

**Mandates of the Special Rapporteur on the right to food; the Working Group on the issue of human rights and transnational corporations and other business enterprises; the Special Rapporteur in the field of cultural rights; the Special Rapporteur on the human right to a clean, healthy and sustainable environment; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; 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 Special Rapporteur on the rights of Indigenous Peoples and the Working Group on the rights of peasants and other people working in rural areas**

Ref.: AL BGD 4/2025

(Please use this reference in your reply)

24 September 2025

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the right to food; Working Group on the issue of human rights and transnational corporations and other business enterprises; Special Rapporteur in the field of cultural rights; Special Rapporteur on the human right to a clean, healthy and sustainable environment; Special Rapporteur on the rights to freedom of peaceful assembly and of association; 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; Special Rapporteur on the rights of Indigenous Peoples and Working Group on the rights of peasants and other people working in rural areas, pursuant to Human Rights Council resolutions 58/10 , 53/3, 55/5, 55/2, 59/4, 51/21, 52/4, 51/16 and 54/9.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **alleged violations of the rights of Indigenous Peoples in the Chittagong Hill Tracts (CHT) in Bangladesh, including reported infringements of their rights to food, housing, water, health, a clean, healthy - sustainable environment, and cultural rights, with women and children particularly vulnerable to the consequences. These communities are exposed to continuous marginalization and systematic discriminatory practices that adversely affect their livelihoods. Additionally, Indigenous Peoples, their leaders, advocates and human rights defenders reportedly face criminalization and intimidation due to the high presence of military personnel in the region.**

The Special Procedures mandate holders have previously issued communications raising concerns on allegations of forced evictions, displacement, attacks, intimidation and harassment of Indigenous People in the CHT ([BGD 3/2025](#), and BGD 8/2020 and [UA OTH 84/2020](#)). We regret that your Excellency's Government has not replied to either of these letters and we remain concerned that similar allegations keep being raised and appear not to have been addressed by your Excellency's Government.

According to the information received:

The CHT is home to eleven to thirteen diverse Indigenous groups, collectively known as the Jumma/Jummo, who have inhabited the area as far back as it can be traced.

Indigenous Peoples from CHT number around 700,000 people, representing nearly half of the region's total population, comprising diverse groups such as the Chakma, Marma, Tripuri, Tanchangya, Chak, Pankho, Mro, Bawm, Lushai, Khyang, Khumi, Assamese, and Gurkha, each with distinct languages, customs, and spiritual practices.

The economic and cultural survival of Indigenous Peoples in the CHT is heavily dependent on traditional swidden (shifting) cultivation, known in South Asia as jhum. A jumia farmer typically grows rice, corn, cotton, fruits, and vegetables, while a few families also have access to ploughlands or fringe lands. Beyond meeting subsistence needs, the Jum economy shapes social relations, community practices, and even a political organization, making it both an economic and cultural foundation of life in the CHT.

Reports indicate that the lived realities of Indigenous Peoples in the CHT and the human rights violations to which the communities are exposed remain largely unchanged since the political changes of 2024 and, in several respects, have continued to be particularly difficult, especially for the Bawm Indigenous Peoples, one of the smallest Indigenous Peoples in the region, with an estimated population of approximately 12,000 members.

#### *Food Insecurity and Economic Marginalization of Indigenous Peoples in the CHT*

Government directives and projects have increasingly imposed significant restrictions on jhum cultivation. A directive issued by the Armed Forces Division of the Prime Minister's Office, communicated through the Ministry of Chittagong Hill Tracts Affairs (Memo No. 29.00.0000.223.017.01.2017 (part 1)-213, dated 20/09/2021) instructed the relevant authorities to restrict jhum cultivation and to initiate strict surveillance over the cultivation of turmeric and ginger.<sup>1</sup> The memo further directed authorities to take measures to discontinue the commercial sale of these crops. For most Jumma communities residing in remote and frontier areas, the rainfed cultivation of turmeric and ginger is one of the few sustainable sources of livelihood, especially given the scarcity of irrigated agricultural land.

The Bawm People is suffering from conditions of famine, exacerbated by military-imposed restrictions that prohibit them from buying and transporting more than five kilograms of rice (in some places the limit is just one kilogram), as well as other essential items such as medicine and basic necessities. They are also prohibited from selling their own crops, further depriving them of both income and subsistence. These restrictions began in October 2022, when the government launched a military operation against the Kuki Chin National Army. In 2017, the Kuki-Chin National Front (KNF) was established by members of the Bawm community who had defected from the Parbatya Chattagram Jana Samhati Samiti (PCJSS), in 1970s the sole political party representing the Jumma People.

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<sup>1</sup> <https://iwgia.org/es/documents-and-publications/documents/publications-pdfs/english-publications/836-iwgia-submission-cerd-cht-bangladesh-june-2025/file.html>

The KNF has since been designated as a banned organization in Bangladesh due to its modus operandi. Citing this development, successive governments have further escalated military presence in the region, turning the CHT into one of the most militarized zones in South Asia. Imposed under the justification of security, the restrictions have since functioned as a form of collective punishment, targeting the entire community. As a result, at least 23 Bawm individuals, including elderly people and children, have been incarcerated without bail for nearly two years. In addition, the Bawm People face systematic land dispossession. As many Bawm People do not possess formal land registration documents due to historical and structural marginalisation, the government has declared vast areas of their customary lands as “state land” and seized them despite the fact that Bawm and other Indigenous Peoples in the CHT possess customary land rights recognized under both domestic law such as article 23A of the Constitution, which recognizes the cultural rights of “tribes, minor races, ethnic sects and communities” along with provisions in CHT Regulation of 1900 and international standards.

Additionally, widespread encroachments on Indigenous lands by influential corporate and private actors, as well as reportedly the members of the Bengali community, continue to jeopardize the livelihoods of Indigenous Peoples. Repeated incidents of arson and land grabbing have forced communities to relocate to increasingly remote areas where they face worsening food insecurity year after year. Despite documented evidence and multiple investigations, there has been no significant action against the perpetrators of these arbitrary and illegal acts, perpetuating a climate of impunity and ongoing economic disempowerment.

#### *Environmental Degradation and Land Grabbing through Economic Activities*

Although Bangladesh is a minor contributor to global emissions, it ranks seventh among countries most vulnerable to climate change. The CHT’s three hill districts, Bandarban, Rangamati, and Khagrachari were identified by the World Bank in 2018 as climate change hotspots.

Environmental degradation driven by economic interests, militarization, and state-led infrastructure projects has disproportionately impacted Indigenous Peoples in the CHT. Deforestation, pollution of water bodies, and loss of biodiversity caused by commercial rubber plantations, military encampments, and both the state owned and private tourism venture, encompassing from small homestays to big resorts have severely undermined the sustainability of traditional Indigenous livelihoods.

In addition, because Hill District Councils do not have any administrative competences in matters of land administration, it is possible for private companies to obtain leases directly from the central Government on traditional indigenous lands, often without consultation or the Free, Prior, and Informed Consent (FPIC) of Indigenous Peoples Indigenous Peoples, sometimes resulting in their forceful eviction from ancestral lands.

