

Mandates of the Working Group on the issue of human rights and transnational corporations and other business enterprises; the Special Rapporteur on the promotion and protection of human rights in the context of climate change; the Special Rapporteur on the human right to a clean, healthy and sustainable environment; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Special Rapporteur on the situation of human rights defenders; the Working Group on the rights of peasants and other people working in rural areas; 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

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(Please use this reference in your reply)

9 April 2026

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; Special Rapporteur on the promotion and protection of human rights in the context of climate change; Special Rapporteur on the human right to a clean, healthy and sustainable environment; Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; Special Rapporteur on the situation of human rights defenders; Working Group on the rights of peasants and other people working in rural areas; 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 53/3, 57/31, 55/2, 60/10, 52/4, 54/9, 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 possible human rights violations affecting residents of the district of San Marcos, province of Huari, in the Ancash region of Peru, in the context of the business activities of the mining company Antamina. The company operates in Peru and is one of the country's largest producers of copper and zinc concentrates by production volume. It has two production units: the Yanacancha mining complex, where extraction operations are carried out, and the Punta Lobitos Port facility, from where mineral production is shipped. The principal shareholders of Antamina Mining Company are BHP Group Limited (33.75 per cent), domiciled in Australia; Glencore (33.75 per cent), domiciled in Switzerland; Teck (22.5 per cent), domiciled in Canada; and Mitsubishi (10 per cent), domiciled in Japan. The company is also a supplier to Aurubis AG, domiciled in Germany.

According to the information received:

The peasant communities of Huaripampa, San Marcos, and Carhuayoc are in the province of Huari, the Ancash region. These are agricultural and livestock-farming communities with legal status and an organisational structure established under the Peasant Communities Act (Law No. 24656).

Antamina is engaged in the extraction of copper, zinc, molybdenum, silver, and lead. It is one of Peru's largest producers of copper and zinc concentrates and

one of the ten largest mines in the world by production volume. Some of these minerals are commonly regarded as necessary for the energy transition. Its shareholders are BHP Group Limited (33.75 per cent), headquartered in Australia; Glencore (33.75 per cent), headquartered in Switzerland; Teck (22.5 per cent), headquartered in Canada; and Mitsubishi (10 per cent), headquartered in Japan. The company supplies Aurubis AG, headquartered in Germany.

Antamina's operational areas of influence extend across the regions of Ancash and Lima, including the provinces of Huari, Bolognesi, Recuay, Huarney, and Barranca, and the districts of Huarney and San Marcos, where the above-mentioned peasant communities are located, impacting more than 115,000 residents. Antamina has two production units: the Yanacancha mining complex, located between the Carash and Pichiu river basins, which form part of the Marañón River watershed; and the Punta Lobitos Port facility, located in the province of Huarney (Ancash), from which mineral production is shipped.

The mining company Antamina commenced trial operations on 28 May 2001. On 1 October 2001, it began commercial production of copper and zinc concentrates and other by-products.

Background:

On 15 February 2024, through Director's Resolution No. 00027-2024-SENACE-PE/DEAR, the National Environmental Certification Service for Sustainable Investments (SENACE) approved the amendment to the Detailed Environmental Impact Assessment (MEIA) for the Antamina mining unit, submitted by the company.

The MEIA approved an extension of mining operations until 2036. This would involve expanding the open pit by 181 hectares, bringing it to approximately 916 hectares in total. The depth would also increase by approximately 150 metres, reaching an elevation of approximately 3,518 metres above sea level. In addition, according to the MEIA, the company could increase copper production from 175,000 tonnes to 208,000 tonnes from 2028 onwards. This increase in production could have multiple impacts on the environment and climate, including on the air and the soil, and could impact water use, altering the headwaters of the basin, and posing a risk to the survival of lagoons and fragile ecosystems surrounding the mining project. The MEIA reportedly did not consider the future impacts of climate change on water resource availability, and on the quality of the air and soil.

