

Joint Submission for the Fourth Universal Periodic Review Cycle:

United States of America

Main Submitting Organization: Global Rights Advocacy

Jointly presented by the Seattle University School of Law-International Human Rights
Clinic, Tsikini, and Fair Steel Coalition

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Global Rights Advocacy (GRA)

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I. Description of the submitting organizations

Global Rights Advocacy (GRA) is a non-profit organization dedicated to providing victims access to international human rights mechanisms through legal defense and advocacy. GRA promotes international human rights law in domestic policies and practices. Through its Global Freedom and Human Rights Defenders programs, GRA represents at-risk, detained, or disappeared defenders, drafts shadow reports, and submits urgent actions to UN and Inter-American human rights bodies. The International Human Rights Clinic of the Seattle University School of Law ("the Clinic") defends human rights in the U.S. and abroad, focusing on torture, wrongful convictions, arbitrary detentions, discrimination, and indigenous rights. The Clinic does not represent the official views of Seattle University.

Tsikini is a Mexican organization that addresses systematic violations of human and environmental rights through advocacy, education, and the protection of defenders.

The Fair Steel Coalition is a global alliance of 16 civil society organizations representing communities impacted by the steel industry. It supports environmental human rights defenders and has published "The Real Cost of Steel Report" documenting cases affected by Ternium and ArcelorMittal.

II. Issues at stake: human rights due diligence and international protection of environmental defenders

Introduction

1. Since the last Universal Periodic Review of the United States in 2020, Global Rights Advocacy,¹ the Fair Steel Coalition,² and Global Witness³ have documented a concerning pattern of violence against environmental defenders around the world, the majority indigenous people, with Latin America as the most dangerous region to be a defender.⁴ Most prominently, we reported in 2024 that in many instances, especially in Mexico, violence included a heinous crime, and enforced disappearances left families and communities in limbo, leading to an increasing chilling effect. Most of the cases are related to the work of defenders around mining activities, with alleged involvement of powerful transnational corporations, and impunity as the answer. The highest number of cases were recorded in regions where states suffer corporate capture and organized crime dominance.
2. Our reports on environmental defenders merited the United States government's attention, opening the doors to briefings on emblematic cases to the Interagency Working Group of the U.S. Department of State to Reduce Violence against Environmental Defenders (IAWG), the United States Congress Lantos Commission, and the Government of Luxembourg. We brought about the need to develop the concept of corporate enhanced due diligence to protect defenders working in unstable conflict zones worldwide, and the concept of shared responsibility to bring about truth and justice. This was to be done with the help of third countries with strong legal, commercial or

¹ [Global Rights Advocacy Press Release](#), February 17th 2025: Two years without Ricardo and Antonio: The Global month of action comes to an end.

² [The Real CoSt of Steel: Environmental Racism, Sacrifice Zones and Impunity along the Supply Chain](#), 2024.

³ [The violent erasure of land and environmental defenders | Global Witness](#), 2024.

⁴ GLOBAL WITNESS, Sept. 13, 2023, <https://globalwitness.org/en/press-releases/almost-2000-land-and-environmental-defenders-killed-between-2012-and-2022-protecting-planet/>.

financial ties with powerful transnational corporations. Those transnational corporations have been evading justice due to the weakness of the rule of law and corruption.

3. During the last review, the United States received and supported several recommendations related to the need to adopt measures to protect the environment and prevent climate change (Recommendation 26.151), human rights defenders (Recommendation 26.274) and address the heightened risk of business involvement in abuses in conflict situations (Recommendation 26.153). Furthermore, under recommendations to protect the right to life, highlighted points included the need to adopt measures to cease state terrorism and punish murder, torture and disappearances (Recommendation 26.216). This connects to the recommendation to develop norms that ensure free, prior and informed consultations with indigenous communities in relation to projects with a potential impact on their territories and traditional ways of life (Recommendation 26.326). Regarding human rights and climate change, the UPR recommended “in particular by strengthening cooperation with the international community in this area” (Recommendation 26.152). These recommendations now need to be followed up and strengthened, especially considering recent concerns about regression on human rights policies in the United States.
4. Preventing, mitigating, and responding to reprisals against defenders is reflective of the United Nations founding principles, along with the United States commitment to the UN Declaration on Human Rights Defenders,⁵ the UN Guiding Principles on Business and Human Rights, and the OECD Guidelines for Multinational Enterprises. Upholding these principles is essential for strengthening cooperation between the United States and Mexico.⁶ Promoting and protecting fundamental freedoms builds greater levels of trust, which sends a strong message to bad actors and further deters the use of violence.⁷ The United States affirms that it expects businesses to conduct heightened human rights due diligence in conflict affected contexts, develop policies to protect human rights defenders, and take steps to prevent reprisals against defenders.⁸ Mexico’s new government administration did not seize the opportunity for urgent action and meaningful engagement in addressing the alarming pattern of enforced disappearances targeting environmental defenders.
5. The 2023 U.S. State Department Human Rights Report for Mexico noted a rise in violence against environmental defenders and recommended legal protections, accountability, and support for affected families.⁹ On February 29, 2024 and July 9, 2024, the Inter-American Commission of Human Rights held hearings on the situation of human rights defenders in the Americas pointing to the challenges defenders face in obtaining effective protection.¹⁰ Mexico ranks fourth globally after Colombia, Brazil and Honduras for lethal violence against environmental defenders, recording 18 murders in 2023.¹¹ From 2012 to 2023, 203 defenders in Mexico were assassinated of which 36 were cases of enforced disappearances, with 21 forcibly disappeared in the