For instance, Ruilui in Sajek, historically a vital hunting and gathering area for the Indigenous Lushai People, has been converted into a military garrison and tourist zone operated by private parties with the support of the state following the forced eviction of local residents and the clear-felling of forests.<sup>2</sup> Sajek Union, located in the northern part of the CHT and regarded as the ecological lungs of the CHT, is reportedly currently under severe ecological threat due to the ongoing Border Road Construction Project, a 1,036-kilometre development undertaken by the Engineering Corps of the Bangladesh Army.<sup>3</sup> Fully funded by the government, this project has proceeded without adequate consultation or FPIC of Indigenous Peoples. The road passes through fragile ecosystems, sacred sites, reserve forests, common grazing grounds, and critical watersheds, where displaced and highly vulnerable Indigenous Peoples continue to live without formal rehabilitation. The project is expected to trigger a demographic shift by enabling the large-scale influx of non-Indigenous Peoples, which would further marginalize Indigenous Peoples, alter the socio-economic fabric of the area, and endanger rare wildlife species.

Illegal stone extraction from the Sangu and Matamuhuri rivers, reportedly facilitated by politically powerful groups with military backing, is generating severe ecological damage and public health risks.<sup>4</sup> Extracted stones are used in the Border Road Project, while the resulting degradation of streams has caused drinking water shortages. Women in these Indigenous communities must travel increasingly long distances to access water. Traditional dependence on forests and freshwater is being systematically eroded, and many Indigenous households face growing food and water insecurity. The cumulative impacts such as hill-cutting, deforestation, and unregulated tourism have increased the frequency of landslides during monsoon seasons, extreme temperature fluctuations, and outbreaks of seasonal illnesses, particularly diarrheal diseases among children. Due to limited access to healthcare in remote areas, many Indigenous children die each year from preventable diseases, often before they can be taken to medical facilities.

On 12 September 2020, a joint venture was announced between the 24th Division and 69th Brigade of the Bangladesh Army, the Army Welfare Trust, and Sikder Group conglomerate company R&R Holdings Limited- for the construction of a large-scale tourism complex in Chimbuk, Bandarban district, in CHT. The proposed project covers an estimated 800–1,000 acres of land and reportedly includes a hotel, an amusement park, an artificial lake, residential quarters for army personnel, as well as extensive infrastructure such as roads, drainage and sewage systems, energy facilities, and cable cars connecting twelve hills. These developments are expected to cause the displacement of Indigenous Peoples, as well as significant disruption to biodiversity and the ecological balance of the area.

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<sup>2</sup> <https://www.climateandforests-undp.org/sites/default/files/resources/NDC%20South%20Asia%20April2022-digital.pdf>

<sup>3</sup> <https://iwgia.org/es/documents-and-publications/documents/publications-pdfs/english-publications/836-iwgia-submission-cerd-cht-bangladesh-june-2025/file.html>

<sup>4</sup> Id

Despite widespread objections and protests from the local Mro Indigenous People and Indigenous student organizations, construction activities began in September 2020 and have continued without interruption. Reports indicate that the project already occupies approximately 500 acres of land. It is expected to directly displace at least 150 Mro families, with additional 250 families affected across a broader area of around 1,000 acres (405 hectares). Altogether, approximately 10,000 Indigenous persons face the risk of eviction.

The Chimbuk tourism project is situated directly on the traditional lands of the Mro People, which are integral to their subsistence, identity, and spirituality. These lands provide for their economic survival through jhum cultivation of rice, corn, cotton, fruits, and vegetables, and also encompass orchards, temples, sacred cremation grounds, and holy stones. For the Mro, the land is inseparable from their cultural heritage, social life, and spiritual practices.

Several ancestral villages are immediately threatened with forced eviction, including Kapru Para, Dolapara, and Erapara, which together comprise around 155 families. In addition, the surrounding villages of Markinpara, Longbaitanpara, Riamanairpara, and Menringpara are also at risk. Up to 116 additional villages have been indirectly impacted since the beginning of the project in 2020. Some families have already been displaced or forced to leave by the army without any compensation, resettlement or adequate alternative housing, while many others live in constant fear of sudden eviction, recalling previous experiences. In 2006, Mro communities in the Tonkaboti area of Bandarban district were evicted overnight by the army without prior notice or compensation to enlarge the area of an army firing range. No compensation or alternative housing has been provided.

Further reports indicate that since 2006 members of the Mro People attempting to access their traditional lands have been obstructed, threatened, and intimidated by armed military guards and patrols. Restrictions on freedom of movement in the Chimbuk hills have cut communities off from their forests, grazing grounds, and water sources. These measures severely undermine food security, depriving Indigenous families of means to maintain their ways of life: farming opportunities, forest produce, and access to essential water supplies for daily survival.

The establishment of hotels and resorts on Indigenous territories carries grave consequences for biodiversity, fragile forest ecosystems, and sacred sites, threatening the cultural and spiritual survival of the Mro People. Women and children are particularly affected, as displacement heightens risks of hunger, malnutrition, disease, and lack of access to clean water and healthcare, especially when families are forced into increasingly remote and precarious living conditions.

As reported in both 2020 and again in 2025, no good-faith consultations have been undertaken with the affected Indigenous Peoples. The Chimbuk tourism project proceeded without obtaining the FPIC of the Mro Indigenous People, and without adhering to established legal procedures such as the Hill District Council Act of 1989, which gives Indigenous institutions a role in land

governance, and article 42 of the Constitution, which guarantees the right to property and stipulates that no property shall be compulsorily acquired without compensation. In addition, a Strategic Environmental Study and an Environmental Feasibility Assessment have not been carried out.

Reports from 2020 also pointed to irregularities in land leasing practices. Information indicates that construction commenced following the signature of a Memorandum of Understanding (MoU) between the Army Welfare Trust and the Bandarban District Hill Council for the lease of 20 acres of land over a 40-year period. Further, it is reported that the Army Welfare Trust and Sikder Group conglomerate company R&R Holdings Limited, entered into an agreement for a 35-year lease on a profit-sharing basis. However, approval of the lease transfer by the central government remains pending to this day. This implies that construction activities are being carried out without the necessary legal authority.

### *Militarization, Repression, and the Targeted Persecution of the Indigenous Peoples*

The military maintains a heavy presence in the region, leading to systematic violations of the fundamental rights of the Jumma People, including their freedoms of expression, movement, and peaceful assembly. Successive governments of Bangladesh, since the country's inception, have disregarded the Jumma People's longstanding demands for autonomy and constitutional recognition of their distinct identity and culture. In response to historical marginalization and state violence, the Parbatya Chattagram Jana Samhati Samiti (PCJSS), established an armed resistance in the mid-1970s. The 1997 CHT Accord, signed between the PCJSS and the Government of Bangladesh, was intended to address these grievances by recognizing Indigenous rights, safeguarding traditional practices, and facilitating self-governance.

After the establishment of the KNF, which was later banned, military operations reportedly intensified under the executive order known as *Operation Uttoron* (Upliftment). This order grants sweeping powers to the armed forces, including the authority to arbitrarily detain individuals and impose movement restrictions on civilians.

