiciled in Canada and the role of Your Excellency's Government in ensuring that such enterprises respect national and international human rights and environmental standards throughout their operations abroad, including through effective human rights due diligence. In line with the UN Guiding Principles on Business and Human Rights the Government of Canada is expected to take all necessary measures to prevent, address, and remedy adverse human rights impacts linked to the overseas activities of Canadian companies. This includes ensuring the implementation of effective human rights and environmental due diligence; strengthening oversight, monitoring, and accountability mechanisms; and guaranteeing that affected communities have access to timely, impartial, and effective remedies when harm occurs. The allegations described above therefore highlight the importance of robust state action to ensure that Canadian corporations do not contribute to or benefit from human rights violations or environmental degradation in Ecuador.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide information on measures that your Excellency's Government has taken or plans to take to assist and cooperate with the Government of Ecuador to identify and respond to the impacts on human rights, including of peasants, rural workers and Indigenous People, as well as on the environment caused by the above-mentioned allegations.
3. Please provide information on the measures your Excellency's Government has taken, or is considering taking, to ensure that business enterprises domiciled in its territory and/or jurisdiction respect human rights in all their activities in Ecuador, particularly as they relate to the

above allegations. Specifically, what measures are being implemented to ensure that business enterprises conduct effective human rights due diligence to identify, prevent, mitigate, and address their human rights and environmental impacts, in accordance with the UN Guiding Principles on Business and Human Rights.

4. Please provide information on the measures that your Excellency's Government plans to take to prevent the recurrence and address the violations and abuses of the rights of peasants, rural workers and Indigenous communities to freedom of expression, peaceful assembly and association, and participation in the context of business activities.
5. Please provide information as to whether the Embassy of your Excellency's Government in Ecuador has been made aware of the above-mentioned allegations, and whether any action has been taken to protect the human rights defenders concerned, in line with Canada's Voices at Risk Guidelines.
6. Please provide information on the measures that your Excellency's Government has taken or considering taking to ensure that persons affected by activities of Canadian business enterprises in Ecuador have access to effective remedy in your country, through State judicial or non-judicial mechanisms.
7. Please provide information regarding the measures that your Excellency's Government has taken, to implement to the recommendation provided in the report of the Working Group on the issue of human rights and transnational corporations and other business enterprises on its visit to Canada in 2017 (A/HRC/38/48/Add.1), in particular with regard to developing a gender-sensitive national action plan to implement all three pillars of the Guiding Principles (para. 79(r)) and to engaging in a multi-stakeholder process to contribute to the development of such national action plan, by facilitating the full participation of all stakeholders, including Indigenous Peoples and women. (Para. 85(c)).

This communication, and any response received from your Excellency's Government, will be made public via the communications reporting [website](#) at the 60 days mark. Should Your Excellency's Government respond within 60 days, both the communication and the response, may be published before the 60 days mark. The communications and responses will also be made available in the subsequent periodic 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 companies and/or 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 the Republic of Ecuador as well as to the companies Curimining S.A., Adventus Mining Corporation, Salazar Resources Limited, Silvercorp Metals, La Plata S.A., Toachi Mining Inc., Atico Mining Corporation, Dundee Precious Metals, Export Jaime S.A., Industria Alimenticia de Sud América (Indalsud) S.A., and Trupeca S.A.S.

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

Shalmali Guttal
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working in rural areas

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management and disposal of hazardous substances and wastes

Pedro Arrojo-Agudo
Special Rapporteur on the human rights to safe drinking water and sanitation

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw the attention of your Excellency's Government to applicable international human rights norms and standards, as well as authoritative guidance on their interpretation. These include the following:

- Universal Declaration of Human Rights;
- International Covenant on Economic, Social and Cultural Rights;
- International Covenant on Civil and Political Rights;
- Maastricht Principles on Extraterritorial Obligations;
- United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas;
- United Nations Declaration on the Rights of Indigenous Peoples;
- United Nations Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms;
- United Nations Framework Principles on Human Rights and the Environment; and,
- United Nations Guiding Principles on Business and Human Rights.