⁵ UNITED NATIONS OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS, *Declaration on human rights defenders: Special Rapporteur on human rights defenders*, available at: <https://www.ohchr.org/en/special-procedures/sr-human-rights-defenders/declaration-human-rights-defenders>

⁶ U.S. DEPARTMENT OF STATE, *Guidelines for U.S. Diplomatic Mission Support to Civil Society and Human Rights Defenders*, available at: <https://www.state.gov/wp-content/uploads/2021/11/Human-Rights-Defenders-Guidance.pdf>

⁷ *Id.*

⁸ U.S. DEPARTMENT OF STATE, *2024 United States National Action Plan on Responsible Business Conduct*, available at: <https://www.state.gov/wp-content/uploads/2024/03/2024-United-States-Government-National-Action-Plan-on-Responsible-Business-Conduct.pdf>

⁹ U.S. DEPARTMENT OF STATE, *2023 Human Rights Report, Mexico*, available at: <https://www.state.gov/reports/2023-country-reports-on-human-rights-practices/mexico/>

¹⁰ INTER-AMERICAN COMMISSION OF HUMAN RIGHTS, *21 Regional: Situation of human rights defenders* (Mar 1, 2024), available at: <https://youtu.be/fMH0ovWIPJ0>

¹¹ GLOBAL WITNESS, *Missing voices: The violent erasure of land and environmental defenders* (September 10, 2024), available at: <https://www.globalwitness.org/en/campaigns/environmental-activists/missing-voices/#disappeared>.

¹² *Id.*

Michoacán region alone.¹² However, the exact number remains uncertain.¹³ According to Global Witness, over 70% of the defenders murdered in Mexico during 2023 were Indigenous Peoples, with a concentration of attacks along the Jalisco-Colima-Michoacán Pacific coastal states. A majority were individuals opposing mining operations in the region.¹⁴

6. With [over 116,027](#)¹⁵ people reported missing, Mexico officially recognized disappearances as a humanitarian crisis in 2019.¹⁶ The UN Committee Against Enforced Disappearances expressed alarm over the pervasive impunity surrounding disappearances, with only 2 to 6% of cases resulting in prosecutions.¹⁷ Finding missing defenders is challenging, especially due to the forensic crisis of more than 72,000 unidentified bodies¹⁸ and weakening of the National Commission of Search.¹⁹ This is further compounded by the artificial lowering of the official number of disappeared people, the closure of the National Center for Human Identification²⁰ and failed efforts to hold military forces accountable by criminalizing the public prosecutor that

¹² *Id.*

¹³ Thelma Gómez Durán and Aranzazú Ayala, MONGABAY, *These people were disappeared for defending the environment and the territory in Mexico* (October 2, 2023), <https://es.mongabay.com/2023/10/a-estas-personas-las-desaparecieron-por-defender-el-ambiente-y-territorio-en-mexico/>.

¹⁴ GLOBAL WITNESS, *Missing voices: The violent erasure of land and environmental defenders* (September 10, 2024), available at: <https://www.globalwitness.org/en/campaigns/environmental-activists/missing-voices/#disappeared>.

¹⁵ Last visited on October 7, 2024.

¹⁶ GOBIERNO DE MÉXICO, *Palabras del Subsecretario de Segob, Alejandro Encinas Rodríguez, en la Reinstalación del Sistema Nacional de Búsqueda de Personas*, available at: <https://www.gob.mx/segob/prensa/ppalabras-del-subsecretario-de-derechos-humanos-poblacion-y-migracion-alejandro-encinas-rodriguez-durante-la-reinstalacion-del-sistema-nacional-de-busqueda-de-personas-en-palacio-nacional?idiom=es>; GOBERNACIÓN, *Primera visita a México del Comité contra la Desaparición Forzada de la ONU*, available at: <https://www.youtube.com/live/m6GDvBAq1RA?feature=shared>; Mexico National Registry of Disappeared people, available at: <https://versionpublicarnpdno.segob.gob.mx/Dashboard/ContextoGeneral>

¹⁷ UNITED NATIONS COMMITTEE ON ENFORCED DISAPPEARANCES, *Information and findings - Report of the Committee on Enforced Disappearances on its visit to Mexico under article 33 of the Convention* (May 18, 2022).
UNITED NATIONS COMMITTEE ON ENFORCED DISAPPEARANCES, *Observations and recommendations - Report of the Committee on Enforced Disappearances on its visit to Mexico under article 33 of the Convention* (May 16, 2022).
UNITED NATIONS COMMITTEE ON ENFORCED DISAPPEARANCES, *Concluding observations on the additional information submitted by Mexico under article 29 (4) of the Convention* (Oct 12, 2023).

¹⁸ UNITED NATIONS COMMITTEE ON ENFORCED DISAPPEARANCES, *Information and findings - Report of the Committee on Enforced Disappearances on its visit to Mexico under article 33 of the Convention* (May 18, 2022).

¹⁹ Wendy Selene Pérez, EL PAÍS, *The dismantling of the National Identification Center leaves hundreds of relatives in suspense: "Everything went down the drain"* (February 19, 2024), available at: <https://elpais.com/mexico/2024-02-20/el-desmantelamiento-del-centro-nacional-de-identificacion-deja-en-vilo-a-cientos-de-familiares-todo-se-fue-por-el-cano.html>.

Diana López Hernández, *They dismantle the National Commission for the Search of Disappeared Persons* (Feb 6, 2024), available at: <https://hastacuando.com.mx/2024/02/06/desmantelan-la-comision-nacional-de-busqueda-de-desaparecidos/>.

Cesar Martínez, MILENIO, *104 officials leave the National Search Commission; dismissals and resignations, the causes* (January 2, 2024), available at: <https://www.milenio.com/politica/comunidad/salen-de-comision-nacional-de-busqueda-mas-de-100-funcionarios>.