The peasant community of Huaripampa, located in the district of San Marcos, comprises five sectors: Huaripampa Bajo, Huaripampa Centro, Huaripampa Alto, Ayash Huaripampa, and Huamanín Huaripampa. The community has expressed its opposition to the approval of Antamina's MEIA. It fears that the expansion of Antamina's operations will lead to toxic contamination in the area.

The District Municipality of San Marcos submitted observations and warnings to SENACE regarding the approved MEIA, including concerns about the

project's hydrological and hydrogeological studies, which reportedly do not sufficiently address the impacts on surface and groundwater that could result from disturbances to water flows in terms of quality and quantity, whether through contamination or use for mining operations.

Possible negative impacts on the environment, water and health:

The Technical Report on the total number of persons diagnosed with elevated levels of heavy metals during the period 2019–2023, and the actions implemented in the Ancash region by the Regional Health Directorate (DIRESA), identifies 46 risk areas exposed to heavy metals across 13 provinces, 23 districts, and 6 health networks.

From 2 to 18 November 2024, the Environmental Assessment Directorate of the Environmental Evaluation and Enforcement Agency (OEFA) conducted a targeted environmental assessment in the area of Antamina's Huarney Filtration Plant; the Puerto Huarney and 9 de Octubre settlements; and the Salitral, Pay Pay, Lecheral, El Arenal and Cuscus sectors of the Huarney Valley, district and province of Huarney. Report No. 00377-2024-OEFA/DEAM-STEMC verified that certain groundwater sample parameters in the Cascajal and Huarney aquifers were outside the range established under the environmental water quality standards approved by Supreme Decree No. 004-2017-MINAM. The assessment also detected settled dust containing heavy metals (zinc, copper, lead, arsenic, tin, molybdenum, selenium, cadmium, silver and mercury) on the roofs of homes in the Puerto Huarney settlement. This could indicate that the filtration plant and concentrate storage facility are sources of fugitive particulate matter with high concentrations of trace elements, particularly copper and zinc.

Residents of Punta Lobitos, where the slurry pipeline transporting copper and other metals from the mine – located 304 kilometres away in the Ancash highlands – terminates, have reported that cases of illnesses such as cancer have allegedly emerged since the pipeline terminal was installed.

According to the Technical Report on the total number of persons diagnosed with elevated levels of heavy metals in Ancash for the period 2019–2023, 974 cases were recorded involving the presence of three metals (cadmium, lead, and arsenic), of which 319 cases exceeded permissible limits. Two cases of minors with lead in their blood were reported in the areas of Juprog and Ayash Huaripampa. Additionally, 179 cases exceeding permissible levels for the metalloid arsenic were detected, with Puerto Huarney recording the highest number of cases. In October 2023, the Regional Health Directorate of Ancash reported that 29 individuals (26 children under 12 years of age and three pregnant women) had harmful concentrations of arsenic in their blood in Puerto Huarney.

In 2024, according to the Technical Report on persons diagnosed with elevated levels of heavy metals, a total of 469 cases exceeded permissible values for four types of metals: cadmium, lead, mercury, and arsenic. The province of Huarney

recorded the highest number of cases (198), followed by Huaylas (87 cases) and Santa (33 cases).

According to the Technical Report on “Heavy Metals in Surface Marine Sediments and Benthic Organisms of Huarney Bay” issued by the Peruvian Marine Research Institute (IMARPE) under the Ministry of Production, arsenic levels above international standards were recorded in marine species such as black snail and octopus, affecting artisanal fishing and food security in Huarney (Ancash).

Reports by the General Directorate of Environmental Health (DIGESA), the National Water Authority (ANA), and OEFA found heavy metals exceeding environmental quality standards in major surface water bodies (the Pajuscocha Lagoon, the Carash River, the Juprog River, the Mosna River, and others). Spills of mining sediments, particulate emissions, and discharge of industrial wastewater, among other factors, may originate from mining operations and could negatively and gravely impact the health of residents, animals, and crops.