We wish to draw the attention of your Excellency's Government to the obligations under international human rights instruments, to which Ecuador and Canada are parties, recalling article 3 of the Universal Declaration of Human Rights (UDHR) and article 6(1) of the International Covenant on Civil and Political Rights (ICCPR), which guarantee the right of every individual to life, liberty and security.

The UDHR proclaims that every organ of society shall strive to promote respect for human rights and fundamental freedoms and to secure their universal and effective recognition and observance.

We would also like to draw your attention to the Human Rights Committee's general comment No. 36 on the right to life. According to the HRC, the duty to protect life also implies that State parties should take appropriate measures to address general conditions in society that may give rise to direct threats to life or prevent individuals from enjoying their right to life with dignity, including environmental degradation (para. 26). The implementation of the obligation to respect and ensure the right to life, and in particular to life with dignity, depends, inter alia, on the measures taken by State parties to preserve the environment and protect it from damage, pollution and climate change caused by public and private actors (para. 62).

We would also like to draw your attention to article 12 of the International Covenant on Economic, Social and Cultural Rights, which enshrines the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. The right to health is also guaranteed as part of the Universal Declaration of Human Rights, article 25, which is read in terms of the individual's potential, the social and environmental conditions affecting the individual's health, and in terms of health services. general comment No. 14 of the Committee on Economic, Social and Cultural Rights describes the normative content of article 12 of the International Covenant on Economic, Social and Cultural Rights and the legal obligations undertaken by States Parties to respect, protect and fulfil the right to physical and mental health. In general comment No. 14, paragraph 11, the Committee on Economic, Social and Cultural Rights interprets the right to health as "an inclusive right extending not only to timely and appropriate health care but also to the underlying determinants of health, such as access to safe and potable water and adequate sanitation, an adequate supply of safe food, nutrition and housing, healthy occupational and environmental conditions, and access to health-related education and information."

Furthermore, the Committee on Economic, Social and Cultural Rights affirmed that "corporate activities can adversely affect the enjoyment of Covenant rights", including through adverse effects on the right to health, standard of living and the natural environment, and reiterated "obligation of States Parties to ensure that all economic, social and cultural rights laid down in the Covenant are fully respected and rights holders adequately protected in the context of corporate activities" (E/C.12/2011/1, para. 1).

Article 21 of the ICCPR recognizes the right to freedom of peaceful assembly and establishes that "no restrictions shall be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others." Furthermore, the authorities must be able to demonstrate that any restriction meets the requirement of legality and is necessary and proportionate to at least one of the permissible grounds for imposing restrictions listed in article 21 of the ICCPR (CCPR/C/GC/37, para. 36).

The Human Rights Committee emphasized that article 21 "protects peaceful assemblies wherever they take place: outdoors, indoors, and online; in public and private spaces; or in a combination thereof. Such assemblies can take many forms, including demonstrations, protests, meetings, processions, rallies, sit-ins, candlelight vigils, and flash mobs" (CCPR/C/GC/37, para. 6). The Committee also stated that States "must effectively guarantee and protect freedom of peaceful assembly and avoid restrictions that do not meet the requirements of article 4 of the Covenant. In particular, they must refrain from imposing detention on persons exercising their rights who do not pose a serious risk to national security or public safety" (CCPR/C/THA/CO/2, para. 40).

Similarly, the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on extrajudicial, summary, or arbitrary executions clarified in their joint report on the proper management of assemblies that

“the use of force by law enforcement officials should be exceptional, and assemblies should normally be managed without resorting to force. Any use of force must comply with the principles of necessity and proportionality” (A/HRC/31/66, para. 57). We also wish to draw the attention of Your Excellency's Government to a report by the Special Rapporteur on Torture, which explains that “any use of force outside of custody that does not pursue a legitimate purpose (legality), or that is unnecessary to achieve a legitimate purpose (necessity), or that inflicts excessive harm in comparison to the objective pursued (proportionality) contradicts established international legal principles governing the use of force by law enforcement officials and constitutes cruel, inhuman, or degrading treatment or punishment” (A/72/178, para. 62(c)).

The former Special Rapporteur on the rights to freedom of peaceful assembly and of association has also argued that those who violently disperse public gatherings through the excessive use of force must be held accountable and face criminal and disciplinary sanctions. Furthermore, policing functions should be performed by regular law enforcement personnel and not delegated to third parties, armed forces, military police, or private security companies that are not trained for such tasks (A/HRC/47/24, paras. 52 and 54).