Ricardo Raphael, MILENIO ZOOM POLICY, *National Search Commission Dismantled* (Jan 4, 2024), available at: <https://www.milenio.com/opinion/ricardo-raphael/politica-zoom/desmantelan-comision-nacional-de-busqueda>.

²⁰ Efraín Tzuc and Mayela Sánchez, QUINTO ELEMENTO LAB, *AMLO's six-year term ends with more than 72,100 unidentified bodies* (September 24, 2024), <https://quintoelab.org/project/sexenio-amlo-72-mil-cuerpos-crisis-forense>.

José Ignacio De Alba and Daniela Pastrana, PIE DE PÁGINA, *"Mexico is a huge clandestine grave": Encinas* (Feb 5, 2019), available at: <https://piedepagina.mx/mexico-es-una-enorme-fosa-clandestina-encinas/>.

Jessica Xantomila and Arturo Sánchez, LA JORNADA, *They de facto suspend the work of the National Center for Human Identification* (Feb 5, 2024), p. 12.

Marcela Nochebuena, ANIMAL POLÍTICO, *More than 100 dismissals, pressures and rejection of contract renewals prevail in the National Search Commission* (Feb 1, 2024), available at: <https://animalpolitico.com/politica/despidos-comision-nacional-busqueda>.

uncovered their participation in the Ayotzinapa case.²¹

7. The prevalence of repression against environmental defenders in Latin America can be attributed to high levels of corruption, weak rule of law, and conflicts exacerbated by corporate interests in mineral extraction and land exploitation. The Inter-American Commission on Human Rights has repeatedly urged states, companies, and investors to take decisive action against the increasing aggression and impunity faced by human rights defenders in the context of business activities.²² Transnational corporations and other business enterprises have played a significant role in the repression of environmental defenders. The risk of corporate involvement in grave human rights abuses is particularly high in conflict-affected regions and areas experiencing widespread violence.²³ Numerous U.S.-based or U.S. financed transnational corporations operate in regions where violence against defenders is prevalent, such as in Mexico.

Protection of the environment and environmental defenders

8. Recommendations to protect the environment, protect defenders, and adopt measures to slow down climate change regarding corporate due diligence are interrelated. This can be demonstrated through a series of emblematic cases, most of which are related to violence against defenders in Mexico and contamination in Brazil by activities of the same corporation Ternium. The United States is the main commercial partner of Mexico and the largest market destination of Ternium Mexico steel products, with Ternium U.S. and entities within Ternium group as the largest reported buyers in the U.S. Furthermore, Ternium has significantly benefitted from the U.S. New York Stock Market since 2006. It constructed a port facility in Brownsville, Texas for handling raw material, and expanded the Shavenportt unit in Louisiana, producing galvanized and colour coated sheets and processing cold-rolled coils procured mainly from Ternium Mexico. It invested 98 million in the expansion for second coil coating paint in 2025.
9. Taking this into account, the U.S. should require businesses that have a significant footprint within the U.S. to conduct heightened human rights due diligence in conflict-affected contexts, develop policies to protect human rights defenders, and take steps to prevent reprisals against defenders. Violence against defenders is not only a violation of human rights, but also a threat to the rule of law and healthy democracies, and needs international cooperation to be addressed.²⁴ The Fair Steel Coalition, Global Rights Advocacy and Tsikini in [The Real Cost of Steel](#) publication, reported several case studies with a combination of recommendations that serve to follow-up with the UPR recommendations. The following are emblematic cases of the threats against human rights and environmental defenders:

²¹AMNESTY INTERNATIONAL, *Mexico: Authorities' actions impede access to truth and justice for Ayotzinapa* (Oct 2, 2023), available at: <https://www.amnesty.org/en/latest/news/2023/10/mexico-authorities-impede-truth-justice-ayotzinapa/>;

U.S. DEPARTMENT OF STATE, *2022 Human Rights Report, Mexico*, Section 1B, available at: <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/mexico/>;

U.S. DEPARTMENT OF STATE, *2023 Human Rights Report, Mexico*, p. 5 - 7, available at: https://www.state.gov/wp-content/uploads/2024/02/528267_MEXICO-2023-HUMAN-RIGHTS-REPORT.pdf;

OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS, *Mexico: Ayotzinapa investigation marred by torture and cover-ups* (Mar 15, 2018), available at: <https://www.ohchr.org/en/press-releases/2018/03/mexico-ayotzinapa-investigation-marred-torture-and-cover-ups-un-report>;

UNITED STATES SENATE, Joint Letter Sent October 3, 2016, to Secretary of State by Senators Cory Booker (D-N.J.); Chris Coons (D-Del.); Dianne Feinstein (D-Calif.); Tim Kaine (D-Va.); Mark Kirk (R-Ill.); Ed Markey (D-Mass.); Jeff Merkley (D-Ore.); Marco Rubio (R-Fla.), available at: <https://www.menendez.senate.gov/imo/media/doc/2016-letter-to-secretary-kerry-on-43-mexican-students.pdf>.

TOM LANTOS HUMAN RIGHTS COMMISSION, *The Case of Mexico's 43 Disappeared Students: The Group of Experts Report* (May 25, 2016), available at: <https://humanrightscommission.house.gov/events/hearings/case-mexicos-43-disappeared-students-group-experts-report>

²² Inter-Am. Comm'n H.R., Report on the Situation of Human Rights Defenders in the Americas, chs. I-IV, <https://www.cidh.org/countryrep/defenders/defenderschap1-4.htm>.

