

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 promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the situation of human rights defenders and the Working Group on the rights of peasants and other people working in rural areas

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(Please use this reference in your reply)

17 November 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 promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on the situation of human rights defenders 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, 52/9, 59/4, 52/4 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 rural, forest-dwelling communities and Indigenous Peoples in Erasama Tehsil, Jagatsinghpur District, Odisha, India, whose lives and livelihoods are directly threatened by the ongoing construction of the M/s JSW Utkal Steel Ltd. (JUSL). These include violations of their rights to food, water, health, a clean, healthy and sustainable environment, and cultural rights. In addition, rural and forest-dwelling communities and Indigenous Peoples, community leaders, advocates, and human rights defenders reportedly face criminalization, intimidation, imprisonments, threats, and legal harassment for opposing the project and advocating for victims' rights.

The Special Procedure mandate holders have previously issued two communication letters addressed to your Excellency's Government raising concerns on allegations of forced evictions, displacement, attacks and intimidation ([JAL IND 1/2018](#) and [JAL IND 7/2013](#)) in the same region. We regret that your Excellency's Government has not replied to either of these letters and we remain concerned that instances of ongoing human rights violations keep being raised and appear not to have been adequately addressed and resolved.

According to the information received:

The JUSL project entails the establishment of a steel plant and captive coal power plant in Paradeep, Jagatsinghpur, Odisha. The project was originally proposed in 2005 by the South Korean steelmaker POSCO, which sought to build a steel plant in the same district. Following sustained opposition from local

communities, POSCO withdrew from the project in 2017. The period from 2005 to 2017 is also known as the “POSCO movement”.

However, instead of returning the land to the villagers, the state government reportedly transferred it to JSW, an Indian conglomerate, for the development of a new steel industrial complex. The project reportedly requires approximately 3,700 acres of land, including 2,677.80 acres of forest land and 272.51 acres of non-forest land, as well as an additional 25 acres for a rehabilitation colony and 500 acres for a township for company officials.

The populations affected by the development of the JUSL project include Scheduled Tribes (STs) and Other Traditional Forest Dwellers (OTFDs), who hold customary rights under the Forest Rights Act (FRA) of 2006. The OTFD population from surrounding panchayats is estimated at approximately 18,000 individuals, encompassing both directly and indirectly impacted groups. Additionally, around 28 families from the Santhal tribe reside in the project area.

Dalit communities, including Keuta, Pana, Dama, Bauri, Kandara, and Domb, account for roughly 12,000 individuals. The majority of residents in the three affected panchayats of Jagatsinghpur District belong to Other Backward Classes (OBCs) and Dalit groups. In total, over 30,000 people are at risk of forced eviction, denial of forest rights, and loss of livelihoods due to the implementation of the JUSL project.

The villages which will be directly impacted include – in Dhinkia Gram Panchayat (Dhinkia, Gobindapur, Mahala, Patana, Trilochanapur), Nuagaon Gram Panchayat (Nuagaon), and Gada Kajunga Gram Panchayat (Gada Kajunga, Nolia Sahi, Polanga, Bhunyapala, Bayanala Kandha). Indirectly impacted villages include Bamadeipur and Balei Gram Panchayats.

Food insecurity and economic marginalisation

The communities in the affected areas sustain themselves through a diverse range of economic activities. Betel vine (paan), a highly profitable crop, with small plots of 10-15 decimals yielding approximately USD 500-600 annually, has been cultivated for generations. Rice cultivation is widely practiced for subsistence and income, while cashew and casuarina (she-oak) are also grown alongside food crops to diversify livelihoods.

The forests in the area provide fuelwood, wild vegetables, housing materials, berries, tubers, medicinal plants, pandanus flowers, and green leafy vegetables. Families also cultivate fruits and vegetables on these lands. Fisheries represent another cornerstone of the local economy, with fishing in the Bay of Bengal and Jatadhar River sustaining around 20,000 to 25,000 fishermen. Women play a crucial role in sustaining their households, particularly through the processing and sale of fish. In fishing communities, women contribute significantly to household incomes by preparing and marketing dried and salted fish (mina). Some families practice animal husbandry to supplement both income and food security. Collectively, these activities provide a diverse livelihood base, which

is now directly threatened by the project.