Alleged attacks against a human rights defender:

Julio Rimac, a human rights defender, had planned an advocacy trip to raise awareness about the negative impacts of business activities – specifically water and environmental contamination – on peasant communities in Ancash on 12 September 2024. The day prior, on 11 September 2024, he was reportedly intercepted by a car while travelling home. It was reported that armed individuals were inside the vehicle; two allegedly got out and threatened him, stating that they would harm him and his family if he continued speaking out about environmental contamination caused by Antamina.

Social unrest as a consequence of business activities:

On 17 August 2025, the peasant community of Huaripampa held an Extraordinary General Assembly in the Huacacocha area, near Antamina’s tailings beach. During the assembly, the alleged unlawful occupation of communal lands by the mining company was denounced.

According to the community, 184 hectares claimed as ancestral property have allegedly been affected by mining operations. The Huaripampa community states that these hectares were part of agreements signed between the community and the mining company, but that these have resulted in territorial harm. Community members assert that Huaripampa was once a territory where lagoons and streams provided clean water, with grazing lands for livestock and ancestral paths linking villages.

According to community leaders, following an agreement with the company, a topographic survey was conducted by specialists. The results reportedly showed that Antamina had occupied land belonging to the community. Initially, company representatives accepted the survey results at a meeting with the community. However, the company subsequently rejected the agreement, generating indignation and unrest among residents.

On 23 August 2025, the Huaripampa peasant community held a protest against Antamina's business activities in the district of San Marcos. Following clashes between community members and police, five community members were reportedly detained, and others were injured. The Huaripampa community reiterates that the hectares in question were part of agreements signed between the community and the mining company but have resulted in what it considers improper territorial harm.

Without prejudging the accuracy of these allegations, we express our deep concern regarding the adverse impact that mining economic activity has on human rights, including the right to a clean, healthy, and sustainable environment, including a non-toxic environment, and the protection of its components – such as water and air – which may result in harm to the residents of rural communities caused by Antamina, particularly in connection with the presence of heavy metals in people, homes, organisms, and bodies of water.

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 the measures the Government of your Excellency has taken, or is considering taking, to ensure that business enterprises domiciled in your territory and/or jurisdiction respect human rights in all their activities, including in their supply chain, in line with the UN Guiding Principles on business and human rights (UNGPs).
3. Please provide information on concrete progress made by the Government of Your Excellency in requiring or encouraging business enterprises domiciled in your territory and/or jurisdiction to implement human rights due diligence processes, including their supply chain, in line with the UNGPs.
4. Please provide information on the steps the Government of Your Excellency is taking or considering taking to ensure that individuals affected by the activities of business enterprises domiciled in your jurisdiction have access to a remedy in your country, through judicial or extrajudicial State mechanisms.
5. Please provide information as to whether the Embassy of your Excellency's Government in Peru has been made aware of the above-detailed allegations, and whether any action has been taken to support

the human rights defender concerned, in line with Canada's Voices at Risk Guidelines.

6. Please provide information regarding the measures that your Excellency's Government has taken, in response 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 (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 you exercise your leverage with regard to halting the alleged violations 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.

Please note that a letter expressing similar concerns was sent to Antamina, Glencore, Teck, Mitsubishi, BHP Group Limited and Aurubis, as well as the governments of Peru, Switzerland, Australia, Japan, and Germany.

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

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transnational corporations and other business enterprises

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Pedro Arrojo-Agudo
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Annex

Reference to international human rights law

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

- International Covenant on Economic, Social and Cultural Rights (ICESC);
- International Covenant on Civil and Political Rights (ICCPR);
- United Nations Declaration on the Rights of Peasants and Other Rural Workers;
- Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms;
- UN Guiding Principles on Business and Human Rights;
- Human Rights Council resolution 48/13, which recognizes the right to a clean, healthy, and sustainable environment; and,
- UN Framework Principles on Human Rights and the Environment.