²³ United Nations Development Programme (2022). Heightened Human Rights Due Diligence for business in conflict-affected contexts; A Guide. New York, United States of America.

²⁴ U.S. DEPARTMENT OF STATE, *Guidelines for U.S. Diplomatic Mission Support to Civil Society and Human Rights Defenders*, available at: <https://www.state.gov/wp-content/uploads/2021/11/Human-Rights-Defenders-Guidance.pdf>.

Ricardo Lagunes Gasca and Antonio Díaz Valencia (Aquila Mine, Michoacán, 2023)

Ricardo Arturo Lagunes Gasca, a human rights lawyer, and **Antonio Díaz Valencia**, an Indigenous leader from Aquila, Mexico, disappeared on January 15, 2023, while defending their lands from mining activities by Ternium,²⁵ a steel multinational with headquarters in Luxembourg, with significant presence and financial benefits in the United States.²⁶ Several investigative reports highlighted threats by members of the company and possible government involvement.²⁷ Mass graves with hundreds of bodies and human remains have been discovered in the areas straddling Michoacán and Colima, but not identified, adding to the forensic crisis. More than two years later, their whereabouts remain unknown. Investigations have been stalled and there is an absence of corporate and state accountability. The United Nations,²⁸ Inter-American Commission on Human Rights,²⁹ international organizations,³⁰ the United States,³¹ and Luxembourg³² have been demanding an exhaustive search and investigation into the disappearances³³ and compliance with due diligence directives both by México and Ternium.³⁴ Global Witness' recent report documents the case

²⁵ U.S. DEPARTMENT OF STATE, *2023 Human Rights Report, Mexico*, available at: <https://www.state.gov/reports/2023-country-reports-on-human-rights-practices/mexico/>

²⁶ THE FAIR STEEL COALITION, *The Real Cost of Steel: Environmental racism, sacrifice zones and impunity along the supply chain*, available at: <https://edlc.org/wp-content/uploads/2024/04/The-Real-Cost-of-Steel.pdf>

²⁷ BUSINESS & HUMAN RIGHTS RESOURCE CENTRE, *Mexico: Ternium Executives Allegedly Threatened Defenders a Month Before Their Disappearance, Affirm Aquila's Community Members* (February 1, 2023), available at: <https://www.business-humanrights.org/en/latest-news/mexico-ternium-executives-allegedly-threatened-defenders-a-month-before-their-disappearance-affirm-aquilas-community-members/>

²⁸ UN Special Procedures, *Mexico must clarify fate and whereabouts of human rights defenders Ricardo Lagunes and Antonio Diaz, and companies must collaborate: UN experts* (Feb 20, 2023), available at: <https://www.ohchr.org/en/press-releases/2023/02/mexico-must-clarify-fate-and-whereabouts-human-rights-defenders-ricardo>; *Procedimientos Especiales de Naciones Unidas, México, JAL MEX 12/2023, 21 de diciembre de 2023*. CED/C/24/3: Informe sobre las peticiones de acción urgente presentadas en virtud del artículo 30 de la Convención, 5 de abril de 2023, para. 42.

²⁹ Precautionary Measures No. 42-23 Ricardo Arturo Lagunes Gasca and Antonio Díaz Valencia regarding Mexico January 22, 2023. Cf. IACHR, *IACHR grants precautionary measures in favor of defenders Ricardo Arturo Lagunes Gasca and Antonio Díaz Valencia in Mexico* (Jan 26, 2023), available at: https://www.oas.org/en/iachr/jsForm/?File=/en/iachr/media_center/preleases/2023/008.asp

³⁰ David McKean, ICAR, *ICAR urges United States to push Mexican government for accountability in forced disappearance of Human Rights Defenders, International Corporate Accountability Roundtable* (Mar 28, 2023), available at: <https://icar.ngo/icar-writes-letter-urging-usg-to-investigate-forced-disappearance-of-human-rights-defenders/>; Sergio Carmona, VANGUARDIA.MX, *Un abogado indígena y un líder comunitario desaparecidos en Michoacán* (Jan 18, 2023), available at: <https://vanguardia.com.mx/noticias/desaparecieron-un-abogado-de-indigenas-y-un-lider-comunal-en-michoacan-FN6069043>

³¹ U.S. DEPARTMENT OF STATE, Bureau of Democracy, H.R. and Lab., [Mexico 2023 Human Rights Report](#), page. 31.

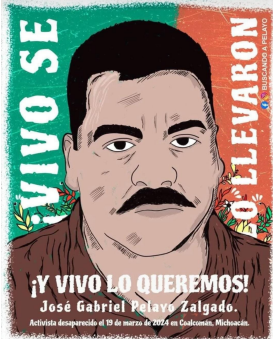
³² *Statement by Luxembourg at Mexico Review Universal Periodic Review* (January 24, 2024), available at: <https://x.com/LUinGeneva/status/1750180999613264349>.