Potential Health, Water, and Ecological Consequences

According to a 2022 briefing by the Centre for Research on Energy and Clean Air (CREA), gas and particle emissions from the plant would exceed limits set by the World Health Organization (WHO). CREA estimated that pollutants such as particulate matter, nitrogen oxides, and sulphur dioxide could result in serious health consequences, including premature deaths, emergency room visits due to asthma, and preterm births.¹ Local communities are therefore at heightened risk of respiratory, cardiovascular, and skin diseases.

The plant's reliance on freshwater sources also raises concerns about water pollution from industrial waste, which could contaminate drinking water and lead to gastrointestinal and related illnesses.

The project is expected to cause widespread ecological destruction, particularly affecting the fragile coastal ecosystem. One of the major components of the industrial complex is the construction of a cargo jetty, which threatens marine biodiversity and coastal stability.

In addition, mangrove forests are being cleared, increasing the region's vulnerability to cyclones and coastal erosion. Sand dunes have been flattened, further destabilizing the natural landscape. There are frequent reports of deer deaths, indicating severe disruption to terrestrial wildlife. The coastline is internationally recognized as the world's largest mass nesting site for the endangered Olive Ridley turtle, protected under national and international law. Their population is already in decline.

Despite orders from the National Green Tribunal, irresponsible dredging continues in the Jatadhara River. This has already had negative impacts on agriculture, rice and betel cultivation, and fishing, further undermining the livelihoods of local communities.

The project site is located only 12 km from Paradeep Port, which has been classified by the Odisha State Pollution Control Board as a "severely polluted area" with a Comprehensive Environmental Pollution Index (CEPI) score of 69.26, bordering the "critically polluted" category.² Establishing another polluting project in such close proximity would further exacerbate environmental stress and public health risks.

Lack of Free, Prior, and Informed Consent (FPIC), Forced Land Acquisition, and Destruction of Livelihoods

The Government of Odisha has presented the land transfer for the JUSL project as consistent with legal procedures and reflective of the FPIC. However,

¹ Centre for Research on Energy and Clean Air (CREA). (2022). MYTH-BUSTING: Is Fossil Gas Actually Cleaner? CREA 2022 Assessment.

² State Pollution Control Board, Odisha Bhubaneswar July 2020, Action Plan for Abatement of Pollution In Industrial Areas of Paradeep

multiple reports and testimonies challenge this claim.

During Gram Sabha (village level) meetings convened to consider the project, a heavy police presence allegedly deterred villagers from participating, while supporters of the project were reportedly given disproportionate opportunities to speak. Villagers state that they were not provided prior notice of the consultations, and those who attended were barred from voicing concerns.

A public consultation held on 20 December 2019 in Gadakujang village reportedly failed to make critical project documents available, including the Environmental Impact Assessment (EIA) and Social Impact Assessment (SIA) reports, which are essential for informed decision-making. The Common EIA report was only made public in January 2022, more than two years after the consultation. These procedural deficiencies were recognized by the National Green Tribunal (NGT) in *Prafulla Samantara v. Union of India* of 20 March 2023, which found that any consent obtained could not be considered informed under domestic law. Despite this, the project has reportedly continued.

As of today, JSW continues several construction operations within the Coastal Regulation Zone (legally designated area along India's coastlines where certain activities are regulated or restricted to protect the coastal environment, mangroves, sand dunes, wetlands, and marine ecosystems), including the digging of large bore wells for groundwater extraction, tree cutting, sand mining, and the destruction of sand dunes. Additionally, the company is expanding the laying of electric cables through Dhinkia, despite strong and ongoing opposition from local villagers.

Repression of Human Rights Defenders and Criminalization of Dissent

Communities resisting the JUSL project have reportedly faced systematic repression by state authorities. Between 2019 and 2021, villagers and Gram Panchayats submitted petitions and complaints to district and state authorities, including the Ministry of Environment, Forest & Climate Change (MoEFCC), the Odisha State Government, the Prime Minister's Office (PMO), as well as the National Human Rights Commission (NHRC) and the Odisha Human Rights Commission (OHRC), regarding forced land acquisition, illegal demolitions, and police harassment. Despite these submissions, the NHRC reportedly did not conduct any on-site visits to assess the situation.

