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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Enforced disappearance in the context of the defence of land, natural resources and environment

Report of the Working Group on Enforced or Involuntary Disappearances

Summary

In this report, the Working Group on Enforced or Involuntary Disappearances examines the alarming global trend of enforced disappearances targeting individuals defending land, natural resources, and the environment (LNRE defenders). These disappearances often occur in contexts of systemic discrimination, weakened rule of law, and powerful economic interests, with the complicity or acquiescence of State authorities. The report highlights the disproportionate impact on Indigenous Peoples, Afro-Descendant communities, and rural populations, and underscores the role of business enterprises and financial institutions in enabling or perpetrating such violations with the State's acquiescence.

It provides a comprehensive analysis of risk factors, patterns of impunity, and the structural drivers behind enforced disappearances. The report also outlines the obligations of both State and non-State actors under international law, and offers concrete recommendations to ensure prevention, accountability, and holistic reparations for victims and affected communities.



I. Introduction

1. During its 131st session, the Working Group on Enforced or Involuntary Disappearances (“the Working Group”) decided to conduct a thematic study on enforced disappearances in the context of the defence of land, natural resources, and the environment (LNRE).¹ To this end, the Working Group held several consultations², including regional consultations in the Americas, Asia and Africa, and approximately 50 interviews, including with UN Special Procedures mandate holders and human rights officers of the Office of the High Commissioner for Human Rights (OHCHR). The Working Group received a total of 31 submissions to its call for written inputs, including two from Member States, one from OHCHR, one from a national institution, one individual contribution, and 25 joint submissions representing 264 civil society organizations and academia.³ The Working Group would like to express its profound gratitude to those who participated in its consultations and interviews, and to those who submitted written responses.

2. In recent years, a concerning and well-documented⁴ trend has emerged whereby land, natural resources, and environment defenders (LNRE defenders) have been increasingly subjected to enforced disappearance in retaliation for their advocacy. These defenders often face heightened risk due to intersecting vulnerabilities, the remote areas in which they work, the powerful economic interests they challenge, or their belonging to Indigenous or other marginalized communities.

3. The Working Group would like to note that this report uses the term “LNRE defenders” to refer to individuals engaged in the protection of land, natural resources, and the environment, regardless of whether they self-identify as “defenders”. Through this inclusive term, the Working Group seeks to recognize the wide spectrum of people involved in these efforts, which encompasses, but is not limited to, rural communities, tribal or Indigenous Peoples resisting land appropriation, small-scale farmers or fisherfolk protecting their livelihoods, lawyers challenging State licenses and concessions for development projects, journalists investigating and exposing environmental crimes, and youth activists mobilizing for climate action.

4. The Working Group has consistently emphasized the indivisibility of economic, social, and cultural rights from civil and political rights in the context of enforced disappearances, observing that defenders of economic, social, and cultural rights often become targets of enforced disappearance aimed at suppressing their advocacy.⁵ The interrelatedness and interdependence of these rights are particularly noticeable in cases of the enforced disappearance of LNRE defenders.

5. The definition of enforced disappearance entails the involvement of the State agents, at least indirectly by acquiescence. A disappearance carried out by a non-State actor qualifies

¹ A/HRC/WGEID/131/1, para. 19.

² The Working Group wishes to express its sincere gratitude to the Berkeley Human Rights Clinic, CEJIL, NOMADESC, ALLIED, Natural Justice, the American Bar Association, and the OHCHR Regional Office for Southeast Asia for their invaluable support in the lead up, and during the regional consultations. The Working Group also extends its appreciation to Ms. Elisa Morguera, Ms. Mary Lawlor, Ms. Astrid Puentes Riaño, Ms. Fernanda Hopenhaym, Ms. Anexa Alfred, Mr. Michel Forst, Ms. Roxanna Altholz, Ms. Radhika Kapoor, Ms. Viviana Krsticevic from CEJIL, Ms. Alejandra Gonza from Global Rights Advocacy, Ms. Alejandra Ancheita from Proyecto de Derechos Económicos Sociales y Culturales (PRODESC), the University of Nuremberg and the Berkeley Human Rights Clinic for their substantive input in the preparation of this report.