Furthermore, article 2(1) of the ICCPR stipulates that States must ensure that everyone can enjoy the rights to freedom of peaceful assembly and association, without discrimination on the basis of race, color, sex, language, religion, political or other opinion, national or social origin, economic status, birth, or other status (see A/HRC/41/41, para. 13). Therefore, States' obligations must be fulfilled in a non-discriminatory manner, paying particular attention to the rights and needs of persons belonging to groups or populations at greater risk of discrimination and marginalization, including women, young people, Indigenous Peoples, persons with disabilities, persons belonging to minority groups or groups at risk (A/HRC/53/38/Add.4, para. 21).

We also draw your attention to articles 5(a) and 17 of the United Nations Declaration on Human Rights Defenders. Article 5(a) states that “in order to promote and protect human rights and fundamental freedoms, everyone has the right, individually and in association with others, nationally and internationally, to assemble or associate peacefully.” Article 17 provides that “in exercising the rights and freedoms mentioned in this Declaration, everyone, acting individually or in association with others, shall be subject only to such limitations as are in conformity with applicable international obligations and are prescribed by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order, and the general welfare in a democratic society.”

With regard to the rights of peaceful assembly and association in relation to environmental and climate justice, we would like to draw the attention of Your Excellency and your Government to the fact that, in one of his reports, the former Special Rapporteur urged States to:

“Take all necessary measures to ensure that individuals, organizations, communities, and Indigenous Peoples exercising their rights to freedom of peaceful assembly and association in support of climate justice are not subjected to attacks, harassment, threats, and intimidation, including by conducting thorough, prompt, effective, and impartial investigations into killings and

violence against civil society actors, ensure that perpetrators are brought to justice, and refrain from making official and unofficial statements that stigmatize civil society groups engaged in climate justice" (A/HRC/76/222, para. 90 b))

"Ensure that laws and practices that unlawfully restrict where and how protests can be held are reformed, including laws that criminalize protests in or near workplaces, as well as blanket bans on certain forms of protest, in order to guarantee full access to and enjoyment of the right to freedom of peaceful assembly. Among other things, States should amend laws that criminalize road blockades as a form of peaceful protest. States should recognize and provide space for civil disobedience and non-violent direct action campaigns, and ensure that any restrictions meet the requirements of legality, necessity, and proportionality" (A/HRC/76/222, para. 90 d)); and

"Ensure that civil society and communities can meaningfully participate in the development and implementation of all climate and just transition policies at all levels of decision-making" (A/HRC/76/222, para. 90 (i)).

Finally, we recall that the Special Rapporteur on environmental defenders has also called on States to refrain from using "the increase in civil disobedience in environmental matters as a pretext to restrict civic space and the exercise of fundamental freedoms" and has urged law enforcement agencies and courts to "cease the use of measures intended to combat terrorism and organized crime against environmental defenders" (A/HRC/56/50, para. 59). In the same report, he emphasized that companies must respect environmental standards and the fundamental freedom of environmental activists and be held accountable for abuses committed (A/HRC/56/50, para. 93).

Furthermore, it should be noted that, based on international law, the Maastricht Principles aim to clarify the content of States' extraterritorial obligations to realize economic, social and cultural rights in order to promote and give full effect to the purposes of the Charter of the United Nations and international human rights. [...] All States have obligations to respect, protect and fulfill human rights, including civil, cultural, economic, political and social rights, both within their territories and extraterritorially. Each State has the obligation to realize the economic, social and cultural rights of all persons within its territory to the maximum extent of its capabilities. All States also have extraterritorial obligations to respect, protect and fulfill economic, social and cultural rights.

We wish to refer to the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas (UNDROP). The Working Group on the rights of peasants and other people working in rural areas recalls that article 5(2) of the UNDROP requires States to adopt measures to ensure that any exploitation affecting the natural resources that peasants and other people working in rural areas traditionally own or use is authorized on the basis of, inter alia:

- a) A duly conducted social and environmental impact assessment.