³³ David McKean, ICAR, *ICAR urges United States to push Mexican government for accountability in forced disappearance of Human Rights Defenders* (Mar 28, 2023), available at: <https://icar.ngo/icar-writes-letter-urging-usg-to-investigate-forced-disappearance-of-human-rights-defenders/>

DEVOIR DE VIGILANCE LUXEMBOURG INITIATIVE, *Disappearance of Ricardo Lagunes and Antonio Diaz in Mexico : no news despite international pressure* (Mar 23, 2023), available at: <https://www.initiative-devoirdevigilance.org/post/disappearance-of-ricardo-lagunes-and-antonio-diaz-in-mexico-no-news-despite-international-pressure>

Cordula Schnuer, DELANO, *Group slams lack of Luxembourg due diligence in case of missing activists* (Mar 16, 2023), available at: <https://delano.lu/article/groups-slams-lack-of-luxembourg>

³⁴ Statement of the [Ministère de l'Environnement, du Climat et de la Biodiversité](#). Facebook post: The Fair Steel Coalition presents the Real Cost of Steel: available at <https://www.facebook.com/share/p/anp2guE9kCxnbD6g/>

	of Ricardo and Antonio as emblematic of the widespread and alarming pattern of disappearances of defenders throughout Mexico in a dedicated chapter titled <i>Stuck in Limbo</i> . ³⁵
José Gabriel Pelayo Zalgado (Michoacán, 2024)	
	Professor Pelayo - <i>José Gabriel Pelayo Zalgado</i> , a rural teacher, human rights defender, and environmental activist, was forcibly disappeared on March 19, 2024, while shopping in Coalcomán, Michoacán. A dedicated community leader, he mediated conflicts, organized youth volunteer programs, and promoted reforestation and sustainable agriculture. His disappearance follows a pattern of violence against defenders in Michoacán, triggering armed attacks and displacements in the region. To this day, there is no progress in the investigation. The UN Committee on Enforced Disappearance issued urgent actions, demanding his safe return, justice, and urgent measures to ensure security in the region.
Higinio Trinidad de la Cruz (Jalisco, 2023)	
	Higinio Trinidad de la Cruz , a renowned Indigenous environmental activist in Ayotitlán, Mexico, opposing illegal mines and illegal lodging, disappeared on November 25, 2023. He was found dead the next day. He was a member of the Nahua community in Jalisco and a vocal opponent of mining operations threatening Indigenous lands and natural resources by two multinationals headquartered in Luxembourg, Arcelor Mittal and Ternium. The IACHR has condemned his killing and called on the Mexican government to investigate and bring those responsible to justice. ³⁶
Celedonio Monroy Prudencio (Jalisco, 2012)	
	Celedonio Monroy Prudencio , was an Indigenous leader and defender of territorial rights in Ayotitlán, fighting against mining exploitation and abuses by illegal loggers in the Sierra de Manantlán. In 2012, after denouncing illegal mining and indiscriminate logging, he was kidnapped from his home by an armed group, and his whereabouts remain unknown. His disappearance symbolizes the systematic violence faced by environmental defenders in Mexico, particularly those who oppose powerful mining corporations like Peña Colorada, which directly affects Indigenous communities.
Rogelio Rosales Ramos (Jalisco, 2020)	
	Rogelio Rosales Ramos , a young Indigenous defender from Ayotitlán, was killed in 2020 at the age of 17. His family and community remember his stance against the impacts of mining on their territory. Rogelio had been previously threatened due to the work of his father, Rogelio Rosales Contreras, another human rights defender who had

³⁵ GLOBAL WITNESS, *Missing voices: The violent erasure of land and environmental defenders* (September 10, 2024), available at: <https://www.globalwitness.org/en/campaigns/environmental-activists/missing-voices/#disappeared>

³⁶ Precautionary Measures No. 11-24 I J. Santos Rosales Contreras and two other members of the Nahua Indigenous community of Ayotitlán regarding Mexico. March 8th, 2024. Cf. IACHR, *IACHR Grand Report on the Situation of Human Rights in Mexico* (March 8th, 2024), available at: https://www.oas.org/en/iachr/jsForm/?File=/en/iachr/media_center/preleases/2024/052.asp

denounced the activities of Peña Colorada. His death highlights the excessive violence against environmental defenders in the region, and the death threats that fall upon those who fight for environmental justice.

José Santos Isaac Chavez (Jalisco, 2021)



José Santos Isaac Chávez, was an Indigenous leader, lawyer, and defender of the rights of his community in Ayotitlán, Jalisco. He was known for his opposition to the Peña Colorada mine and his fight for the protection of the human and territorial rights of Indigenous peoples. In 2021, his body was found lifeless, with signs of torture, after he had been reported missing. His murder, amidst his struggle against mining and abuses in the region, underscores the dangers faced by human rights defenders in areas of conflict due to extractive interests.

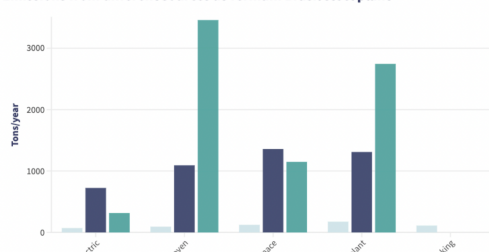
Lucila Bettina Cruz Velázquez (Oaxaca)



Lucila Bettina Cruz Velázquez, a prominent environmental leader of the Binniza indigenous community, has been subjected to ongoing harassment, intimidation, and legal persecution (criminalization) due to her outspoken opposition to megaprojects in the Isthmus of Tehuantepec, Oaxaca, because they were developed without consent from local indigenous communities. The Inter-American Commission³⁷ and the United Nations³⁸ recognized her risks and recommended her protection. Similarly, David Hernandez Salazar, leader of the Binniza community, was sentenced to 46 years in prison as retaliation for questioning the militarization of the Bioceanic Corridor megaproject and is a victim of judicial harassment³⁹. Ricardo Lagunes Gasca was Bettina's lawyer.

Comunidades de Santa Cruz, Rio de Janeiro, Brazil

Emissions from different sources at Ternium Brasil steel plant



The Ternium integrated steel plant in Santa Cruz, Rio de Janeiro, emits over 50% of the city's global greenhouse gases. The neighbourhood where it's located has one of the city's lowest Human Development Indexes and a predominantly Afro-descendant and "parda" population. The plant's construction and operation have endangered the health and traditional sustainable activities of its residents, such as artisanal fishing and agriculture.