The Bawm Indigenous People has been particularly affected by this repressive campaign. Following the military's crackdown on the KNF in 2022 - nearly half of the Bawm population has been displaced. One-third are believed to have fled to neighbouring countries, while the rest live under intense surveillance and military restrictions.

### *Lack of Implementation of the CHT Accord, security challenges, legal impunity and political marginalization*

More than 25 years after the signing of the CHT Peace Accord of 1997, its core provisions remain unimplemented. The current interim government has disavowed responsibility for enforcing the Peace Accord. This persistent failure to uphold commitments has entrenched cycles of exclusion, disenfranchisement,

and structural violence against Indigenous Peoples in the region.

A concurrent judicial review of the CHT Regulation 1900 was initiated by two ethnic Bengalis from Rangamati and Khagrachari districts of the CHT, who filed review petitions (Civil Petitions No. 54/2018 and 192/2018) before the Supreme Court challenging the case law that upheld the CHT Regulation 1900. The final hearing on these petitions was scheduled for 11 July 2024, when the Appellate Division of the Supreme Court was expected to decide. However, due to ongoing political unrest, the scheduled hearing was postponed, and the new date was not known at the time of sending this letter.

Regulation 1900 underpins the region's system of limited self-governance, and efforts to weaken it through litigation would constitute a serious regression, dismantling the legal recognition of Indigenous autonomy. If enacted, such changes would further erode an already fragile rights framework, paving the way for increased land dispossession and state encroachment.

The roots of these tensions can be traced back to the state-sponsored transmigration programme between 1979 and 1983, during which over 400,000 Bengalis were reportedly relocated to the CHT in three waves and settled on Indigenous lands, fueling a long-standing inter-communal conflict. To this day, the government reportedly continues to support these Bengali families by providing monthly rations of 85 kilograms of food grains, along with various allowances and benefits under welfare schemes.

In stark contrast, approximately 81,777 government-recognized internally displaced Jumma families in the CHT reportedly receive no government support whatsoever.

In recent months, the situation has further deteriorated, with reports of at least two large-scale communal attacks by members of the Bengali community, reportedly carried out with the complicity or passive support of state security forces. These attacks have led to the killing of four Indigenous persons, alongside the destruction of homes, farms, and essential property, displacing families and devastating livelihoods.

State-sponsored paramilitary groups reportedly continue to operate with impunity in the CHT, perpetuating violence, sustaining military dominance, and silencing Indigenous voices. These groups target Indigenous leaders and community members; in one particularly grave incident in 2023, an armed faction was accused of executing eleven Bawm civilians in Bandarban. Since the recent change in government, organizations and groups opposed to the 1997 CHT Peace Accord have gained political influence, with their affiliates appointed to leadership positions in all three Hill District Councils undermining the Accord's aim of Indigenous self-governance. Hostility has also spread beyond the CHT: in January 2025, indigenous students and their allies have reportedly been physically attacked in Dhaka, marking an escalation of targeted violence outside the region.

Reports are also mounting of coerced or forced religious conversions targeting Indigenous Peoples, allegedly facilitated by extremist groups. Meanwhile, the central government's institutional-reform agenda reflects longstanding patterns of exclusion. The interim administration has formed eleven reform commissions, six of them on key state institutions (the electoral system, police, judiciary, public administration, anti-corruption mechanisms, and constitutional reform). Of the 55 commissioners appointed, only six are women, and none represent Indigenous peoples.

### *Surveillance, Harassment, and Obstacles to Human Rights Monitoring*

Access for national and international human-rights organizations to the CHT communities remains severely restricted. Since the recent change in government, surveillance and harassment of Indigenous human rights defenders have reportedly intensified.

Within the CHT, Indigenous civil society organizations face mounting restrictions on their rights to freedom of peaceful assembly, expression, and association. State security personnel reportedly attend community meetings on human rights, development, cultural and environmental concerns, often compelling organizers to share agendas and participant lists with intelligence officials.

Digital repression compounds these constraints. Misinformation campaigns targeting Indigenous human rights defenders frequently circulate on social media platforms allegedly with tacit or overt support of the central government. Following communal attacks in Rangamati, Dighinala, and Khagrachari in September and October 2024, online documentation of the violence posted by Indigenous human rights defenders was swiftly removed, while several human rights defenders' accounts were reportedly hacked or disabled.

### *Gender-Based Violence and Impunity*

Gender-based violence especially sexual violence against Indigenous Jumma women and girls in the CHT remains widespread and largely unpunished. In 2024 alone, at least 12 reported incidents involved 16 victims, with alleged perpetrators from the Bengali community. While a few suspects were briefly detained, weak charges and police indifference led to their swift release on bail, and no convictions have been secured to date. Law enforcement agencies frequently obstruct investigations, fostering a climate of impunity.

Survivors also face institutional barriers to justice. In cases where Indigenous women report rape by members of the Bengali community, medical personnel are reportedly pressured by authorities to deny evidence of sexual assault, under the pretext of preventing "communal tension."<sup>5</sup> This practice amounts to institutionalised denial of justice and further deters survivors from coming forward. Indigenous women, many of whom work in remote jhum fields, remain acutely vulnerable, with reported cases of violence and harassment rising over

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<sup>5</sup> <https://www.amnesty.org.uk/blogs/country-specialists/indigenous-khyang-woman-raped-and-murdered>

the past year.

The situation is further exacerbated by growing religious extremism and public hostility toward gender equality. On 3 May 2025, thousands of male supporters of Hefazat-e-Islam - a hardline religious group, held a mass rally in Dhaka protesting the recommendations of the Women's Affairs Reform Commission.

While we do not wish to prejudge the accuracy of the above allegations, the information received raises serious concerns regarding the treatment of the Indigenous Peoples in the CHT, with grave implications for their rights and livelihoods. These concerns include the risk of acute food insecurity, forced evictions and displacement, loss of indigenous lands, water resources and biodiversity, and the erosion of indigenous identities, ways of life and cultural practices related to these natural resources. Socio-economic indicators for Indigenous Peoples in the CHT remain significantly below the national average. These communities face substantial barriers to accessing food, healthcare, water, sanitation, and primary education.

We are deeply alarmed by the ongoing militarization, repression, and targeted persecution of Indigenous leaders and human rights defenders who speak out for the rights of their communities. This includes systematic surveillance, harassment, and obstruction of independent human rights monitoring in the CHT, along with the spread of misinformation. These actions appear to be directly linked to the exercise of the rights to freedom of expression and peaceful assembly, as well as efforts to defend communities' rights to food, housing, water, health, a healthy environment and to take part in decision making processes that have an impact on their cultural life, including through FPIC. Such measures not only violate the rights of affected individuals but also create a harmful chilling effect on civil society, deterring people from engaging in peaceful advocacy and public participation.

In line with the UN Declaration on Human Rights Defenders and the UN Guiding Principles on Business and Human Rights, community leaders and environmental human rights defenders must be allowed to carry out their legitimate work without fear of reprisal, criminalization, or violence whether from State or non-State actors. The blanket suppression of dissent undermines democratic principles and deters Indigenous Peoples and leaders as well as human rights defenders from exercising their lawful rights.