- b) Consultations carried out in good faith, in accordance with article 2(3) of the present Declaration.
- c) Arrangements for the fair and equitable sharing of the benefits of such exploitation, established under mutually agreed terms between those exploiting the natural resources and peasants and other people working in rural areas.

Furthermore, article 18 recognizes that peasants and other people working in rural areas have the right to the conservation and protection of the environment and of the productive capacity of their land, as well as of the resources that they use and manage.

This article further requires States to adopt appropriate measures to ensure that peasants and other people working in rural areas enjoy, without discrimination, a safe, clean and healthy environment, and that they comply with their respective international obligations to combat climate change. Peasants and other people working in rural areas have the right to contribute to the design and implementation of national and local climate change adaptation and mitigation policies, including through the use of traditional practices and knowledge.

States shall also adopt effective measures to ensure that no hazardous material, substance or waste is stored or disposed of on the lands of peasants and other people working in rural areas, and shall cooperate to address threats to the enjoyment of their rights arising from transboundary environmental harm.

States must also protect peasants and other people working in rural areas from abuses committed by non-State actors, inter alia through the enforcement of environmental laws that contribute, directly or indirectly, to the protection of the rights of peasants and other people working in rural areas.

Finally, article 17 of the UNDROP affirms that peasants and other people working in rural areas have the right to land, individually and/or collectively, including the right to access, use and sustainably manage land and pastures, to achieve an adequate standard of living, to have a place to live in security, peace and dignity, and to develop their cultures. States are obliged to adopt appropriate measures to legally recognize land tenure rights, including customary land tenure rights that are not currently protected by law. Where appropriate, States shall adopt suitable measures to carry out agrarian reforms in order to facilitate broad and equitable access to land and other natural resources necessary to ensure that peasants and other people working in rural areas enjoy adequate living conditions, and to limit excessive concentration and control of land, taking into account its social function.

We further refer to 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, adopted by General Assembly resolution 53/144 (the Declaration on Human Rights Defenders). Articles 1 and 2 affirm that everyone has the right to promote and strive for the protection and realization of human rights and fundamental freedoms at the national and international levels. Article 12 establishes that States must take all necessary measures to ensure the

protection of individuals against any violence, threats, retaliation, pressure or arbitrary actions as a consequence of their legitimate exercise of these rights. Article 5 provides that everyone has the right, individually and in association with others, to meet or assemble peacefully and form, join and participate in non-governmental organizations, associations or groups.

ILO convention No. 169 establishes that the peoples concerned have the right to decide their own priorities for the process of development insofar as it affects their lives, beliefs, institutions and spiritual well-being, as well as the lands they occupy or otherwise use, and to exercise control, to the extent possible, over their own economic, social and cultural development (article 7). They shall also participate in the formulation, implementation and evaluation of national and regional development plans and programmes which may affect them directly. Article 15 of ILO convention No. 169 refers to the right to participate in the use, management and conservation of the natural resources pertaining to Indigenous and tribal peoples' lands, including the right to participate in the benefits derived from such activities and to receive fair compensation for any damages they may suffer as a result of such activities.

We would also like to draw the attention of your Excellency's Government to article 25 of the Universal Declaration of Human Rights, which recognizes the right of everyone "to a standard of living adequate for the health and well-being of himself and his family, including food". Article 11(1) of the ICESCR further recognizes "the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions."

The ICESCR requires States to "take appropriate steps to ensure the realization of the right to food" (article 11.1). According to general comment No. 12, the obligation to respect existing access to adequate food requires States Parties to refrain from adopting any pressure that would result in preventing such access. The obligation to protect requires the State to take measures to ensure that enterprises or individuals do not deprive people of their access to adequate food. The obligation to fulfil (facilitate) means that the State must proactively undertake activities aimed at strengthening people's access to and utilization of resources and means to secure their livelihoods, including their access to land to ensure their food security (para. 15). Whenever an individual or group is unable, for reasons beyond their control, to enjoy the right to adequate food by the means at their disposal, States have an obligation to fulfil (facilitate) that right directly.