On 14 January 2021, a large police contingent sealed the village of Dhinkia, lathi-charged, thrashed, and injured more than 200 villagers, and arrested many others including women, children and elderly. This day is annually commemorated by local communities as a 'Black Day'.

Between April and August 2021, the Mahala and Patana hamlets, situated on either side of Dhinkia were accorded the status of revenue villages. A revenue village constitutes an administrative unit where land may be privately owned and used for multiple purposes, in contrast to forest land, which remains a legally protected category governed by strict conservation laws under the Indian Forest Act, 1927; the Forest (Conservation) Act, 1980; and the Scheduled Tribes

and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

On 28 June 2021, authorities issued a notification announcing that land demarcation work would be undertaken in Mahala on 5 July 2021. On that day, hundreds of villagers from Dhinkia held a peaceful demonstration urging revenue officials to halt the demarcation process. Subsequently, on 18 August 2021, the Tehsildar (revenue officer) of Erasama issued notices to all panchayats within the project area, stating that land previously acquired for POSCO and held in the State land bank would be allocated to M/s JSW Steel. Villagers were given until 20 August 2021 to submit objections.

Further notices were issued on 29 November 2021 in Patana, announcing that demarcation work would take place on 30 November, and again on 30 November in Mahala, for work scheduled on 1 December 2021. On 1 December, when officials from the Revenue Department arrived in Patana accompanied by fourteen platoons of armed police, villagers staged a peaceful protest against the demarcation process.

Subsequently, on 4 December 2021, police personnel reportedly sealed all entry and exit points to Dhinkia village, allowing movement only upon presentation of government-issued identification. This action severely restricted residents' freedom of movement. Following these events, the State authorities reportedly initiated a series of actions targeting community leaders. On 14 January 2022, security forces again violently repressed a peaceful protest in Dhinkia, injuring at least 20 villagers, including women and children.

Fishermen, who traditionally went out to sea in the early morning hours, are reportedly unable to continue their work due to fear of arrest or being charged in fabricated cases.

From 2022 to 2023, over 1,500 villagers were implicated in at least 230 allegedly fabricated criminal cases related to the project. Villagers faced charges including sedition, rioting, conspiracy, and unlawful assembly, despite engaging in non-violent protests.

Between 2019 and early 2021 approximately 400 families submitted claims under the FRA 2006 asserting customary land rights, which were ignored, violating the requirement for Gram Sabha consent before diversion of forest land. Since the beginning of the project in 2017, approximately 72 human rights defenders have been detained, including 17 Dalit women and 34 Dalit men.

The violence, intimidation, and criminalisation of community leaders and human rights defenders, coupled with widespread impunity, have created an atmosphere of fear and repression. This hostile environment discourages communities from actively defending their land, rights, and livelihoods. The targeting and criminalisation of community members not only silences dissent but also diverts collective efforts toward securing the release of those arrested, rather than demanding accountability from the state and corporations responsible for the violations.

Mr. Prasant Paikray is a human rights defender and spokesperson of the POSCO Pratirodh Sangram Samiti (PPSS) since 2005, and of the Jindal-POSCO Pratirodh Sangram Samiti (JPPSS) since 2019. He has consistently supported the people of Dhinkia in opposing state and corporate actions. During the POSCO movement between 2005 and 2017, Mr. Paikray was reportedly implicated in multiple criminal cases, including one under Section 302 (murder) of the Indian Penal Code (IPC), from which he was acquitted by the Jagatsinghpur District Court in 2011. Over the years, he has represented the villagers of Dhinkia at national and international forums, contributing significantly to the eventual withdrawal of the proposed POSCO project. He now continues to oppose the proposed JSW Steel project, for which he has reportedly faced ongoing threats and intimidation from both State actors (including the police) and non-State actors (supporters of the company). In 2022 and 2023, during at least three processions organized by company supporters, defamatory and threatening slogans were reportedly shouted against Mr. Paikray and other activists. In 2024, the Additional Superintendent of Police of Jagatsinghpur District allegedly summoned three villagers from Mahala village (Dhinkia Panchayat) and pressured them to file a First Information Report (FIR) against Mr. Paikray, which they reportedly refused to do.