³⁷ COMISIÓN INTERAMERICANA DE DERECHOS HUMANOS, Resolución 1/2018: Lucila Bettina Cruz y su núcleo familiar respecto de México (January 4, 2018), available at: <https://www.oas.org/es/cidh/decisiones/pdf/2018/1-18MC685-16-MX.pdf>.

³⁸ OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS, MEX 8/2012, available at: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunication?file?gid=17267>.

³⁹ FRONT LINE DEFENDERS, David Hernández Salazar, available at: <https://www.frontlinedefenders.org/en/profile/david-hernandez-salazar>.

	severe impacts on rural and Indigenous peoples. In short, the Ternium plant in Santa Cruz generates a large amount of greenhouse gas emissions, disproportionately affecting a vulnerable community and endangering their traditional livelihoods. Despite this, the company enjoys privileges and exemptions, and its decarbonization strategy could cause further harm to other communities.⁴⁰
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III. The need to preserve and enhance good practices and the reversal of policies.

10. During the last periodic review, it was recommended that the U.S. protect defenders, protect the environment, and eradicate grave crimes. The United States can and has played a critical role in protecting environmental and human rights defenders worldwide in the past. Through diplomatic engagement, multilateral cooperation, and policy initiatives, the U.S. has developed some mechanisms that can be further leveraged to safeguard those at risk. This submission outlines some existing tools and best practices, urging their consistent and strategic application to enhance protections for environmental defenders facing threats and violence.
11. First, the U.S. Department of State's *Guidance on Human Rights Defenders* serves as a strong example of good practice in protecting environmental and land defenders. This guidance outlines concrete actions that U.S. diplomatic missions can take to support human rights defenders facing threats, including direct engagement, diplomatic coordination, public advocacy, and emergency assistance referrals. By emphasizing a case-specific and strategic approach—such as working alongside like-minded governments, advocating for accountability, and leveraging economic and trade mechanisms—the guidance provides a structured framework for U.S. embassies and consulates to respond effectively to human rights violations. Furthermore, it highlights the importance of amplifying defenders' voices through public diplomacy and integrating human rights concerns into broader U.S. foreign policy. The implementation of these measures demonstrates how states can use their diplomatic and policy tools to safeguard those at risk and uphold international human rights standards in different countries. For example, the United States has actively supported environmental and human rights defenders in international platforms. This includes: hosting a roundtable discussion with environmental defenders and NGOs at the 78th United Nations General Assembly (UNGA) to address violence against defenders; co-sponsoring a joint statement at the UNGA 77 Third Committee, led by Ireland, condemning reprisals against human rights defenders; partnering with Sweden to co-host a session on human rights defenders operating in closed political spaces during UNGA 77 High-Level Week; and advocating for resolutions at the Human Rights Council (HRC), including the protection of defenders in conflict and post-conflict situations and the promotion of freedom of assembly and association.
12. Second, financial support to protect defenders is crucial. In the past, the support provided through the U.S. Department of State and USAID has been instrumental in saving lives, offering critical protection to environmental and human rights defenders facing threats. Programs funded by USAID and the State Department have strengthened security measures, provided legal assistance, and expanded protections across Latin America, ensuring that some defenders could continue their work and could be better equipped to face fear of violence or persecution. However, the recent budgetary cuts and the dismantling of bureaucratic structures designed to support these initiatives have put countless lives at risk. The erosion of these vital mechanisms is creating a crisis, leaving defenders more vulnerable to attacks and impunity. It is imperative to reverse this trend, restore

⁴⁰ <https://edlc.org/wp-content/uploads/2024/04/The-Real-Cost-of-Steel.pdf> ; https://energyandcleanair.org/wp/wp-content/uploads/2024/08/CREA_HIA_Ternium_Brazil_Steel_08.2024.pdf

funding, and reinforce the institutional frameworks that have proven essential in safeguarding those on the frontlines of human rights and environmental protection.

13. Third, the Interagency Working Group of the U.S. Department of State to Reduce Violence against Environmental Defenders (IAWG) must be not only preserved but be given statutory mandate to consolidate its existence. We are concerned that after the February 11, 2025 Executive Order on “Implementing the President’s ‘Department of Government Efficiency’ Workforce Optimization Initiative” the future of critical human rights and environmental defender protection programs is at high risk. The directive to initiate large-scale reductions in force (RIFs), including the separation of temporary employees and reemployed annuitants, threatens the institutional knowledge and capacity necessary to safeguard at-risk defenders. With the Office of Personnel Management (OPM) further instructing agencies to develop reorganization plans by March 13, 2025, bureaus focused on environmental defenders saw drastic cuts or complete dissolution. These measures risk dismantling essential programs that have historically saved lives and reinforced U.S. global leadership in human rights protection. For example, in the case of Ricardo and Antonio, the intervention of the task force was crucial to increase the pressure on Mexico to investigate. In January 2025, the Chair of the task force hosted a [commemoration event](#) for the second anniversary, and stressed that: “[C]ommemoration is not enough. When we work together, we have power, we can support and accelerate efforts to find them and working together we have the power to help those who are in a position to carry out a thorough investigation. Working together, we have the power to show that silencing defenders does not work, and to help bring justice for Ricardo and Antonio.”
14. The good offices of the State Department gathered the Office of the High Commissioner of the United Nations in Mexico, emphasized that “this case is so emblematic that it has driven innovative cooperation in cases between the universal human rights system [CED] and the inter-American system” and that “much more must be done to ensure concrete results.” The IACHR, stressed that “the proper functioning of the high-level table of authorities, as well as coordination and communication between state institutions, must be guaranteed.” During the Universal Periodic Review of México, Luxembourg asked Mexico to investigate and search for Ricardo and Antonio mentioning the defenders by name. It is imperative that these cuts be reconsidered, as their impact will not only weaken U.S. commitments but also leave countless defenders more vulnerable to threats, violence, and impunity.
15. Passing legislation to enhance protections for human rights and environmental defenders is more urgent than ever. The [Human Rights Defenders Protection Act of 2024](#), introduced in the Senate, sought to establish stronger safeguards by granting statutory authority to the State Department’s task force on defender protection, ensuring a more coordinated and effective response to violence against defenders. A critical provision of the bill included the issuance of **humanitarian visas for defenders facing imminent threats**, a measure that is especially vital at a time when immigration pathways to the U.S. have become increasingly restrictive. Unfortunately, the bill did not advance, leaving defenders without essential protections. Support for legislative initiatives at both the national and international levels is crucial to strengthening legal frameworks, ensuring accountability for those who target defenders, and providing life-saving avenues, such as humanitarian visas, to those at risk.

