

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 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 OTH 20/2026

(Please use this reference in your reply)

22 July 2026

Dear Mr. Bureau,

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 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, 61/22, 59/12, 54/10 and 51/19.

We are independent human rights experts appointed and mandated by the United Nations Human Rights Council to report and advise on human rights issues from a thematic or country-specific perspective. We are part of the special procedures system of the United Nations, which has 59 thematic and country mandates on a broad range of human rights issues. We are sending this letter under the communications procedure of the Special Procedures of the United Nations Human Rights Council to seek clarification on information we have received. Special Procedures mechanisms can intervene directly with Governments and other stakeholders (including companies) on allegations of abuses of human rights that come within their mandates by means of letters, which include urgent appeals, allegation letters, and other communications. The intervention may relate to a human rights violation that has already occurred, is ongoing, or which has a high risk of occurring. The process involves sending a letter to the concerned actors identifying the facts of the allegation, applicable international human rights norms and standards, the concerns and questions of the mandate-holder(s), and a request for follow-up action. Communications may deal with individual cases, general patterns and trends of human rights violations, cases affecting a particular group or community, or the content of draft or existing legislation, policy or practice considered not to be fully compatible with international human rights standards.

Toachi Mining Inc.

In this connection, we would like to bring to the attention of your company information we have received concerning **allegations of multiple violations of the 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 our letter of 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 our letter of 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:

“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, in Sigchos canton, Cotopaxi province, is in the final stages of obtaining permits and environmental licenses. Its objective is to exploit sulfides 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 very 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 on 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. A large part of the community had been excluded and incidents involving injured persons and reports of threats and violence by armed groups linked to the mining company had been recorded. In view of this, the MAATE called a new consultation for March 2024. The resumption of the consultation on 16 March 2024 would have led to clashes, at least 20 injuries and accusations of terrorism against more than 70 people. On 15 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 23 August 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.

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; among others, their right to life, security, health, food security and sovereignty, a healthy environment, drinking water, land, political participation and consultation in good faith. We are concerned that, in the context of extractive and agro-industrial projects, the human rights of the inhabitants of these communities are being violated in a massive and systematic way.

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.

These allegations raise serious concerns about the human rights policies and due diligence processes applied by your company and its subsidiaries, as well as the measures adopted to prevent, mitigate, and remediate adverse human rights and environmental impacts throughout your operations.

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 describe the measures that your company has taken, or is planning to take, to prevent recurrence of such situations in the future.
3. Please provide information on measures that your company has taken or plans to take to identify and respond to the impact of its subsidiaries' activities on human rights, including the rights of peasants, rural workers, Indigenous Peoples, and the right to a clean, healthy and sustainable environment.
4. Please provide information on the measures taken to consult with affected people and to monitor the effects of your company's subsidiaries' activities on peasants, rural workers, Indigenous communities and on the environment.
5. Please provide information as to what human rights due diligence policies and processes have been put in place by your company for its subsidiaries to identify, prevent, mitigate and account for how they address adverse human rights impacts throughout their business operations, in line with the UN Guiding Principles on Business and Human Rights (UNGPs).
6. Please indicate the measures taken by the company to ensure the implementation of the UNGPs, including throughout the operations of its subsidiaries, including information on whether your company and its subsidiaries have established or participate in any operational-level grievance mechanisms, to provide access to remedy for affected individuals and communities.
7. Please provide information regarding the measures that your company and its subsidiaries have taken, in response to the recommendations provided to businesses 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).

This communication, and any response received from your company, will be made public via the communications reporting [website](#) at the 60 days mark. Should your company 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.

Pending your response, we would like to urge your company to take effective measures to prevent such occurrences, if any, from recurring.

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

Please be informed that a letter on this subject matter has also been sent to the Governments of Canada and 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 Trupecá S.A.S.

Please accept, Mr. Bureau, the assurances of our highest consideration.

Shalmali Guttal

Chair-Rapporteur of the Working Group on the rights of peasants and other people working in rural areas

Damilola S. Olawuyi

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

Astrid Puentes Riaño

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Sofía Monsalve Suárez

Special Rapporteur on the right to food

Irene Khan

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

Andrea Bolaños Vargas

Special Rapporteur on the situation of human rights defenders

Paula Gaviria

Special Rapporteur on the human rights of internally displaced persons

Marcos A. Orellana

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

Pedro Arrojo-Agudo

Special Rapporteur on the human rights to safe drinking water and sanitation

Annex

Reference to international human rights law

In connection with the above alleged facts and concerns, we would like to draw your company's attention to the United Nations Guiding Principles on Business and Human Rights (A/HRC/17/31), which were unanimously endorsed by the Human Rights Council in June 2011, and which are relevant to the impact of business activities on human rights. These Guiding Principles are grounded in recognition of:

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

According to the Guiding Principles, all business enterprises have a responsibility to respect human rights, which requires them to avoid infringing on the human rights of others to address adverse human rights impacts with which they are involved. The responsibility to respect human rights is a global standard of expected conduct for all business enterprises wherever they operate. It exists independently of States' abilities and/or willingness to fulfil their own human rights obligations, and does not diminish those obligations. Furthermore, it exists over and above compliance with national laws and regulations protecting human rights.

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

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

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

and free from political or other attempts to influence the outcome (commentary to guiding principle 25).

In the 2018 report of the Working Group on the issue of human rights and transnational corporations and other business enterprises (Working Group) to the General Assembly, the Working Group noted that “The Guiding Principles clarify that business enterprises have an independent responsibility to respect human rights and that in order to do so they are required to exercise human rights due diligence. Human rights due diligence refers to the processes that all business enterprises should undertake to identify, prevent, mitigate and account for how they address potential and actual impacts on human rights caused by or contributed to through their own activities, or directly linked to their operations, products or services by their business relationships”. In addition, this involves (b) Integrating findings from impact assessments across relevant company processes and taking appropriate action according to its involvement in the impact; (c) Tracking the effectiveness of measures and processes to address adverse human rights impacts in order to know if they are working; (d) Communicating on how impacts are being addressed and showing stakeholders – in particular affected stakeholders – that there are adequate policies and processes in place.

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