Mr. Debendra Swain is a human rights defender and a prominent leader of peaceful protests against the proposed JSW project in Dhinkia. For over 23 years, he has actively worked to protect villagers' land rights, beginning with his opposition to the POSCO project in 2005. As a key member of the JPPSS, Mr. Swain has consistently petitioned government authorities to ensure accountability for land and human rights violations. On 14 January 2022, during a peaceful march led by Mr. Swain protesting the forced demolition of betel vines and other human rights abuses, police reportedly entered Dhinkia and used excessive force against residents, including women, children, and the elderly. Mr. Swain was arrested the same day and allegedly subjected to torture in custody, resulting in broken teeth, swelling, and multiple injuries. He remained in judicial custody until 15 May 2024, spending a total of 853 days in prison before being granted bail. Throughout his activism, Mr. Swain has been implicated in over 30 allegedly false criminal cases, with repeated denials of bail at various judicial levels including the Judicial Magistrate First Class, District Judge, and the Odisha High Court suggesting a deliberate attempt to suppress anti-JSW protests. His family has also reportedly faced harassment and intimidation.

Previously, Mr. Swain was arrested for his involvement in the POSCO movement. In February 2013, he was detained for 26 days before being released. As of today, 27 cases remain pending against him, involving charges such as unlawful assembly, rioting, assault on public servants, criminal intimidation, destruction of public property, and possession of weapons, among others.

Mr. Manas Bardha is a prominent human rights defender and a key youth leader of the JPPSS, actively involved in peaceful protests against the JSW project in Dhinkia. Following the events of January 2022 in Dhinkia village, he was arrested on 1 March 2022 in what has been widely reported as a fabricated case. In the aftermath, over 20 additional cases were filed against him, allegedly to

prolong his judicial custody and intimidate villagers opposing the project.

Although Mr. Bardha was granted bail in all but one case, a technical issue with the High Court order delayed its implementation by over 40 days, effectively extending his detention. He was arrested from Dinkia and remained in custody until 11 October 2022, spending a total of 225 days in prison.

While we do not wish to prejudge the accuracy of the above allegations, the information received raises serious concerns regarding the treatment of the rights of rural and forest-dwelling communities in the Odisha, with grave implications for their rights and livelihoods. These concerns include risks of acute food insecurity, loss of biodiversity, and the erosion of cultural practices, water resources, identity, and traditions and ways of life. These communities face substantial barriers to accessing food, healthcare, water, sanitation, and primary education. Rates of malnutrition, stunting, and wasting among Indigenous infants and young children are among the highest in the country, highlighting the severe levels of deprivation and systemic marginalization they continue to endure.

We are further concerned that the project would displace families from lands central to their livelihoods, including betel vine, rice, cashew cultivation, and fishing, which collectively ensure income and food security. This diverse and interdependent livelihood base, rooted in generations of practice, is now at grave risk of destruction.

We are deeply concerned that the proposed steel plant would cause severe ecological and health consequences which would be irreversible. Reliance on freshwater sources risks contamination of drinking water, while the construction of a cargo jetty threatens fragile coastal ecosystems, including mangroves and sand dunes that shield villages from cyclones, as well as the world's largest mass nesting site of the endangered Olive Ridley turtles. In addition, projected emissions raise serious risks of premature deaths, preterm births, asthma, and skin diseases. Given the project's proximity to an already severely polluted region, we are further concerned that pollution levels will be exacerbated, compounding environmental and public health risks.

We are additionally concerned that the process by which consent was obtained for the JUSL project did not meet the standards of FPIC as already upheld by the NGT, nor the standards relative to the right to take part in decision-making processes that have an impact on the exercise of cultural rights.