IV. The U.S.-Mexico-Canada Trade Agreement and dialogue: an opportunity to address business accountability for human rights impacts.

16. Currently México and the United States are in a moment of dialogue in an agenda that includes trade, organized crime, drug trafficking, and immigration, among others. Within the trade talks, there are direct interactions with Ternium.
17. In the past, the U.S. has incorporated some human rights considerations into its trade policies. Customs and Border Protection (CBP) conducted investigations to prevent misclassification of

imports that could undermine economic transparency and human rights. Collaborative law enforcement efforts to dismantle criminal networks responsible for environmental crimes and violence against defenders; or Encouraging adherence to OECD Guidelines and the UN Guiding Principles on Business and Human Rights to hold corporations accountable. Despite those powers and the need to use those to address the emblematic cases documented before the State Department, there is still much more to do. As a major consumer of goods manufactured and extracted by transnational corporations, the United States holds significant ties to these businesses.

18. These ties impose an obligation on the U.S. to ensure corporate accountability for environmental and human rights violations occurring abroad. Companies importing goods into the United States should be subject to stringent corporate human rights due diligence requirements and be mandated to comply with the United Nations Guiding Principles on Business and Human Rights (UNGPs). Environmental crises transcend borders, affecting people worldwide. Therefore, protecting environmental defenders requires a multifaceted approach, including local support, national protection measures, and international cooperation to ensure corporate accountability and uphold human rights standards.

V. **Corporate Human Rights Due Diligence**

19. During the third UPR of the United States, countries raised concerns about heightened risks posed by businesses operating in conflict zones, the need for stronger international cooperation and frameworks for corporate accountability, environmental challenges, and the issue of enforced disappearances. The United Nations Guiding Principles on Business and Human Rights (UNGP) mandate that states protect human rights and that corporations respect these rights while remediating violations. Additionally, the UN Working Group on human rights and transnational corporations underscores the necessity of addressing the adverse impact of business activities on human rights defenders.⁴¹ By providing both normative and practical guidance, the UNGPs equip states and businesses with the framework needed to safeguard the vital work of human rights defenders.
20. Human rights defenders have a key role as a voice for affected stakeholders and communities, as advocates and often providers of early warnings of human rights risks and adverse impacts. The UN Working Group on human rights and transnational corporations has observed that threats against human rights defenders have increased globally.⁴² Human rights defenders are under threat and attack for raising concerns about adverse human rights impacts of business operations, often in large development projects that affect access to land and livelihoods. Further, there is growing concern about the role of business in causing, contributing, or being directly linked to attacks against human rights defenders, or in failing to take action against such attacks.⁴³ The UN Working Group has emphasized that States should consider collaborating with national human rights institutions and civil society organizations to identify human rights defenders who require domestic and extraterritorial protection.
21. In 2021, the United States issued Guidelines for U.S. Diplomatic Mission Support to Civil Society and Human Rights Defenders.⁴⁴ These guidelines reflect the U.S. commitment to the UN Declaration on Human Rights Defenders and cooperation both bilaterally and in multilateral fora, to protect and promote the role of human rights defenders. The U.S. acknowledges that human rights defenders often face severe threats, including intimidation, arbitrary detention, enforced disappearances, extrajudicial killings, and torture, and there is a need for multinational efforts in

⁴¹ U.N. Human Rights Council, Report on [Title of Document], U.N. Doc. A/HRC/47/39/Add.2 (2021).

<https://docs.un.org/en/A/HRC/47/39/Add.2>

⁴² *Id.*

⁴³ *Id.*

⁴⁴ U.S. Dep't of State, Guidelines for U.S. Diplomatic Mission Support to Civil Society and Human Rights Defenders (2021),

<https://www.state.gov/wp-content/uploads/2021/11/Human-Rights-Defenders-Guidance.pdf>.