We also note with concern the ongoing judicial review of the Chittagong Hill Tracts Regulation 1900, which threatens to dilute the already limited legal protections afforded to Indigenous Peoples. This Regulation is central to the region's system of limited self-governance, and efforts to weaken it through litigation would represent a serious regression, potentially dismantling hard-won recognition of Indigenous autonomy. If enacted, such changes would further erode the fragile rights framework and pave the way for increased land dispossession and State encroachment.

Furthermore, we are troubled by the lack of representation of women, Indigenous Peoples, religious minorities, or non-Muslim communities in the eleven national reform commissions. The complete exclusion of Indigenous voices from these critical national processes further entrenches their political marginalization and constitutes a denial of their right to participate in decisions that directly affect their

lives, lands, and futures. If there is any opportunity to raise these urgent concerns, particularly the lack of representation of ethnic and religious minorities in the ongoing reform and state-building process, it would help to ensure greater visibility and accountability in shaping the future of Bangladesh.

We also remain deeply concerned about the prevailing impunity for perpetrators of gender-based violence, and the absence of meaningful government action to address such abuses. This is further compounded by growing religious extremism and public hostility toward gender equality, as evidenced by recent rallies. Such demonstrations reflect not only the normalization of gender-based hatred but also suggest tacit government endorsement of regressive ideologies that endanger women's rights and safety. Indigenous women, in particular, face intersecting forms of discrimination and violence due to their gender and ethnicity.

In addition, we are deeply concerned by the ongoing environmental degradation in the CHT caused by commercial rubber plantations, military encampments, tourism ventures, road construction, and other projects implemented without the FPIC of Indigenous Peoples and without proper and comprehensive environmental assessment. These developments have resulted in forced evictions of Indigenous families from their ancestral lands, often without compensation or rehabilitation.

While we acknowledge that Your Excellency's Government has stated that such initiatives are undertaken in the interest of national security and development, we emphasize that all actions must comply with both international and national legal frameworks. The destruction of Indigenous lands, integral to the identity and survival of these communities and the resulting loss of biodiversity, which has both local and global consequences, cannot be justified under the pretext of security or development. Yet without urgent intervention, the environmental destruction and climate injustice faced by Indigenous Peoples in the CHT will deepen further, threatening not only their survival but also the ecological balance of the region. These developments also highlight a dangerous nexus between military power and corporate profiteering, reinforcing patterns of systemic land dispossession, environmental degradation, and human rights abuses.

We also express concern that Your Excellency's Government may be failing to uphold its duty to protect against human rights abuses within its territory and jurisdiction, especially those committed by third parties, including business enterprises. This duty includes taking appropriate steps to prevent, investigate, punish, and redress such abuses through effective policy, legislation, regulation, and adjudication, as outlined in the UN Guiding Principles on Business and Human Rights. It is imperative that all development and business operations fully respect human rights and environmental standards, and that those responsible for violations are held accountable.

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 clarify what concrete steps have been taken to ensure Indigenous Peoples in the CHT enjoy sustainable access to adequate food and nutrition, including measures to protect traditional food systems and the related ways of life, prevent disruption of agricultural practices, and address food insecurity arising from militarization, land dispossession, and displacement.
3. Please clarify the legal basis, objectives, and implementation of the 20 September 2021 Armed Forces directive restricting jhum cultivation and sale of crops, and explain how related food and livelihood restrictions on the Bawm community comply with international human rights and Indigenous Peoples' rights.
4. Please also clarify the steps that have been taken to guarantee the exercise of their cultural rights, including their right to maintain, express, develop and transmit their identity, language, religion, practices and ways of life without fear of discrimination.
5. Please provide the legal and factual basis for the reported displacement of nearly half of the Bawm population during operations against the KNF, and explain measures to prevent arbitrary displacement, ensure civilian protection, and investigate alleged extrajudicial killings.
6. Please clarify the legal framework for land leases to corporations and military partnerships in the CHT, and explain whether FPIC was obtained and what safeguards exist against forced evictions, environmental harm, and violations of Indigenous rights.
7. Please provide information on the measures undertaken to ensure accessible, acceptable, available and quality healthcare to the Indigenous Peoples in the CHT, in particular children and how the risks on the right to health resulting from the different projects have been assessed and mitigated.
8. Please provide information on the measures undertaken to ensure that human rights defenders in Bangladesh, and in particular those engaged in the protection and promotion of the rights of Indigenous Peoples, are able to exercise their rights to freedom of expression and peaceful assembly and to carry out their legitimate work in a safe and enabling environment, without the fear of reprisal, criminalization, or violence.
9. Please provide detailed information regarding the process for conducting environmental, social, and human rights impact assessments in relation to extractive or development activities in the CHT, including whether such assessments have been undertaken, their scope and findings, and how access to information, public participation, and access to justice

have been ensured for affected communities. In addition, please indicate the monitoring and oversight actions that the Government has implemented or plans to implement to address and prevent adverse impacts.

10. Please provide information on the measures taken to ensure that businesses, in particular commercial rubber businesses, tourism businesses such as Sikder Group conglomerate company R&R Holdings Limited, respect human rights in accordance with the UN Guiding Principles on Business and Human Rights, in particular how does Your Excellency's Government require and guide businesses domiciled in its territory or jurisdiction to conduct human rights due diligence. Please describe how the above-mentioned companies have meaningfully engaged with potentially affected stakeholders. In particular, please explain how the Indigenous Peoples have been adequately consulted in accordance with FPIC requirements and how the ancestral landowners are included in the benefit-sharing scheme of the touristic venture.
11. Please provide information on additional steps taken to make sure that State-led infrastructure and tourism projects respect human rights including requiring to State-owned companies and the army that they conduct human rights due diligence in that context. Please describe how the army has respected the right of FPIC of affected Indigenous Peoples in the framework of these projects.
12. Please provide information on the measures taken or planned by Your Excellency's Government to ensure that the affected inhabitants, in particular Indigenous Peoples by these mentioned economic projects receive full and effective reparation.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary 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 person(s) responsible for the alleged violations.

Please be informed that a letter on this subject matter has also been sent to Sikder Group conglomerate.

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

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Special Rapporteur on the right to food

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

Alexandra Xanthaki  
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Gina Romero  
Special Rapporteur on the rights to freedom of peaceful assembly and of association

Tlaleng Mofokeng  
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standard of physical and mental health

Mary Lawlor  
Special Rapporteur on the situation of human rights defenders

Albert K. Barume  
Special Rapporteur on the rights of Indigenous Peoples

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

## Annex

### Reference to international human rights law

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

We would like to draw your attention to the obligations under article 25 of the Universal Declaration of Human Rights (UDHR), which recognizes that everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control. Although not legally binding, the provisions under the UDHR enjoys undisputed international recognition as to be considered part of customary international law.