We are deeply alarmed by the ongoing repression, and targeted persecution of rural and forest-dwelling community members and human rights defenders who speak out for the rights of their communities. This includes systematic surveillance, imprisonment on false charges and harassment. These actions appear to be directly linked to the exercise of the rights to freedom of expression, peaceful assembly and to take part in the development of the community to which one belongs, as well as efforts to defend communities' rights to food, water, health, a healthy environment and to maintain their chosen ways of life. 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 defenders must be allowed to carry out their legitimate human rights work without fear of reprisal, criminalization, or violence whether from State or non-State actors.

While we acknowledge that Your Excellency's Government has stated that such initiatives are undertaken in the interest of development, we emphasize that all actions must comply with both international and national legal frameworks and that people and peoples must be the primary beneficiaries of any sustainable development processes. 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 development. Yet without urgent intervention, the environmental destruction and climate injustice faced by rural and forest-dwelling communities will deepen further, threatening not only their survival but also the ecological balance of the region. These developments also highlight a dangerous nexus between state government 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 rural and forest-dwelling communities in the Odisha enjoy sustainable access to adequate food and nutrition, including measures to protect traditional food systems, prevent disruption of agricultural practices and ways of life, and address food insecurity arising from land dispossession and probable displacement.
3. Please clarify how Your Excellency's Government has implemented the environmental and social impact assessment, and if such assessment process granted access to information, participation and access to justice

and how it assessed the serious health, ecological, and livelihood risks posed by the proposed steel plant, including pollution levels projected to exceed WHO limits, contamination of freshwater sources, destruction of fragile coastal ecosystems, and the siting of the project in close proximity to the already “severely polluted” Paradip Port area.

4. Please clarify how Your Excellency’s Government ensures that the land transfer for the JUSL project reflects FPIC, in light of reports that Gram Sabha consultations were conducted under heavy police presence, villagers were denied prior notice, and essential project documents, including the EIA and SIA, were not made available until years after public consultations. How does the Government address the NGT’s findings that any consent obtained cannot be considered informed under domestic law?
5. Please clarify what measures Your Excellency’s Government has taken to protect human rights defenders and local communities resisting or expressing criticism of the JUSL project, given reports of repeated violent repression, arbitrary arrests, illegal surveillance, restrictions on movement and peaceful assembly and association, fabricated criminal cases, and the denial of rights under the Forest Rights Act, including Gram Sabha consent, as well as reports of threats, harassment, and excessive force used against women, children, and community leaders.
6. Please provide information on the measures your Excellency’s Government has taken, or is considering taking, to ensure that companies domiciled in its territory and/or jurisdiction respect human rights in all their activities, including the right to a healthy environment, the right to health, cultural rights, and the rights of human rights defenders, and implement human rights due diligence processes.

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 JSW Steel Ltd.

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

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Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw your 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 enjoy undisputed international recognition as to be considered part of customary international law. India ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR) in 1979, demonstrates 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.

In addition to recognizing the right to an adequate standard of living, 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 own 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. 52 f), 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. 49 d).

In its general comment No. 21, 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 sustainable 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).

Also, we wish to refer to the UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage (2003), which recognizes the vital role of communities, particularly indigenous communities, in the production, safeguarding, and transmission of intangible cultural heritage. Article 11, in particular, highlights that “Each State Party shall: (a) take the necessary measures to ensure the safeguarding of the intangible cultural heritage present in its territory; (b) among the safeguarding measures referred to in article 2, paragraph 3, identify and define the various elements of the intangible cultural heritage present in its territory, with the participation of communities, groups and relevant non-governmental organizations.” This provision underscores the importance of inclusive and community-led approaches to preserving cultural practices, expressions, and knowledge systems that are central to the identity and continuity of the Marshallese people.

The mandate holders in the field of cultural rights have further recommended that “States parties obtain the free and informed prior consent when the preservation of the cultural resources of concerned individuals or communities, especially those associated with their way of life and cultural expression, are at risk (E/C.12/GC/21, paragraphs 49(a), 52(f) and 55(e)). Concerned communities and relevant individuals should be consulted and invited to actively participate in the whole process of identification, selection, classification, interpretation, preservation/safeguard, stewardship and development of cultural heritage (A/HRC/17/38, para. 80(c)).” The Special Rapporteurs have also underscored that States should make available effective remedies, including judicial remedies, to concerned individuals and communities who feel that their cultural heritage is either not fully respected and protected, or that their right of access to and enjoyment of cultural heritage is being infringed upon (para. 80(l)). States should also develop cultural heritage mapping processes within their territory and utilize cultural impact assessments in the planning and implementation of development projects, in full cooperation with concerned communities (para. 80(e)).”