this regard.⁴⁵

22. Further, the United States commits to supporting human rights defenders and partner nations in responding to human rights concerns. This support may include providing technical support to other countries to help in the investigation, search, and identification of human rights defenders who have disappeared. The Duty to Cooperate requires all states to use all available means that are likely to deter the ongoing commission of serious breaches of peremptory norms. Even if a single state's efforts would be unlikely to bring an end to the breach, it is still obligated to take the action: the power of the 'combined efforts of all States' are the essence of the obligation to cooperate.⁴⁶
23. Given the significant presence of U.S.-based multinational corporations, the United States plays a pivotal role in promoting human rights, environmental justice, and the protection of environmental defenders. The U.S. supported the Universal Periodic Review (UPR) recommendation A/HRC/46/15/Add.1, which called for stronger policies, legislation, and enforcement measures to mitigate corporate risks abroad. As a key jurisdiction for corporate headquarters and financial institutions, the U.S. possesses the leverage to prevent corporate complicity in human rights violations by enforcing robust human rights due diligence and advocating for environmental defenders' protection. Corporations with significant U.S. ties must be held accountable for their overseas operations, ensuring compliance with the UNGP framework and specific guidance on human rights defenders.
24. Due to the global and transnational nature of corporate operations, protecting human rights defenders requires international collaboration. The United States is a significant business partner for mining corporations in Mexico, where minerals frequently supply the U.S. market. This economic relationship makes the U.S. a substantial stakeholder in enforcing ethical corporate practices. Mining operations in Mexico have inflicted extensive environmental and social harm on local communities, leading to widespread resistance from environmental defenders and Indigenous groups, resistance that has too often been met with violence. Between 2012 and 2023, Mexico recorded 203 killings of environmental defenders, including 36 cases of enforced disappearances. Disturbingly, in 2023 alone, 70% of attacks targeted Indigenous communities opposing mining activities.⁴⁷
25. As Mexico's largest trading partner, the United States holds significant economic influence and must leverage it to demand corporate accountability and respect for environmental defenders' rights. Aligning corporate conduct with the UNGPs will enhance protections for Indigenous and vulnerable communities and reinforce the broader global commitment to environmental justice and human rights.

Conclusion and Recommendations

While the "Guidelines for U.S. Diplomatic Mission Support to Civil Society and Human Rights Defenders" marked an opportunity to consolidate protection of defenders and international collaboration, the creation of the Informal working group to reduce violence against environmental defenders during the first Trump administration also constitute an example of good practices. But further recommendations are required to reverse current setbacks, align with international frameworks and address the ongoing risks faced by environmental defenders.

The Universal Periodic Review should recommend:

I. Diplomatic Actions and International Cooperation

⁴⁵ *Id.*

⁴⁶ Barber, R. (2022). COOPERATING THROUGH THE GENERAL ASSEMBLY TO END SERIOUS BREACHES OF PEREMPTORY NORMS. *International and Comparative Law Quarterly*, 71(1), 1-35.

⁴⁷ GLOBAL WITNESS, *Missing voices: The violent erasure of land and environmental defenders* (September 10, 2024), available at: <https://www.globalwitness.org/en/campaigns/environmental-activists/missing-voices/#disappeared>.

1. Strengthen diplomatic effort to improve cooperation in the search and investigation of the disappearance or killings of environmental defenders, particularly Ricardo Lagunes Gasca, Antonio Díaz Valencia, José Gabriel Pelayo Salgado, Higinio Trinidad Prudencio, Celedonio Monroy, among others.
2. Provide with tangible support to human rights defenders and civil society organizations, including multilateral efforts to align with the UN report (A/75/363) recommendations to improve cooperation to address systemic violations.
3. Use diplomatic channels to trigger corporate accountability and engagement with Mexican or Brazilian authorities and corporations with operations in the U.S. to respect the principle of due diligence. Urge them to take immediate and concrete steps to protect human rights defenders, conduct thorough investigations, and hold perpetrators accountable.
4. Work collaboratively with international partners, other governments, multilateral organizations, and non-governmental organizations, to address the systemic challenges facing human rights defenders in Mexico. Advocate for collective action to protect their rights and ensure corporate accountability.

II. Financial Support and Institutional Strengthening

1. Reverse defunding of relevant departments, offices, and programs focused on human rights and environmental defender protection. Provide these entities with statutory authority to ensure their continuation, stability, and effectiveness.
2. Support civil society organizations. Provide robust support to civil society organizations working to protect human rights defenders and promote accountability in Mexico, including financial assistance, capacity-building initiatives, and advocacy efforts.
3. Strengthen the Interagency Working Group (IAWG). Not only preserve but strengthen the Interagency Working Group of the U.S. Department of State to Reduce Violence against Environmental Defenders (IAWG) by giving it statutory mandate to consolidate its existence and ensure its effectiveness, despite any workforce optimization initiatives.

III. Legislative and Legal Measures

1. Offer U.S. assistance in investigations and searches related to disappeared or attacked environmental defenders, including providing technical expertise, resources, and forensic support.
2. Consider targeted sanctions against individuals and entities found to be involved in disappearances, killings, or other human rights abuses against environmental defenders in Mexico.
3. Support legislative measures for defender protection both the national and international levels to strengthen protections for human rights defenders and hold accountable those who threaten or attack them. This includes reviving and supporting the Human Rights Defenders Protection Act of 2024 presented in the Senate and exploring the possibility of humanitarian visas for defenders facing imminent threats.
4. Address the forensic crisis. Offer U.S. assistance to address the forensic crisis in Mexico, including support for the identification of thousands of unidentified bodies and human remains, and advocate for the reopening and adequate funding of the National Center for Human Identification.

IV. Corporate Accountability

1. Enact a law for corporate Human Rights Due Diligence. Emphasize the importance of proactive measures to address and mitigate the human rights impacts of corporate activities, particularly those with significant global reach. Urge the government of Mexico and corporations operating in the country, especially those with U.S. ties, to fulfil their due diligence responsibilities according to the UN Guiding Principles on Business and **Human Rights**.

V. Public Awareness and Advocacy

1. Increase public awareness of the plight of human rights defenders in Mexico through engagement with stakeholders, public hearings with the Tom Lantos Human Rights Commission, Congressional hearings and briefings, and other advocacy channels.
2. This regrouping should make the recommendations clearer and more actionable. Currently, they are organized by the type of action required.

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