³ The call for inputs and contributions received (except those that are confidential) can be found here: <https://www.ohchr.org/en/calls-for-input/2025/call-submissions-thematic-report-enforced-disappearances-context-defense-land>. Unless otherwise indicated, the information contained in this study is based on the submissions received and the consultations held. Direct reference to the submissions, if they are not confidential, will be made only when figures are provided or if it was explicitly requested.

⁴ See Global Witness, “Missing Voices: The violent erasure of land and environmental defenders”, 10 September 2024; Alliance for Land, Indigenous and Environmental Defenders, “Uncovering the Hidden Iceberg: A Global Perspective”, 2024.

⁵ A/HRC/30/38/Add.5, paras. 73-75.

as an enforced disappearance when acting with the support, direct or indirect, consent or acquiescence of the State. Non-State actors may include non-State armed groups, criminal organizations, transnational corporations and other business enterprises, international financial institutions, and private military and security companies, among others. Non-State actors exercising government-like functions or de facto control over a territory or population, acting without the authorization, support or acquiescence of the State may commit acts tantamount to enforced disappearance.⁶

6. With respect to acts committed by business enterprises, the Working Group recalls the relevance of the UN Guiding Principles on Business and Human Rights (UNGPs). In particular, business enterprises have a responsibility to avoid infringing on human rights, such as the right not to be subject to enforced disappearance, and to address the impacts of any involvement they may have in such violations. They are also expected to prevent, mitigate and redress adverse human rights impacts directly linked to their operations, products or services, or business relationships, even when they have not contributed to those impacts.⁷

7. Pursuant to its humanitarian mandate, and jointly with other Special Procedures, the Working Group has received communications on cases of enforced disappearance in the context of the defence of LNRE in several States, including the People's Republic of China,⁸ Colombia,⁹ Guatemala,¹⁰ India,¹¹ Mexico,¹² Nepal,¹³ Nicaragua,¹⁴ Peru,¹⁵ the Philippines,¹⁶ and Thailand.¹⁷ The Working Group has also sent communications in related cases to Argentina,¹⁸ Iran (Islamic Republic of),¹⁹ Lao People's Democratic Republic,²⁰ the Grand Duchy of Luxembourg,²¹ the Russian Federation,²² Uganda,²³ and the United Republic of Tanzania.²⁴

8. While not the subject of the present report, these challenges are further exacerbated in contexts of armed conflicts or territorial disputes, which increase the prevalence of enforced disappearances, including against LNRE defenders.

II. Characteristics and risk factors associated with enforced disappearance of LNRE defenders

9. The Working Group has received communications concerning the enforced disappearance of LNRE defenders—primarily involving Indigenous Peoples—since the 1980s. Since at least 2016, independent experts have expressed alarm about the “shocking rate” of attacks against LNRE defenders.²⁵ Despite increased international attention, the rate of violence against human rights defenders in general, and against those acting in defence of

⁶ See [A/HRC/42/40](#), para. 94.

⁷ [Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework](#), in particular Guiding Principles 11, 13 and 14. See also [A/HRC/RES/17/4](#).

⁸ [A/HRC/WGEID/116/1](#), para. 37.

⁹ [E/CN.4/2002/79](#), para. 93, [E/CN.4/1989/18](#), para. 79.

¹⁰ [E/CN.4/1994/26](#), para. 215.

¹¹ [A/HRC/WGEID/118/1](#), para. 59 and [IND 9/2019](#).

¹² [E/CN.4/2004/58](#), para. 195, [E/CN.4/1998/43](#), para. 261 and [MEX 1/2023](#)

¹³ [E/CN.4/2003/70](#), para. 127.

¹⁴ [A/HRC/WGEID/132/1](#), para. 83 (a).

¹⁵ [E/CW.4/1991/20](#), para. 299 and [E/CN.4/1989/18](#), para. 226.

¹⁶ [A/HRC/WGEID/131/1](#), para. 99.

¹⁷ [A/HRC/WGEID/103/1](#), para. 174, [A/HRC/WGEID/132/1](#), para. 114 and [THA 2/2019](#).

¹⁸ [ARG 1/2023](#).