Under the United Nations Declaration on the Rights of Indigenous Peoples (‘UNDRIP’), States have a duty to consult in good faith with Indigenous Peoples through their own representative institutions in order to obtain their free, prior, and informed consent before adopting or implementing legislative or administrative measures that may affect them (article 19). This obligation reflects the central principle that Indigenous Peoples must be active participants in decisions that impact their lives, lands, and resources.

Article 26 of UNDRIP underlines the right of Indigenous Peoples to the lands, territories, and resources that they have traditionally owned, occupied, or otherwise used or acquired. States are obliged to recognize and protect these rights, ensuring that Indigenous Peoples can maintain their cultural, spiritual, and economic relationship with their ancestral territories. Article 28 further affirms the right of Indigenous Peoples to redress, including restitution or, when restitution is not possible, to just, fair, and equitable compensation for lands, territories, and resources that have been confiscated, taken, occupied, used, or damaged without free, prior, and informed consent. The American Convention on Human Rights similarly protects Indigenous Peoples’ rights to their land, in particular through article 21.

In addition, in its General Comment No. 4 on the interpretation of obligations under the ICESCR, the Committee on Economic, Social and Cultural Rights (CESCR) stated that all persons should have a certain degree of security of tenure, guaranteeing legal protection against forced evictions, harassment, and other threats. The General Comment clarified that "*forced evictions are prima facie incompatible with the requirements of the Covenant and can only be justified in the most exceptional circumstances and in accordance with the relevant principles of international law.*" In the same General Comment No. 4, the Committee stated that States must take immediate measures to provide legal security of tenure to individuals and households currently lacking such protection, in genuine consultation with the individuals and groups affected.

Furthermore, in its general comment No. 7 on forced evictions, the CESCR clarified that, if an eviction is to be carried out, procedural protections must be guaranteed, including, among others, genuine consultation, adequate and reasonable notice, alternative accommodation, and the provision of legal remedies and legal aid. Evictions should in no case result in the people becoming homeless, and the State Party should take all appropriate measures to ensure that affected persons have adequate alternative housing, resettlement, or access to productive land when they cannot fend for themselves. States Parties shall ensure, before carrying out any eviction, and in particular those affecting large groups, that all viable alternatives are explored in consultation with the persons affected, with a view to avoiding, or at least minimizing, the need to resort to force. Legal remedies or procedures shall be provided to persons affected by eviction orders. States Parties shall also ensure that all affected persons are entitled to adequate compensation for any property, both movable and immovable, that is affected.

Article 19 of the ICCPR guarantees the right to freedom of opinion and the right to freedom of expression, which includes the right "to seek, receive and impart information and ideas of all kinds, either orally, in writing or in print, in the form of art, or through any other media". This right applies online as well as offline, protects the freedom of the press as one of its core elements and includes not only the exchange of information that is favourable, but also that which may criticize, shock, or offend.

In its general comment No. 34, the Human Rights Committee stated that States parties to the ICCPR are required to guarantee the right to freedom of expression, including "political discourse, commentary on one's own and on public affairs, canvassing, discussion of human rights, journalism, cultural and artistic expression, teaching, and religious discourse" (CCPR/C/GC/34, para. 11). The Committee states that article 19 also covers the right of a free press and other media able to comment on public issues without censorship or restraint and to inform public opinion and a corresponding right of the public to receive media output.

The Committee further asserts that there is a duty of States to put in place effective measures to protect against attacks aimed at silencing those exercising their right to freedom of expression (para. 23). Recognizing how journalists and persons who engage in the gathering and analysis of information on the human rights situation and who publish human rights-related reports, including judges and lawyers, are frequently subjected to threats, intimidation and attacks because of their activities, the Committee stresses that "all such attacks should be vigorously investigated in a timely fashion, and

the perpetrators prosecuted, and the victims, or, in the case of killings, their representatives, be in receipt of appropriate forms of redress” (para. 23).