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 fulfill 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".

Guiding Principle 1 reiterates the State's duty to "protect against human rights abuses within its territory and/or jurisdiction by business enterprises." Guiding principle 2 provides that States must clearly state that all enterprises domiciled within their territory and/or jurisdiction are expected to respect human rights in all their activities. Furthermore, guiding principle 3 reiterates that States must take appropriate measures to "prevent, investigate, punish, and provide remedies for such abuses

through effective policies, laws, regulations, and adjudication.” Moreover, this requires, among other things, that a State “provide business enterprises with effective guidance on how to respect human rights in all their operations.”

The Guiding Principles also clarify that business enterprises have an independent responsibility to respect human rights. Principles 11 through 24 and 29 through 31 provide guidance to business enterprises on how to fulfill their responsibility to respect human rights, in particular through human rights due diligence processes.

The commentary on guiding principle 13 notes that business enterprises may have adverse human rights impacts, either through their own activities or as a result of their business relationships with other parties. (...) It is understood that the “activities” of business enterprises include both actions and omissions; and that 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.

Furthermore, in accordance with guiding principle 26, States must adopt appropriate measures to ensure the effectiveness of domestic judicial mechanisms when addressing business-related human rights violations, in particular by considering how to limit legal, practical, and other obstacles that may lead to a denial of access to remedies. The commentary notes that it must be ensured that judicial corruption does not obstruct the administration of justice, that courts are independent of economic or political pressures from other state actors and business entities, and that no obstacles are placed in the way of the legitimate and peaceful activities of human rights defenders. In addition to guiding principle 26, Principle 18 underscores the essential role of civil society and human rights defenders in helping to identify potential adverse human rights impacts associated with business operations.

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.

It is also important to recall that the Committee on Economic, Social and Cultural Rights, in its general recommendation 24 (2017), states that “the extraterritorial obligation to protect requires States parties to take measures to prevent and remedy violations of Covenant rights that occur outside their territory as a result of the activities of business entities over which they may exercise control, in particular in cases where remedies available to victims before the domestic courts of the State where the harm occurs are unavailable or ineffective.”

We would like to highlight that article 24 of the Convention on the Rights of the Child recognizes the right of the child to the highest attainable standard of physical and mental health and the State’s corresponding duty to provide adequate nutritious food and safe drinking water, taking into account the dangers and risks of environmental pollution.

Furthermore, we would like to recall the United Nations Declaration on the Rights of Peasants and Other Rural Workers. According to article 1, paragraph 2, the Declaration applies to all persons engaged in small-scale or artisanal agriculture, planting of crops, animal husbandry, pastoralism, fishing, forestry, hunting or gathering, and handicrafts related to agriculture or a related occupation in a rural area. It also applies to dependent family members of farmers. In addition, article 18.1 of the Declaration states that "peasants and other persons working in rural areas have the right to the conservation and protection of the environment and the productive capacity of their land and the resources they use and manage. In addition, article 18(2) states that "States shall take appropriate measures to ensure that peasants and other persons working in rural areas enjoy, without discrimination, a safe, clean and healthy environment.

We would also like to draw your attention to article 14 of the International Covenant on Civil and Political Rights (ICCPR), which provides that everyone has the right to a fair and public hearing by a competent, independent, and impartial tribunal established by law for the determination of their civil rights and obligations. Article 19 enshrines the right of everyone to freedom of expression, which includes the freedom to seek, receive and impart information and ideas of all kinds, either orally, in writing or in print or in the form of art.