Bangladesh ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR) in 1998, demonstrating its commitment to upholding the right to adequate food as articulated in article 11(1) of the Covenant. This Article explicitly 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." To ensure this right is realized, article 2(2) of the Covenant obliges states to guarantee that the rights enunciated are exercised without discrimination of any kind, including on the basis of race, colour, sex, or socioeconomic status.

In interpreting the former, the Committee on Economic Social and Cultural Rights stressed in its general comment No. 12 that the core content of the right to adequate food refers to the possibilities either for feeding oneself directly from productive land or other natural resources, or for well-functioning distribution, processing, and market systems (para. 12). It entails both economic and physical accessibility of food, as well as the sustainability of food access for both present and future generations (para. 7). The ICESCR further requires States to "take appropriate steps to ensure the realization of this right" (article 11(1)), and the Committee has defined the corresponding obligations of States to respect, protect and fulfil the right to food in its general comment No. 12. According to the Committee, the obligations to respect existing access to adequate food requires State parties to refrain from taking any pressures that result in preventing such access. The obligation to protect requires measures by the State to ensure that enterprises or individuals do not deprive individuals of their access to adequate food. The obligation to fulfil (facilitate) means the State must pro-actively engage in activities intended to strengthen people's access to and utilization of resources and means to ensure their livelihood, including their access to land in order to ensure their food security. The right to be free from hunger and malnutrition is not subjected to the progressive realization, as it must be fulfilled in a more urgent manner (para. 1). The Committee also recalled that the formal repeal or suspension of legislation necessary for the continued enjoyment of the right to food may constitute a violation of this right. The formulation and implementation of national strategies, mandatory for the progressive realization of the right to food, require full compliance with the principles of transparency, accountability and participation of the

people. In this regard, the CESCR states that the formulation and implementation of national strategies for the right to food requires full compliance with the principles of accountability, transparency, people's participation, decentralization, legislative capacity and the independence of the judiciary (para. 23). Furthermore, States must guarantee that food is available, which refers to the possibilities either for feeding oneself directly from productive land or other natural resources, or for well- functioning distribution, processing and market systems that can move food from the site of production to where it is needed in accordance with demand. Access to food must be sustainable, i.e., food must be accessible for both present and future generations. Accessibility implies physical accessibility for everyone, including children, the elderly, persons with disabilities and displaced populations. Economic accessibility means that food must be affordable to all; expenses for food must not be so high as to compromise the enjoyment of other human rights, such as housing, water, health or education.

Moreover, article 11(2) requires the States Parties to the present Covenant, recognizing the fundamental right of everyone to be free from hunger, to take, individually and through international co-operation, the measures, including specific programmes, which are needed to improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources. Furthermore, article 1.2 of the International Covenant on Civil and Political Rights (ICCPR), states that all people may freely dispose of their natural wealth and resources.

Additionally, we would also like to draw the attention of your Excellency's Government to general comment No. 36 on the right to life adopted by the Human Rights Committee, which states that measures called for addressing adequate conditions for protecting the right to life include, where necessary, measures designed to ensure access without delay by individuals to essential goods and services such as food, water, shelter, health-care, electricity and sanitation. The Human Rights Committee recognized that the right to life should not be interpreted narrowly, noting that it places not only negative obligations on States (e.g. to not kill), but also positive obligations (e.g. to protect life), to ensure access to the basic conditions necessary to sustain life. It has affirmed that measures that restrict access to basic and life-saving services, such as food, health, electricity and water and sanitation are contrary to article 6 of the ICCPR that protects the right to life.

We would further like to remind your Excellency's Government that, as the CESCR clarified in its general comment n. 4, the right to housing should be seen as the right to live in security, peace and dignity. The Committee has also underscored the State's obligation to ensure security of tenure and legal protection against forced eviction, harassment, and other threats. States parties should consequently take immediate measures aimed at conferring legal security of tenure upon those persons and households currently lacking such protection in genuine consultation with affected persons and groups.

In its general comment No. 7, the CESCR further stated that Indigenous Peoples suffer disproportionately from the practice of forced eviction. Forced evictions are

prima facie incompatible with the requirements of the Covenant, are a gross violation of the right to adequate housing and may also result in violations of other human rights, such as the right to life, the right to security of the person, the right to non-interference with privacy, family and home and the right to the peaceful enjoyment of possessions. If an eviction is to take place, procedural protections are essential, including, among others, genuine consultation, adequate and reasonable notice, alternative accommodation made available in a reasonable time, and provision of legal remedies and legal aid. Under no circumstances should evictions result in homelessness nor vulnerability to the violation of other human rights, and the State party must take all appropriate measures to ensure that adequate alternative housing, resettlement or access to productive land, as the case may be, is available to affected individuals, where they are unable to provide for themselves.

In general comment N0. 26 on land and economic, social, and cultural rights, the CESCR stressed that “the sustainable use of land is essential to ensure the right to a clean, healthy, and sustainable environment and to promote the right to development, among other rights”. The general comment further emphasizes the essential role of land in the realization of a range of rights under ICESCR. In fact, the secure and equitable access to, use of and control over land for individuals and communities can be essential to eradicate hunger and poverty and to guarantee the right to an adequate standard of living, including the right to food and to adequate housing, as housing is often built on land used for the purpose of food production. Without such access, people could be subject to displacement and forced eviction, which could violate their right to adequate housing

In addition, we would like to recall the Basic Principles and Guidelines on Development-based evictions and displacement (A/HRC/4/18, Annex I), which specify that States must give priority to exploring strategies that minimize displacement. Comprehensive and holistic impact assessments should be carried out prior to the initiation of any project that could result in development-based eviction and displacement, with a view to securing fully the human rights of all potentially affected persons, groups and communities, including their protection against forced evictions. “Eviction-impact” assessment should also include exploration of alternatives and strategies for minimizing harm.

We further wish to draw your attention to the Guiding Principles on Internal Displacement. Every human being shall have the right to be protected against being arbitrarily displaced from his or her home or place of habitual residence, including in cases of large-scale development projects, which are not justified by compelling or overriding public interests. (principle 6). Prior to any decision requiring the displacement of persons, the authorities concerned shall ensure that all feasible alternatives are explored in order to avoid displacement altogether. Where no alternatives exist, all measures shall be taken to minimize displacement and its adverse effects (principle 7(1)). The authorities undertaking such displacement shall ensure, to the greatest practicable extent, that proper accommodation is provided to the displaced persons, that such displacements are effected in satisfactory conditions of safety, nutrition, health and hygiene, and that members of the same family are not separated (principle 7(2)).

The principles on housing and property restitution for refugees and displaced persons (E/CN.4/Sub.2/2005/17) prohibits the “forced eviction, demolition of houses and destruction of agricultural areas and the arbitrary confiscation or expropriation of land as a punitive measure or as a means or method of war” (principle 5), and provides that States must prioritize the right to restitution as the preferred remedy for displaced persons and as a key element of restorative justice (principle 2).