¹⁹ [IRN 37/2021](#).

²⁰ [LAO 3/2012](#).

²¹ [LUX 1/2023](#).

²² [RUS 3/2014](#).

²³ [UGA 4/2024](#).

²⁴ [TZA 4/2024](#) and [TZA 3/2025](#).

²⁵ [A/71/281](#), para. 2. See also [A/HRC/26/25](#).

LNRE in particular, has become a “truly global crisis”.²⁶ The Working Group regrets that there is a lack of available specific and disaggregated data on enforced disappearance of LNRE defenders. However, other data may provide an insight into the true scale of the risks that these defenders face. According to available statistics, between 2012 and 2022, 1,733 LNRE defenders were killed—an average of one every two days.²⁷ In 2022, for instance, 177 LNRE defenders were killed, with 36% being Indigenous Peoples, primarily as a result of conflicts involving agribusiness, mining, logging, and infrastructure projects.²⁸ By 2023, the number of killings had increased to 196, with 43% being Indigenous Peoples and 12% women, while countless others faced threats, violence, stigmatization, and criminalization.²⁹

10. According to communications received by the Working Group, much of the violence against LNRE defenders takes place in developing countries suffering from weak rule of law, corruption and inequality. Frequently, the States concerned also lack comprehensive legislation on the conduct and human rights responsibilities of business enterprises. Indeed, there are multiple risk factors contributing to enforced disappearance of LNRE defenders. However, a common thread among these is the disparity of power between these defenders and the powerful interests they oppose. As has been documented by UN experts,³⁰ civil society organizations,³¹ and international organizations,³² the enforced disappearance of LNRE defenders is often the product of collusion between the State, business enterprises, and criminal groups, frequently aimed at protecting and increasing profits derived from extractive industries, agribusiness, energy ventures, and development projects, among others.

A. Identity and community

11. The UN Special Rapporteur on the situation of human rights defenders has described LNRE defenders as “one of the most heterogeneous groups of defenders” embodying “a diverse range of people, profiles and trajectories...”.³³ Many become defenders “by accident” or “necessity”, and are compelled to act in response to threats against the environment, their land, or natural resources.³⁴ Indeed, LNRE defenders face extraordinary danger because they are caught in between the world’s most powerful corporate, financial, and government elites, and some of the world’s most valuable natural resources, which are often located in the territories of the most vulnerable communities.

12. Globally, 1,538 human rights violations against human rights defenders were reported from 105 countries in 2023, with those defending Indigenous Peoples, Afro-descendant, and peasant communities in the Americas being the most targeted.³⁵ Recognition as human rights defenders can help LNRE defenders access protection mechanisms, raise visibility, and

²⁶ A/71/281, para. 26.

²⁷ Global Witness, “Decade of Defiance: Ten Years of Reporting Land and Environmental Activism Worldwide”, September 2022, p. 16.

²⁸ Global Witness, “Standing Firm: The Land and Environmental Defenders on the Frontlines of the Climate Crisis”, 2023, p. 11.

²⁹ Global Witness, “Missing Voices: The violent erasure of land and environmental defenders”, 10 September 2024.

³⁰ Mexico must clarify fate and whereabouts of human rights defenders Ricardo Lagunes and Antonio Díaz and business must collaborate: UN experts, 20 February 2023; See also, for example, RUS 3/2014, THA 2/2016, MEX 9/2021, UGA 4/2024, and TZA 1/2024, GBA 4/2024 and USA 10/2024.

³¹ See Global Witness, “Decade of Defiance: Ten Years of Reporting Land and Environmental Activism Worldwide”; Global Witness, “Standing Firm: The Land and Environmental Defenders on the Frontlines of the Climate Crisis”; Global Witness, “Missing Voices: The violent erasure of land and environmental defenders”, 10 September 2024.

³² UNECE, AC/WGP-24/Inf.16; UNDP, “UNDP reports reveal the human rights defenders are still targeted by businesses, with 37% resulting in violence leading to loss of life.”, 11 February 2024.

³³ A/71/281, para. 53.

³⁴ Ibid.