We would like to emphasise article 21 of the ICCPR which guarantees the right to freedom of peaceful assembly. Similarly, the article stipulates that any restriction on this right must be strictly governed by the principles of legality, necessity, and proportionality. In this regard, we would also like to refer to the report of the Special Rapporteur on the rights to freedom of peaceful assembly and association regarding the exercise of these rights for the promotion of climate justice, which states that States must "take all necessary measures to ensure that individuals, organizations, communities, and indigenous peoples who exercise their rights to freedom of peaceful assembly and association in support of climate justice are not subjected to attacks, harassment, threats, and intimidation (...); recognize and provide spaces for civil disobedience and nonviolent direct action campaigns, (...)" (A/76/222, para. 90(b) and (d)). The Rapporteur urges States to "(G)uarantee that their legal systems do not provide avenues through which corporations and other public and private entities can intimidate, criminalize, and repress climate justice activists through legal proceedings, including strategic lawsuits against public participation, injunctions, and orders (...)" (A/76/222, para. 90(e)).

We would also like to remind your Excellency's Government of the State's duty to protect human rights defenders, as enshrined in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms. Further, in its 2021 guidance on ensuring respect for human rights defenders (A/HRC/47/39/Add.2), the Working Group on Business and Human Rights highlighted the urgent need to address the adverse impacts of business activities on human rights defenders. It explains, for States and companies, the normative and practical implications of the Guiding Principles in relation to protecting and respecting the vital work of human rights defenders.

We would also like to draw your attention to your obligations under article 27 of the International Covenant on Civil and Political Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights, which concern, respectively, the right of everyone to enjoy their own culture and to participate in cultural life.

The Special Rapporteur on cultural rights recalled that the right to participate in cultural life includes the right to access and enjoy cultural heritage, and to contribute to the development and implementation of policies and programs for the preservation and safeguarding of heritage (A/HRC/17/38).

In addition, we would like to recall that on 8 October 2021, the Human Rights Council adopted resolution 48/13, which recognizes the right to a clean, healthy, and sustainable environment, and which was endorsed by the General Assembly in July 2022 through Resolution A/RES/76/300. In its Advisory Opinion on the obligations of States regarding climate change, the International Court of Justice clarified that the human right to a clean, healthy, and sustainable environment is a “prerequisite,” “inherent,” and “essential” condition for the enjoyment of all other human rights.

In this regard, we highlight the report of the Special Rapporteur on the human right to a clean, healthy, and sustainable environment, A/80/187 – Framework for Environmental, Social, and Human Rights Impact Assessments and the Right to a Clean, Healthy, and Sustainable Environment, clarifying States’ obligations regarding environmental impact assessment processes and the need to take into account the impact on human rights and society to conduct comprehensive and integrated assessments. The report highlights challenges and best practices in line with human rights and international obligations, and is presented with the intention of improving these processes, outlining some of the ways in which existing assessment frameworks must evolve to effectively and comprehensively measure potential impacts on the environment, the climate, biodiversity, health, society, culture, the economy, and human rights through comprehensive and integrated assessments, based on the best available scientific knowledge – including indigenous and traditional sciences – and through transparent and participatory processes. It also emphasizes that environmental impact assessments are an essential obligation of States under international law and human rights law, an obligation also recognized by the International Court of Justice. In her report, the Special Rapporteur concluded that these assessments must be proactive and participatory processes of development planning and risk management and must be based on a human rights approach. She notes that the fundamental purpose of impact assessments is to ensure that governments make sound decisions when evaluating activities and projects that may have significant environmental and human rights impacts, and that they can align those activities and projects with their planning priorities and obligations through comprehensive, prior, and effective assessment processes that enable the prevention and mitigation of impacts on the environment, society, and human rights before harm occurs. In particular, States have an obligation to assess risks of impact on the health, life, and physical integrity of individuals, including vulnerable persons and groups such as children and adolescents, pregnant women, among others, and to require the implementation of effective measures to prevent, manage, or remedy such harm.