Furthermore, both the United Nations General Assembly and the Human Rights Council recognized the right to a clean, healthy and sustainable environment with the adoption of resolutions A/RES/76/300 and A/HRC/RES/48/13. Furthermore, both the United Nations General Assembly and the Human Rights Council recognized the right to a clean, healthy and sustainable environment with the adoption of resolutions A/RES/76/300 and A/HRC/RES/48/13. These resolutions underscore that all States have a duty to respect, protect, and fulfill this right for present and future generations. As such, environmental protection is not only a matter of policy, but a binding human rights obligation, central to the enjoyment of related rights to life, health, water, food, housing, culture, and development. In addition, it should be highlighted that the right to

a clean, healthy and sustainable environment includes six substantive elements including a safe climate.

In this regard, as elaborated in the report of the Special Rapporteur on the human right to a clean, healthy and sustainable environment A/80/187 presented before the General Assembly, States have binding obligations under international law to protect the environment and the climate system, including the duty to prevent foreseeable harms to people and ecosystems. To comply with this duty, States must carry out Environmental, Social, and Human Rights Impact Assessments (ESHRIAs).

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

In addition, we would like to highlight the UN Guiding Principles on Business and Human Rights, which were unanimously endorsed in 2011 by the Human Rights Council in its resolution (A/HRC/RES/17/31) after years of consultations with governments, civil society and the business community. 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 obligation to protect, respect and fulfil human rights, recognized in conventional and customary law, entails the duty of the State not only to refrain from violating human rights, but also to exercise due diligence to prevent and protect individuals from abuses committed by non-State actors (see, for example, Human Rights Committee general comment No. 31, para. 8). Consistent with these legal obligations, guiding principle 1 reiterates the State's duty to "protect against human rights abuses within its territory and/or jurisdiction by third parties, including business enterprises." In addition, guiding principle 3 reiterates that States should take appropriate measures to "prevent, investigate, punish and redress such abuses through effective policies, laws, regulations and adjudication". Furthermore, this requires, inter alia, that a State "provide business enterprises with effective guidance on how to respect human rights throughout their operations". Finally, in accordance with recognized

conventional and customary international law (see, for example, article 2(3) of the International Covenant on Civil and Political Rights), the Guiding Principles reiterate that States should ensure that victims have access to an effective remedy in cases of adverse human rights impacts related to business activities.

The Guiding Principles also clarify that business enterprises have an independent responsibility to respect human rights. Principles 11-24 and 29-31 provide guidance to business enterprises on how to meet their responsibility to respect human rights and to provide remedies when 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 that "enterprises: (a) Avoid causing or contributing to adverse human rights impacts through their own activities and address those impacts when they occur; (b) Seek to prevent or mitigate adverse human rights impacts that are directly related to operations, products or services by their business relationships, even if they have not contributed to those impacts." (Guiding principle 13). The commentary to guiding principle 13 notes that business enterprises may be affected by adverse human rights impacts, either through their own activities or as a result of their business relationships with other parties. (...) The "activities" of business enterprises are understood to include both actions and omissions; and their "business relationships" include relationships with business partners, entities in their value chain and any other non-State or State entity directly linked to their business operations, products or services.

States may be considered to have breached their international human rights law obligations when they fail to take appropriate measures to prevent, investigate and remedy human rights violations committed by private actors. While States generally have discretion in deciding on such measures, they must consider the full range of permissible preventive and remedial measures.

Finally, we would also wish to draw the attention of your Excellency's Government to the 1998 Guiding Principles on Internal Displacement, which establishes that all authorities shall respect their obligation to international law, including human rights and humanitarian law, to prevent and avoid conditions that might lead to displacement. Prior to any decision requiring the displacement of persons, all feasible alternatives to displacement should be evaluated, measures should be taken to minimize displacement where unavoidable, proper accommodation should be provided to displaced persons, and displacements should be carried out in satisfactory conditions of safety, nutrition, health and hygiene... (principle 7). Displacement should not be carried out in a manner that violates the rights to life, dignity, liberty, and security of those affected (principle 8). Principle 9 highlights that states are under a particular obligation to Indigenous Peoples, minorities, pastoralists, peasants, and any other group with a dependency or particular attachment to the land.

The full texts of the above human rights instruments and standards are available at www.ohchr.org or can be made available upon request.