³⁵ Front Line Defenders, “Global Analysis 2023/24”, 2024, p. 11-12. 2024. Of these 1,538 violations, the most reported globally were arbitrary arrest/detention (15%), legal action (13%), death threats (10.2%), surveillance (9.8%), and physical attacks (8.5%). At a regional level, violations in the context of LNRE defence mainly occurred in Africa and the Americas.

reduce the risk of enforced disappearance. However, many are not formally recognized as such in the States in which they operate.

13. In the same way, the recognition of Indigenous Peoples in domestic legal frameworks is crucial but often lacking. Consultation in Asia revealed that when classified merely as “minorities”, Indigenous Peoples struggle to assert their rights and seek justice for issues like enforced disappearances. This absence of recognition leads to exclusion from consultation processes and neglect of the impacts of foreign investments and development projects on their lands, culture, and language.

14. Afro-Descendant defenders also receive inadequate recognition. They are frequently grouped with Indigenous Peoples or ethnic minorities, despite facing distinct and heightened risks, highlighting the need for more precise, context-specific data records and tailored protection frameworks. The Garífuna communities of Triunfo de la Cruz, in Honduras, exemplify the struggles faced by Afro-descendant communities³⁶ who have experienced land dispossession, with parts of their ancestral territory sold or designated for tourism development without their consent. In 2020, five Garífuna land defenders were forcibly taken from their homes and forcibly disappeared.³⁷

15. The Working Group has observed with deep concern the growing criminalization of LNRE defenders. In Guatemala, the leader of an artisanal fishermen’s guild protecting water bodies from pollution was subjected to enforced disappearance and later prosecuted on allegedly fabricated charges of land usurpation.³⁸ Similarly, the UN Special Rapporteur on the rights of Indigenous Peoples has observed that LNRE defenders are often arrested on the basis of “poor evidentiary standards”, “uncorroborated witness testimonies”, and without “clear links between the charges and the alleged acts”.³⁹

16. Recognition as LNRE defenders can also help combat criminalization, stigmatization, negative labelling and harassment. Those who oppose foreign investment, extractive activities, or development projects are often branded by States or the media as “anti-development”, “terrorists”, or “eco-terrorists”. This tactic is reportedly used to protect State and corporate interests, discredit defenders’ work, justify surveillance, and link them to terrorism investigations,⁴⁰ drastically increasing their risk of enforced disappearance. In the Philippines, for example, the Working Group notes the so-called practice of “red tagging”, which has allegedly been used to target LNRE defenders through falsely equating them with combatants, resulting in enforced disappearance.⁴¹

17. The enforced disappearance of LNRE defenders often occurs in contexts shaped by systemic discrimination, structural violence, colonial legacies, and environmental racism.⁴² It is used as a tool of repression to silence intersectionally marginalized populations, deny their right to be heard in decision-making processes, and undermine their efforts to shape sustainable futures. One of the clearest indicators that Indigenous Peoples around the world remain in need of redress is their continued lack of access to and security over their traditional lands.⁴³

³⁶ The Triunfo de la Cruz community is part of the Black Fraternal Organization of Honduras (*Organización Fraternal Negra Hondureña*, OFRANEH), an organization that works to protect the economic, social, and cultural rights of the Garífuna communities, who are Afro-Descendants.

³⁷ [HND 2/2022](#), [HND 3/2022](#), [HND 2/2024](#). The Inter-American Commission on Human Rights (IACHR) has since issued [precautionary measures](#) in this case.

³⁸ The incident was reported as an arbitrary detention and not an enforced disappearance by UDEFEGUA “[Informe 2018](#)”, p. 186.

³⁹ [A/HRC/39/17](#), para. 49.

⁴⁰ Inter-American Commission on Human Rights, “[Report on the Criminalization of the Work of Human Rights Defenders](#)”, paras. 57 and 63–71; See also [A/HRC/39/17](#), para. 32.

⁴¹ See [PHL 1/2020](#); [PHL 7/2019](#). See also Preliminary observations by the UN Special Rapporteur on freedom of opinion and expression, Ms Irene Khan, “[Preliminary observations by the UN Special Rapporteur on freedom of opinion and expression, Ms Irene Khan, at the end of her visit to the Philippines](#)”, 2 February 2024.