The obligation to ensure that environmental, social, and human rights impact assessments comply with the principle of proportionality requires that the level of detail in the assessment be commensurate with the magnitude of the proposal. Therefore, assessments and related reports must take into account the likelihood and severity of all potential impacts evaluated. When the likelihood of an impact is unknown or uncertain, the level of confidence or margin of error must be specified, and knowledge gaps must be described (para. 58) and that States must give due consideration to community-led project alternatives that are more sustainable than the developer's proposal and must assess whether such proposals are better suited to the respect, protection, and fulfillment of human rights and the achievement of sustainable development (para. 64).

In relation to the above-mentioned facts and concerns, we would also like to draw your attention to the Paris Agreement on Climate Change, which acknowledges that State Parties should, when taking action to address climate change, respect, promote and consider their respective obligations on human rights (preamble). As clarified by the International Court of Justice in its Advisory Opinion on States' obligations in respect of climate change, each State should prevent significant harm to the environment and the climate system in accordance with stringent due diligence, and take climate action according to its highest possible ambition to make an adequate contribution to global efforts capable of achieving the 1.5 °C global average temperature goal, as a matter of legally binding obligation, taking into account historical contributions to cumulative emissions, level of development and national circumstances of each State. In all climate action, States must also respect their international obligations under the Convention on Biological Diversity, the Convention to Combat Desertification and international human rights law.

More specifically, the International Court of Justice highlighted that States have an obligation under international human rights law to respect and ensure the effective enjoyment of human rights by taking the necessary measures to protect the climate system and other components of the environment. Furthermore, it noted that in the current context, all States have customary and treaty-based obligations under climate change, biodiversity, and desertification agreements to prevent significant harm to the environment, with enhanced due diligence. Each State's commitments regarding climate change mitigation must be based on the findings of the first global stocktake, which included explicit references to fossil fuels and related subsidies, the development of renewable energy, energy efficiency, sustainable production and consumption, the protection and restoration of nature and the oceans, as well as meaningful and effective social dialogue and participation. Furthermore, States must include the protection and restoration of ecosystems as a means of mitigating, adapting to, and remedying damage caused to the climate and human rights. Consequently, States' obligations regarding the protection of the climate system and other parts of the environment against anthropogenic greenhouse gas emissions, in particular the obligation to prevent significant environmental harm under customary international law, are *erga omnes* obligations.

Furthermore, the Inter-American Court of Human Rights, in its Advisory Opinion OC-32/25 of 29 May 2025, on the climate emergency and human rights, clarified the duty of States to act with enhanced due diligence, cooperate, and adopt all necessary measures to respond to the climate emergency and transition toward sustainable development models that continuously improve human well-being, while

protecting human rights and the environment. These necessary measures include the effective regulation and oversight of business activities related to fossil fuels, agriculture, and deforestation. The Court also discouraged the use of unproven technological solutions, considering them inadequate to ensure enhanced due diligence. Furthermore, the Court indicated that the obligation to avoid significant harm to the environment is non-derogable (*ius cogens*).

Further, according to the Special Rapporteur on climate change, “The public must be informed about the magnitude of actual and potential negative human rights risks and impacts of climate change and response measures, and about the adequacy of States’ and businesses’ responses to effectively protect and respect human rights in the context of climate change.” (A/79/176, para. 72).

Furthermore, the United Nations Secretary-General’s Panel on Critical Energy Transition Minerals has established seven voluntary guiding principles, based on existing standards, commitments, and legal obligations set forth in United Nations texts, including principle 1: “Human rights must be central to all mineral value chains.” In the same vein, the Special Rapporteur on human rights and climate change emphasized in A/80/188: “The effects that climate change mitigation measures have on people and ecosystems must be carefully assessed through the full life cycle and through a human rights-based and ecosystem-based approach to ensure a just energy transition. This should be based on the equitable distribution of economic and environmental burdens, according to the Inter-American Court of Human Rights in its Advisory Opinion No. 32. Negative impacts on human rights and the environment can and should be prevented. The full protection and realization of human rights in the energy transition, through clear standards and mechanisms for participation and accountability, supports adaptive, inclusive and transformative governance, which leads, according to the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services, to new collaborations in creative learning processes that can reframe problems, navigate tensions, challenge established lock-ins and open new ways to overcome institutional path-dependency, thereby co-producing more holistic and effective climate solutions across a plurality of knowledge systems.”