We would also like to recall one of the latest reports of the current Special Rapporteur on the right to adequate housing to the Human Rights Council (A/HRC/55/53), in which he called upon States to “recognize in law, policy and practice that all human beings have a right to remain where they live and that, if they are forced to leave, they have a right to return, or, where return is not feasible or desired, a right to resettlement that is fully consistent with international human rights norms and standards”. In his second report on resettlement, the Special Rapporteur further noted that intentional displacement and the concomitant resettlement of communities in the name of development is no longer acceptable from a human rights perspective, and that resettlement should be permitted only in cases in which it is called for due to overwhelming and persistent threats to the survival of communities such as those resulting from conflict or climate change (A/79/317).

Article 12 of the ICESCR provides for the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. The Committee on Economic, Social and Cultural Rights’ general comment No. 14 states that, this is “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” (para. 11). It further indicates that States are under the obligation to respect the right to health by, inter alia, refraining from denying or limiting equal access for all persons, including prisoners or detainees to preventive, curative and palliative health services (general comment No. 14, para. 34).

We also wish to draw the attention of your Excellency's Government to its 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, concerning, respectively, the right of everyone to enjoy his or her culture and to take part in cultural life. As the UN Committee on Economic, Social and Cultural Rights makes clear in its general comment No. 21, States must adopt appropriate measures or programmes to support minorities or other groups in their efforts to preserve their culture (para. 52f), and must obtain their free, prior and informed consent when the preservation of their cultural resources is at risk (para. 55). In the case of indigenous peoples, cultural life has a strong communal dimension that is indispensable to their existence, well-being and full development, and includes the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired. The Committee has stressed that "indigenous peoples' cultural values and rights associated with their ancestral lands and their relationship with nature must be respected and protected, in order to avoid the degradation of their particular way of life, including their means of subsistence, the loss of their natural resources and, ultimately, their cultural identity". States parties must therefore take measures to recognize and protect the rights of indigenous peoples to own, develop, control and use

their communal lands, territories and resources (para. 36). Furthermore, States parties must also respect the rights of indigenous peoples to their culture and heritage and to maintain and strengthen their spiritual relationship with their ancestral lands and other natural resources traditionally owned, occupied or used by them, and indispensable to their cultural life (para. 49d).

The Committee on Economic, Social and Cultural Rights also stressed the right to take part in the development of the community to which a person belongs, and in the definition, elaboration and implementation of policies and decisions that have an impact on the exercise of a person's cultural rights (para. 15.c). In her report to the General Assembly, the Special Rapporteur in the field of cultural rights highlighted that in many cases, "development" policies and strategies reflecting dominant cultural viewpoints or those of the most powerful sectors of society, with historic ties to colonialism and domination, are designed and implemented to the detriment of the most vulnerable in a manner that impedes the future sustainable development and survival of these persons and communities and probably, in the longer term, of humanity. She stressed that people and peoples must be the primary beneficiaries of development processes and recommended that States, international organizations and other stakeholders ensure that sustainable development processes

- (a) Are culturally sensitive and appropriate, contextualised to specific cultural environments and seek to fully align themselves with the aspirations, customs, traditions, systems and world views of the individuals and groups most likely to be affected.
- (b) Fully respect and integrate the participation rights and the right of affected people and communities to free, prior and informed consent.
- (c) Are self-determined and community led.
- (d) Are preceded by human rights impact assessments to avoid any negative impacts on human rights, including impact assessments on cultural rights; any impact assessment failing to address living heritage or the cultural significance of affected natural resources, or conducted without the free, prior and informed consent, consultation and active participation of the persons and communities affected directly or indirectly, should be rejected as insufficient and incomplete.
- (e) Recognize that indigenous peoples must give their free, prior and informed consent before any project that affects them is implemented (A/77/290, paras. 97-98).

Article 21 of the ICCPR recognizes the right to freedom of peaceful assembly and provides that "No restrictions may 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 (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others." The Human Rights Committee highlighted that article 21 'protects peaceful assemblies wherever they take place: outdoors, indoors and online; in public and private spaces; or a combination thereof. Such assemblies may take many forms, including

demonstrations, protests, meetings, processions, rallies, sit-ins, candlelit vigils and flash mobs' (CCPR/C/GC/37, para. 6). The Human Rights Committee also affirmed that States "should effectively guarantee and protect the freedom of peaceful assembly and avoid restrictions that do not respond to the requirements under article 4 of the Covenant. In particular, it should refrain from imposing detention on individuals who are exercising their rights and who do not present a serious risk to national security or public safety" (CCPR/C/THA/CO/2, para. 40).

We also wish to draw the attention of your Excellency's Government to its obligations under the Convention on the Rights of the Child, having signed and ratified the convention in 1990. Under article 24(2), "States Parties shall pursue full implementation of the right to health and, in particular, shall take appropriate measures to combat disease and malnutrition, including within the framework of primary health care, through: (c) the application of readily available technology and through the provision of adequate nutritious foods and clean drinking water, taking into consideration the dangers and risks of environmental pollution and (e) to ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breastfeeding, hygiene and environmental sanitation and the prevention of accidents".

We would like to refer to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), ratified by your Excellency's Government in 1984, which protects women's equal access to work, land, credit, income, and social security – essential elements to ensure women's equal enjoyment of the right to food. Furthermore, articles 11 and 12 of CEDAW address women's right to protection of health and safety, including safeguarding reproductive functions, and call for special protections to be accorded to mothers before and after childbirth, including adequate nutrition. Additionally, article 14 of the Convention confirms that States must "take all appropriate measures to eliminate discrimination against women in rural areas (...) to ensure (...) the right (...) to enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications." The preamble of CEDAW further underscores that in situations of poverty, women have the least access to food, health, education, training, employment opportunities, and other essential needs.

We also would like to recall the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas, which applies to indigenous peoples and local communities working on the land (article 1), recognizes at article 15 the right of these people to adequate food and the fundamental right to be free from hunger. This includes the "right to produce food and the right to adequate nutrition, which guarantee the possibility of enjoying the highest degree of physical, emotional and intellectual development". We also recall article 15(2) and article 15(3) of the aforementioned declaration which prescribes that States shall ensure that peasants and other people working in rural areas enjoy physical and economic access at all times to sufficient and adequate food that is produced and consumed sustainably and equitably. Moreover, "States shall take appropriate measures to combat malnutrition in rural children, including within the framework of primary health care through, inter alia, the application of readily available technology and the provision of adequate nutritious food and by ensuring that women have adequate nutrition during pregnancy and

lactation.”

Lastly, according to the declaration, Peasants and other people working in rural areas have the right to determine their own food and agriculture systems, recognized by many States and regions as the right to food sovereignty. This includes the right to participate in decision-making processes on food and agriculture policy and the right to healthy and adequate food produced through ecologically sound and sustainable methods that respect their cultures. Hence, States shall formulate, in partnership with peasants and other people working in rural areas, public policies at the local, national, regional, and international levels to advance and protect the right to adequate food, food security and food sovereignty and sustainable and equitable food systems that promote and protect the rights contained in the present declaration.

We would like to refer to the United Nations Declaration on the Rights of Indigenous Peoples, which reflects existing legal obligations sourced in international human rights treaties. In particular, article 24.2 of the declaration provides that indigenous peoples have an equal right to the enjoyment of the highest attainable standard of physical and mental health. The UN declaration, in article 31, indicates that “indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, [and] knowledge of the properties of fauna and flora.