Any restriction on the right to freedom of expression must be compatible with the requirements set out in article 19(3) ICCPR. Under these requirements, restrictions must (i) be provided by law; (ii) pursue one of the legitimate aims for restriction, which are the respect of the rights or reputations of others and the protection of national security or of public order (*ordre public*), or of public health or morals; and (iii) be necessary and proportionate for those objectives. The State has the burden of proof to demonstrate that any such restrictions are compatible with the Covenant, and restrictions must always be “the least intrusive instrument among those which might achieve their protective function” ([CCPR/C/GC/34, para. 34](#)).

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, 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). Furthermore, the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on extrajudicial, summary or arbitrary executions clarified in their joint report on the proper management of assemblies that “the use of force by law enforcement officials should be exceptional, and assemblies should ordinarily be managed with no resort to force. Any use of force must comply with the principles of necessity and proportionality” (A/HRC/31/66, para. 57).

We also wish to draw the attention of your Excellency’s Government to its obligations under the Convention on the Rights of the Child, having ratified the convention in 1992. 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 1993, 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 refer to general recommendation No. 34 on the rights of rural women, particularly paragraph 12, in which CEDAW urges States to address, alleviate, and mitigate “specific threats posed to rural women by climate change, natural disasters, land and soil degradation, water pollution, droughts, floods, desertification, pesticides and agrochemicals, extractive industries, monocultures, bio-piracy and the loss of biodiversity, in particular agro-biodiversity.” The Committee further emphasizes the importance of ensuring that rural women enjoy a safe, clean, and healthy environment.

As mentioned by the Special Rapporteur on Violence Against Women and Girls in her report A/HRC/50/26, indigenous women and girls have been particularly exposed to serious forms of gender-based violence because of conflict related to land, territories or natural resources. Perpetrators of this violence often enjoy impunity. They also bear disproportionately the consequences of violence against themselves. The Special Rapporteur highlighted how many States fail to recognize the specific particularities that characterize the violence that indigenous women and girls face, which can result in barriers to access justice. She called for ensuring that the victims have access to effective justice. Survivors must have adequate access to protection and support services including culturally appropriate medical treatment, psychosocial counselling and professional training.

Moreover, we refer to the report on agricultural workers (A/73/164) by the former Special Rapporteur on the right to food, which highlights that even States that have adopted CEDAW often fail to provide adequate legal protections for women workers, especially those who are pregnant or have recently given birth. These women remain vulnerable to hazardous working conditions and societal biases, further undermining their rights and well-being. These interconnected issues emphasize the urgent need for comprehensive action to address the systemic challenges facing women in achieving their full rights and potential.

We also would like to recall the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas which Your Excellency's government has voted in favour, 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 UN Declaration on Human Rights Defenders, which recognizes the right of each person to promote the realization of human rights and 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-repetition (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 No. 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.

We would like to refer to the United Nations General Assembly in its resolution 70/169 of 2015 that recognized that “the human right to safe drinking water entitles everyone, without discrimination, to have access to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic use”, and that “the human right to sanitation entitles everyone, without discrimination, to have physical and affordable access to sanitation, in all spheres of life, that is safe, hygienic, secure, socially and culturally acceptable and that provides privacy and ensures dignity, while reaffirming that both rights are components of the right to an adequate standard of living”.

We would like to emphasize that the human rights to water and sanitation require that water is continuously available, in sufficient quantity for drinking, personal hygiene and domestic uses. 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). For instance, water is necessary to produce food (right to adequate food) and ensure environmental hygiene (right to health)”.

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 No. 3).

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 No. 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 No. 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.