We would like to further recall that the UN Special Rapporteur on the promotion and protection of human rights in the context of climate change has recommended that States: establish mandatory human rights and environmental due diligence legislation in line with the Guiding Principles on Business and Human Rights, clarifying its applicability throughout the value chain of transition minerals; ensure that any activity related to transition minerals is planned at the nexus of climate, nature, water, food and health; and ensure that biodiversity protection and restoration are integrated into strategic and project-level assessment, planning and development stages, including in site selection, project design and operational and monitoring practices, for transition minerals (A/80/188).

We would like to recall the duty of all States to prevent exposure to hazardous substances and wastes, as detailed in the 2019 report of the Special Rapporteur on the human rights implications of the environmentally sound management and disposal of hazardous substances and wastes to the UN General Assembly (A/74/480). This obligation is implicitly, but clearly, derived from a set of rights and duties enshrined in the global human rights framework, under which States are obliged to respect, fulfill

and protect recognized human rights, including from the consequences of exposure to toxic substances. These rights include the human rights to life, health, food and clean water, adequate housing and safe and healthy working conditions. The obligation to prevent exposure is reinforced by national and regional recognition of the right to a safe, clean, healthy and sustainable environment, including clean air. The existence of the State obligation to prevent exposure is reinforced by the right to full respect for the bodily integrity of the individual, which contributes to a context in which everyone should have the right to control what happens to their bodies (see A/HRC/39/48). Taken as a whole, international human rights clearly establish the duty of your Excellency's government to prevent exposure to hazardous substances and wastes.

We wish 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 by article 25 of the Universal Declaration of Human Rights, which refers to the potential of the individual, the social and environmental conditions affecting the health of the individual, and health services. In its general comment 14, the Committee on Economic, Social and Cultural Rights interprets the right to health as "a comprehensive right that encompasses not only timely and appropriate health care, but also the underlying determinants of health, such as access to safe drinking 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. In addition, the Committee on Economic, Social and Cultural Rights has affirmed that "corporate activities may have adverse effects on the enjoyment of the rights set forth in the Covenant," including adverse effects on the right to health, standard of living, and the natural environment, and has reiterated "the obligation of States parties to ensure that all economic, social and cultural rights set forth in the Covenant are fully respected and that the holders of these rights are adequately protected in the context of corporate activities" (E/C.12/2011/1, para. 1).

With regard to the allegations, we would like to draw the attention of Your Excellency's Government to the provisions of the International Covenant on Economic, Social and Cultural Rights, specifically Article 11 on the right to an adequate standard of living, The Committee on Economic, Social, and Cultural Rights, in its general comment No. 15, has established that the right to water clearly falls within the category of guarantees essential to ensuring an adequate standard of living, particularly because it is one of the fundamental conditions for survival. The Committee establishes that the human right to water is the right of everyone to have sufficient, safe, acceptable, accessible, and affordable water for personal and domestic use, and it establishes that the right to water is inextricably linked to the highest attainable standard of health and adequate nutrition. Similarly, it is particularly relevant that the Committee establishes that priority must be given to the use of water for human consumption, for personal and domestic purposes, over other uses. Priority must also be given to the water resources necessary to prevent hunger and disease.

Furthermore, on 28 July 2010, the United Nations General Assembly adopted resolution 64/292, which explicitly recognizes the human right to safe drinking water and sanitation and establishes that safe and clean drinking water is fundamental to the realization of all other rights. In September 2010, the Human Rights Council (resolution 15/9) expressly reaffirmed that safe drinking water and sanitation are human

rights derived from the human right to an adequate standard of living, which is closely linked to the right to the highest attainable standard of physical and mental health and the right to life and human dignity.

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