We also draw your attention to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders, which recognizes in its articles 1 and 2 everyone’s right to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels and that each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms. The Declaration further calls for the protection “of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of” their rights as human rights defenders (article 12.2). The Declaration also guarantees the right of everyone to participate in the conduct of public affairs, and that “This includes, inter alia, the right, individually and in association with others, to submit to governmental bodies and agencies and organizations concerned with public affairs criticism and proposals for improving their functioning and to draw attention to any aspect of their work that may hinder or impede the promotion, protection and realization of human rights and fundamental freedoms” (article 8.2).

We would like to draw the attention to the obligations set forth in the Guiding Principles also require that a State take appropriate steps to “prevent, investigate, punish and redress such abuse through effective policies, legislation, regulations and adjudication.” Thus, States have a duty to ensure that any person or group who is a victim of a violation of the right to adequate food has access to effective judicial or other appropriate remedies, and that all victims of such violations are entitled to adequate reparation, which may take the form of restitution, compensation, satisfaction or

guarantees of non-prepetition (E/C/12/1999/5, para. 32; guiding principles, para. 25). The right to an effective remedy is incompatible with judicial procedures that incur undue delays, as would appear to be the case in the information received.

States may be considered to have breached their international human law obligations where they fail to take appropriate steps to prevent, investigate and redress human rights violations committed by private actors. While states generally have discretion in deciding upon these steps, they should consider the full range of permissible preventative and remedial measures. Business enterprises, in turn, are expected to carry out human rights due diligence in order to identify, prevent, mitigate and account for how they address their impacts on human rights. Where a business enterprise causes or may cause an adverse human rights impact, it should take the necessary steps to cease or prevent the impact. Similarly, where a business enterprise contributes or may contribute to an adverse human rights impact, it should take the necessary steps to cease or prevent its contribution and use its leverage to mitigate any remaining impact to the greatest extent possible (guiding principle N0. 19).

We also recall to your Excellency the explicit recognition of the human rights to safe drinking water and sanitation by the UN General Assembly (resolution 64/292) and the Human Rights Council (resolution 15/9), which derives from the right to an adequate standard of living, protected under, inter alia, article 25 of the Universal Declaration of Human Rights, and article 11 of ICESCR.

In its general comment No. 15, the CESCR highlights that the human right to water means that everyone is entitled to sufficient, safe, acceptable, physically accessible, and affordable water for personal and domestic uses and that “the right to water is also inextricably related to the right to the highest attainable standard of health (article 12.1) and the rights to adequate housing and adequate food (article 11.1).

We would like to recall to your Excellency’s Government 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 implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes to the UN General Assembly (A/74/480). This obligation derives implicitly, but clearly, from any number of rights and duties enshrined within the global human rights framework, under which States are obligated to respect and fulfil recognized human rights, and to protect those rights, including from the implications of exposure to toxics. Those rights include the human rights to life, health, safe food and water, adequate housing, and safe and healthy working conditions.

General comment No. 36 of the Human Rights Committee stresses that the protection of the rights to life and a life with dignity requires that States ensure that individuals and communities are protected from exposure to hazardous substances, such as pollution and toxic chemicals in products and occupational settings. The Committee indicates that States may be in violation of the rights to life and a life with dignity when they take insufficient measures or otherwise fail to take measures to prevent chronic exposure to hazardous substances, whether from the environment, workplace, consumer products or other sources. In the landmark decision by the Human Rights Committee in *Cáceres et al. v. Paraguay*, the Committee found that Paraguay had violated the rights to life and a life with dignity of over 20 people who were exposed to

toxic pesticides (CCPR/C/126/D/2751/2016, paras. 7.3 and 7.5). The contamination was found to have caused the death of one person and poisoned 22 other inhabitants of a community. The finding reinforced that the State's failure to prevent exposure can be a violation of the right to life and a life with dignity, even in absence of premature death.

The CESCR, in its general comment No. 14, found that toxic exposure can violate the right to the highest attainable standard of health, which requires the prevention of exposure to hazardous substances, as the right to the prevention of diseases is a fundamental aspect of the right to health (para. 16). The prevention of toxic exposure is also related to the right to private and family life enshrined in article 17 of the ICCPR, according to general comment No. 36 of the Human Rights Committee. It noted that a violation may exist when pollution has a direct, serious impact on the right to private and family life and the home. Pollution and environmental degradation can affect the well-being of an individual (*ibid.*, paras. 7.3, 7.5 and 7.8). The duty to prevent exposure is also related to the national and regional recognition of the right to a safe, clean, healthy and sustainable environment, including clean air (A/74/480).

In its report on human rights of workers and exposure to toxic substances, the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances stresses that the toxification of our planet and bodies constitutes what is arguably one of the most underappreciated threats to the ability of present and future generations to enjoy their human rights to life, health and a life with dignity (see A/HRC/39/48). The Rapporteur stresses that the rights to life, health and a life with dignity, among others, require that States prevent exposure to toxic and otherwise hazardous substances and wastes. Every State must have in place comprehensive laws and effective enforcement mechanisms to prevent exposure to all forms of pollution, toxic chemicals and other hazardous substances that can be a reasonably foreseeable threat to the health, life and dignity of the individual, including exposure caused by private actors.

We would like to furthermore draw your attention to the UN Guiding Principles on Business and Human Rights (A/HRC/17/31) which are the authoritative global standard of conduct to prevent, mitigate and remedy adverse human rights impacts of business activities. They were unanimously endorsed by the Human Rights Council in June 2011. The Guiding Principles clarify that, in accordance with international human rights obligations, 'States must protect against human rights abuses committed within their territory and/or jurisdiction by third parties, including business enterprises' (guiding principle 1). This requires States to 'clearly state that all companies domiciled in their territory and/or jurisdiction are expected to respect human rights in all their activities' (guiding principle 2). In fulfilling their duty to protect, States should:

- a) Enforce laws that have the purpose or effect of enforcing respect for human rights by companies, businesses and other business enterprises.
- b) Ensure that other laws and regulations governing the creation and activities of companies, such as commercial law, do not restrict but rather promote respect for human rights by companies.
- c) Effectively advise companies on how to respect human rights in their activities.

- d) Encourage and if necessary, require companies to explain how they take into account the human rights impact of their activities (guiding principle 3).

The guiding principle N0. 4 requires States to take additional steps to protect against human rights abuse by business enterprises that are owned or controlled by the State, including, where appropriate, by requiring human rights due diligence.

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; and (b) seek to prevent or mitigate adverse human rights impacts directly related to their operations, products or services provided through their business relationships, even where they have not contributed to them (guiding principle No. 13). States should also take appropriate measures to ensure, through appropriate judicial, administrative, legislative, or other appropriate means, that when such abuses occur within their territory and/or jurisdiction, those affected have access to effective remedy" (guiding principle No. 25). The Guiding Principles also emphasize that "States should ensure [...] that the legitimate and peaceful activities of human rights defenders are not hindered" (comment to guiding principle No. 26).