We would like to recall that in 2021, the Human Rights Council recognized this right to a clean, healthy and sustainable environment through resolution 48/13, and in 2022, the United Nations General Assembly reaffirmed it by adopting resolution 76/300. These resolutions underscore that all States have a duty to respect, protect, and fulfill this right for present and future generations. As such, environmental protection is not only a matter of policy, but a binding human rights obligation, central to the enjoyment of related rights to life, health, water, food, housing, culture, and development. In addition, it should be highlighted that the right to a clean, healthy and sustainable environment includes six substantive elements including a safe climate

As elaborated in the report of the Special Rapporteur on the human right to a clean, healthy and sustainable environment A/80/187, States have binding obligations under international law to protect the environment and the climate system, including the duty to prevent foreseeable harms to people and ecosystems. To comply with this duty, States must carry out Environmental, Social, and Human Rights Impact Assessments (ESHRIAs). The International Court of Justice has clarified that such assessments are required under customary international law. Importantly, these assessments must not be treated as a formality; they must be carried out prior to project authorization, be comprehensive in scope, and address cumulative, transboundary, and long-term impacts.

We also bring to your attention the report A/HRC/58/59 of the Special Rapporteur on the human right to a clean, healthy and sustainable environment, on the ocean and human rights. To protect the ocean, States must implement their international obligations with an ecosystem- and human rights-based approach grounded in the best available science, including Indigenous and ancestral knowledge, and focused on the levels of biological organization and the essential structures, processes and functions of and interactions among organisms and their environments. The obligation of States to prevent environmental harm and the resulting human rights violations includes regulating, controlling and monitoring pollution, undertaking environmental impact assessments and upholding the precautionary principle. To prevent pollution to the marine environment and protect and fulfil human rights, States must undertake environmental impact assessments for any planned activity, public or private, that may cause substantial pollution or significant and harmful changes to the marine environment through the specific or cumulative effects of the activity. States must also ensure that all relevant stakeholders, prioritizing women, Indigenous Peoples, coastal and island communities, ocean defenders and small-scale fishers, children and young people, can fully and meaningfully participate in marine environmental governance at all levels, which requires equitable access to information, participation and justice. States must mandate the appropriate inclusion of Indigenous Peoples' traditional knowledge in marine resource management, ensuring free, prior and informed consent for decisions affecting their ancestral seas. States must also ensure protections for individuals and organizations advocating for marine conservation, ensuring that they can operate without fear of persecution or harm. States must take appropriate measures to promote and protect the rights and traditional knowledge, innovation and practices of small-scale fishers, which are relevant to the conservation and sustainable use of biological diversity.

We 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).

In December 2018, the General Assembly adopted the United Nations Declaration on the Rights of Peasants (UNDROP). Article 17 prohibits forced eviction and loss of ancestral land. It also guarantees peasants' and rural people's rights to land and protection from arbitrary or unlawful displacement or forced eviction. Article 24 gives the right to adequate housing and protection from forced eviction and prohibits arbitrary removal from homes and land without due process, consultation, or fair compensation.

Article 18 recognizes the right to a clean, safe and healthy environment and obliges States to prevent and remedy harm caused by industrial pollution or hazardous waste. Article 15 guarantees the right to be free from hunger and the right to produce food through sustainable and culturally appropriate systems. Article 21 provides a right to water and sanitation, including access to safe, clean and sufficient water for domestic use, farming, fishing and livestock; threatened by industrial contamination and over-extraction. Article 23 provides for the right to the highest attainable standard of physical and mental health; endangered by pollution, dust, toxic emissions, and loss of medicinal biodiversity.

Articles 2, 10 and 11 oblige States to consult and cooperate in good faith and ensure active, free, effective, meaningful, and informed participation before adopting measures affecting rural communities. Article 6 provides for the right to life, integrity and security, which is violated by the violence, intimidation, and heavy policing during consultations. Article 12 mandates fair, timely and affordable legal remedies and protection against arbitrary dispossession; ineffective domestic redress and ignored

NGT findings violate this. Article 26 safeguards rural communities' cultural identity, traditional knowledge, and spiritual heritage; destruction of sacred forests and betel-vine cultivation sites erodes this. Articles 3 and 4 prohibit discrimination. Dalit and Indigenous communities face disproportionate harm, violating equality and anti-discrimination provisions. Article 20 obliges States to prevent risks from industrial development and conserve biodiversity, which is violated by mangrove clearing and threats to Olive Ridley turtle nesting sites. Finally, States are required to regulate business enterprises according to article 2(5), and to ensure private companies act in compliance with the rights contained in UNDROP.