

**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**

Ref.: AL OTH 40/2026

(Please use this reference in your reply)

9 April 2026

Mr. Mike Henry,

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.

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 mandateholder(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.

BHP Group Limited

In this connection, we would like to bring to the attention of your company information we have received concerning possible human rights violations affecting residents of the district of San Marcos, province of Huarí, 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 (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 Huarí, 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 Huarí, Bolognesi, Recuay, Huarvey, and Barranca, and the districts of Huarvey 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 Huarvey (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 Huarmey Filtration Plant; the Puerto Huarmey and 9 de Octubre settlements; and the Salitral, Pay Pay, Lecheral, El Arenal and Cuscus sectors of the Huarmey Valley, district and province of Huarmey. Report No. 00377-2024-OEFA/DEAM-STEC verified that certain groundwater sample parameters in the Cascajal and Huarmey 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 Huarmey 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 human rights due diligence policies and processes established by your company to identify, prevent, mitigate, and account for how they address the human rights impacts of its investment activities, in accordance with the UN Guiding Principles on Business and Human Rights. Please clarify how your company requires investees to conduct human rights due diligence to respect human rights, including those of human rights defenders.
3. Please provide information on the measures that your company has taken or is planning to take to address the concerns mentioned and to provide remedial measures to address the negative human rights impacts caused by its investment activities.
4. Please provide information on policies your company has taken or is considering taking to ensure the protection of human rights defenders and groups that may be in a situation of vulnerability.
5. Please provide information on steps taken by your company to establish and/or participate in operational-level grievance mechanisms, in line with the UN Guiding Principles, to effectively address the adverse human rights impacts caused by and/or contributed to your company throughout your business activities and/or business relationships.

This communication, and any response received from you, 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.

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

Please accept, Mr. Mike Henry, the assurances of our highest consideration.

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transnational corporations and other business enterprises

Elisa Morgera  
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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 your attention to the applicable international human rights norms and standards, as well as authoritative guidance on their interpretation.

We would like to highlight the UN Guiding Principles on Business and Human Rights, which were unanimously endorsed in 2011 by the Human Rights Council in its resolution (A/HRC/RES/17/31) after years of consultation with governments, civil society 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. The Guiding Principles make clear that companies have an independent responsibility to respect human rights. Principles 11-24 and 29-31 guide companies on how to meet their responsibility to respect human rights and to provide remedies where they have caused or contributed to adverse impacts. The Guiding Principles have identified two main components of the corporate responsibility to respect human rights, which require "business enterprises to:

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

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

Guiding principle 11 indicates the duty of companies to "respect human rights." This means that they must refrain from infringing on the human rights of third parties and address any adverse human rights impacts in which they are involved. Guiding principle 12 states that the responsibility of businesses to respect human rights refers to internationally recognised human rights, which include, at a minimum, the rights set out in the International Bill of Human Rights and the principles relating to fundamental rights established in the International Labour Organisation's Declaration on Fundamental Principles and Rights at Work.

Guiding principle 13 notes that companies can 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 entities directly linked to their business operations, products or services".

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

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

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

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

This process of identifying and assessing actual or potential adverse human rights impacts should include substantive consultation with potentially affected groups and other stakeholders (guiding principle 18).

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

In addition, guiding principles 18 and 26 underline the essential role of civil society and human rights defenders in helping to identify potential adverse human rights impacts related to business. The Commentary to principle 26 underlines how States, in order to ensure access to remedies, must ensure that the legitimate activities of human rights defenders are not obstructed.

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.

In addition, 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 documents, including principle 1: "Human rights must be at the center of all mineral value chains." In the same vein, the Special Rapporteur on human rights and climate change emphasized in A/80/188 that "the impacts of climate change mitigation measures on people and ecosystems must be carefully assessed throughout the entire life cycle and in accordance with a human rights- and ecosystem-based approach in order to achieve a just energy transition. This work must be based on the equitable distribution of economic and environmental burdens, as provided by the Inter-American Court of Human Rights in its Advisory Opinion No. 32. Negative impacts on human rights and the environment can and must be avoided. The full protection and realization of human rights in the energy transition, through clear standards and mechanisms for participation and accountability, fosters adaptive, inclusive, and transformative governance, which, according to the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services, to new collaborative relationships within the framework of creative learning processes that can reshape the understanding of problems, navigate tensions, counter existing dependencies, and open new pathways to overcome reliance on institutional channels, so that more comprehensive and effective climate solutions are developed jointly through a plurality of knowledge systems."

In the same report, the Special Rapporteur on human rights and climate change recommended that companies involved in renewable energy development, activities related to transition minerals, and associated supply and value chains must have a robust human rights due diligence process in place, with a view to:

- (a) Assessing land tenure, in addition to relying on formal or documented land rights, to identify all rights holders and baselines for environmental and human rights impact assessments, to estimate the direct and indirect area of influence of each project at the nexus;
- (b) Providing funding for independent legal and technical experts to support Indigenous Peoples, persons of African descent and peasants in environmental impact assessments, consultations and benefit-sharing negotiations;
- (c) Identifying benefit-sharing opportunities in the early stages of assessments and planning, with the meaningful participation of communities and according to community world views and history;
- (d) Designing systems and products to enable maximum resource and energy efficiency and circularity through repair and reuse, and ensuring extended producer responsibility;
- (e) Ensuring public access to information on contributions to circularity, on beneficial owners across the value chain, on the origin of minerals, and

on contracts, licences, environmental and human rights impact studies, third-party audit findings and financial reports;

- (f) Implementing “local content” provisions through meaningful job creation and the integration of local experts in management positions, including technological co-development;
- (g) Supporting participatory long-term monitoring throughout the life cycle, including closure planning and environmental restoration;
- (h) Establishing effective and accessible operational-level grievance mechanisms for workers and communities, in local languages and with powers to provide remedies, such as compensation and rehabilitation;
- (i) Adopting enforceable zero-tolerance policies to prevent retaliation against environmental human rights defenders, including screening potential business partners for histories of retaliation.

The full texts of the above-mentioned human rights instruments and standards are available at [www.ohchr.org](http://www.ohchr.org) or can be made available upon request.