The Guiding Principles also recognise the important and valuable role played by independent civil society organisations and human rights defenders. In particular, principle 18 underlines the essential role of civil society and human rights defenders in helping to identify potential adverse business-related human rights impacts. The commentary to principle 26 underlines how States, in order to ensure access to remedy, should make sure that the legitimate activities of human rights defenders are not obstructed.

Both the 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. As the ICJ concluded in paragraph 393 of its Advisory Opinion of 23 July 2025, a clean, healthy and sustainable environment is a precondition for the enjoyment of many human rights, such as the right to life, the right to health and the right to an adequate standard of living, including access to water, food and housing. The human right to a clean, healthy and sustainable environment is therefore inherent in the enjoyment of other human rights.

In this regard, we would like to draw the attention of your Excellency's Government to the 2024 report of the Special Rapporteur on the human right to clean, healthy and sustainable A/79/270, which includes an overview of the right, highlighting the obligation of States to respect, protect and fulfill the right to a healthy environment, including in relation to its substantive elements: clean air, safe climate, safe and sufficient water, non-toxic environments and healthy ecosystems and biodiversity. It is also relevant to bring to your attention the Special Rapporteur's report A/80/187, which highlights the obligation of all States, under customary international law, to undertake environmental, social and human rights impact assessments. To respect, protect and fulfil these obligations in a manner consistent with the right to a clean, healthy and sustainable environment, States must satisfy interconnected substantive and procedural

obligations and in this regard, environmental, social and human rights impact assessments must: a) Be undertaken as early as possible and prior to any proposal authorization or the commencement of any activity, or when significant modification and/or expansion is proposed; (b) Assess proposals' direct, indirect, domestic, transboundary, adverse, positive, cumulative, comprehensive, long-term, short-term, climate, biodiversity, environmental, health, cultural, social and human rights impacts, alongside proposals' compatibility with the State's international legal obligations and policies; (c) Follow precautionary, prevention, proportionality, best-available science, maximum disclosure and equity and non-discrimination principles; (d) Be prepared by independent, qualified experts; (e) Ensure understandable, accessible, timely and complete information relevant to the proposal and assessment process; (f) Provide effective, meaningful, open and inclusive public participation throughout each stage of the assessment process, including the monitoring of approved projects according to the terms and conditions of approval; (g) Ensure access to justice and effective remedies, including for violations of assessment procedures and foreseeable human rights violations; and (h) Ensure special measures for the protection of the rights of marginalized people and groups. We also wish to refer to the Framework Principles on human rights and the environment of the Special Rapporteur on human rights and the environment (A/HRC/37/59, annex), which summarize the main human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment. Namely, Framework principle 1 provides that States should ensure a safe, clean, healthy and sustainable environment in order to respect, protect and fulfil human rights. In the same vein, principle 2 reiterates that States should respect, protect and fulfil human rights in order to ensure a safe, clean, healthy and sustainable environment. Principle 4 provides, specifically, that "States should provide a safe and enabling environment in which individuals, groups, and organs of society that work on human rights or environmental issues can operate free from threats, harassment, intimidation, and violence." Accordingly, "the requirements for such an environment include that States: adopt and implement laws that protect human rights defenders in accordance with international human rights standards; publicly recognize the contributions of human rights defenders to society and ensure that their work is not criminalized or stigmatized; develop, in consultation with human rights defenders, effective programmes for protection and early warning; provide appropriate training for security and law enforcement officials; ensure the prompt and impartial investigation of threats and violations and the prosecution of alleged perpetrators; and provide for effective remedies for violations, including appropriate compensation (see also A/71/281, A/66/203 and A/HRC/25/55, paras. 54-133)."

With regard to the protection of the human rights of climate activists as environmental human rights defenders, the Special Rapporteur on the rights to freedom of peaceful assembly and of association called on States to: adopt all necessary measures to ensure that climate defenders meaningfully participate in all just-transition policy development and implementation at all levels of decision-making; conduct thorough, prompt, effective and impartial investigations into killings and violence against civil society actors; ensure that perpetrators are brought to justice; and refrain from issuing official and unofficial statements stigmatizing climate defenders. The Special Rapporteur on climate change and human rights has called on States to: protect climate activists as environmental human rights defenders; urgently develop, in coordination with civil society, positive narratives on the contributions of environmental human rights defenders to the protection of human rights in the context

of climate change; gather and share information on threats of violence or attacks against environmental human rights defenders and available protection measures and challenges faced in accessing justice, including for children. She also underscored that intimidation or harassment of environmental human rights defenders by public administration bodies, business and other actors can have a deterrent effect on requesting information, which undermines the contribution of climate and environmental human rights defenders to the protection of everyone's human right to a healthy environment, including a safe climate.

Furthermore, principle 8 of the Framework Principles on human rights and the environment of the Special Rapporteur on human rights and the environment (A/HRC/37/59, annex), reaffirms that, to avoid undertaking or authorizing actions with environmental impacts that interfere with the full enjoyment of human rights, States should require the prior assessment of the possible environmental impacts of proposed projects and policies, including their potential effects on the enjoyment of human rights. The assessment requires meaningful participation of the public, done in a manner that does not discriminate against anyone. Principle 14 requires States to ensure that they take additional measures to protect the rights of those who are most vulnerable to, or at particular risk from, environmental harm, taking into account their needs, risks, and capacities.

In addition, we recall that The Committee on the Rights of the Child, in its general comment No. 26(2023), emphasized that to protect children's right to a healthy environment, which is implicit in the Convention on the Rights of the Child, States must take immediate action to equitably phase out the use of coal, oil and gas; and States that have substantial fossil fuel industries should assess the social and economic impact on children of their related decisions. Furthermore, several Special Rapporteurs have pointed out the tremendous negative impacts on human rights of fossil fuels throughout their life cycle, from exploration and extraction to combustion and contamination, noting that fossil fuels exploitation affects the rights to life, health, food, water and sanitation, education, an adequate standard of living, cultural rights, and a clean, healthy and sustainable environment with marginalized and vulnerable communities bearing the brunt of the consequences.

We further recall that under the Convention on Biological Diversity, States have obligations to: manage biological resources important for the conservation of biodiversity whether within or outside protected areas, with a view to ensuring their conservation and sustainable use (art. 8); and introduce appropriate procedures requiring environmental impact assessment of its proposed projects that are likely to have significant adverse effects on biodiversity with a view to avoiding or minimizing such effects and allow for public participation in such procedures (art. 14). CBD Parties committed to: include approaches to conserve, enhance and sustainably use biodiversity and ecosystem functions and services in upstream decisions on investments in the energy sector, through strategic environmental assessments and integrated spatial planning, including the evaluation of alternatives to such investments; apply best practices on environmental impact assessments; review and, as appropriate, update legal frameworks, policies and practices to promote the mainstreaming of biodiversity in the energy sector, including through safeguard, monitoring and oversight measures; and promote the full and effective participation of Indigenous peoples and local communities, academia, women, and youth, through consultations with Indigenous

peoples and local communities with a view to obtaining free, prior and informed consent, consistent with international agreements (decision XIV/3, 2018).