⁴² See [A/HRC/48/78](#). See also [A/77/549](#), para. 16.

⁴³ [FRA 5/2025](#).

18. The Working Group highlights the reported enforced disappearance of environmental activist Porlajee “Billy” Rakchongcharoen in Thailand,⁴⁴ in 2014, which exemplifies the vulnerability and extreme risks faced by individual LNRE defenders when their work brings them into conflict with powerful State or economic actors. Mr. Rakchongcharoen, a Karen Indigenous leader and land rights activist, was planning to sue the State with other villagers living in Kaeng Krachan National Park in response to the designation of their land for conservation measures without prior consultation and reportedly violent State efforts to evict them. While travelling to meet with the villagers, National Park officers allegedly arrested Mr. Rakchongcharoen, leading to his enforced disappearance. His wife and daughter seek to clarify his fate and whereabouts to this day.

19. Information received by the Working Group also indicates that the lack of adequate consultation processes in the planning of projects where LNRE are likely to be affected is a contributing factor to enforced disappearance. Absent or flawed consultations with affected communities frequently lead to environmental degradation, forced displacement, and direct confrontation with LNRE defenders. Across different contexts,⁴⁵ insufficient, flawed or manipulated community consultations fuel conflict and social tension, increasing risk of violence, including enforced disappearances and killings. Formal consultation mechanisms for Indigenous Peoples are often disregarded or bypassed, and when consultations do occur, there are reports of selective inclusion or intimidation of participants, and, in some cases, enforced disappearance.

20. States’ failure to delimit, demarcate, and issue property titles on land for Indigenous Peoples and other communities, along with their inaction in addressing land disputes, is also a risk factor for enforced disappearances, which can be aggravated when communities do not have access to adequate agrarian, administrative or civil defence in the face of land disputes with business enterprises or the State. Regularizing land ownership and titles for Indigenous Peoples involves securing their legal rights to land, often based on traditional occupation and use, and recognizing their customary laws and practices. This aims to ensure their continued access to resources, their traditional livelihoods, and their ability to govern the territories they occupy, while also preventing conflicts and ensuring environmental sustainability. In this context, the Working Group has reviewed cases demonstrating how weak land and property rights and lack of free, prior and informed consent expose communities to a heightened risk of enforced disappearance.⁴⁶

21. According to consultations, economic activities and incentives linked to the energy transition and climate action, particularly for economically developing and least-developed countries, such as large-scale renewables projects and the rise of the voluntary carbon market⁴⁷, pose an emerging risk of enforced disappearances. The demand for large tracts of land to support carbon offset projects such as afforestation, reforestation, and conservation initiatives has increased significantly. While these initiatives are framed as climate solutions, they may incentivize land acquisitions that bypass or override the rights of communities with customary or ancestral ties to the land, causing tensions that may escalate to violence and enforced disappearance, as emerged from consultations.

B. Geographical context

22. Each country and region presents a distinct risk profile shaped by a combination of factors, including weak State institutions, corruption, organized crime, armed conflict, and the presence of non-State armed groups, significant foreign investment, abundant natural resources, and large-scale energy projects.

⁴⁴ [A/HRC/WGEID/132/1](#), para. 114.

⁴⁵ See, for example, [A/68/262](#), para. 51; [A/72/170](#), para. 23; [A/HRC/39/17](#), para. 36; and [A/HRC/39/62](#), paras. 46 – 62.

⁴⁶ See, for example, [UGA 4/2024](#), [TZA 1/2024](#) and [USA 10/2024](#). See also [A/HRC/39/17](#), para. 30.

⁴⁷ The voluntary carbon market (VCM) is a decentralized market where individuals, companies, and organizations can buy and sell carbon credits to offset their greenhouse gas emissions. These credits represent projects that reduce or remove carbon from the atmosphere.

23. Foreign investment, extraction and development projects affecting LNRE are frequently located in rural areas with weak State presence inhabited by underrepresented or historically discriminated communities. LNRE defenders are thus not only at risk of enforced disappearance due to their presence where violations are taking place, but also because they raise their voices in opposition. Due to the remoteness of many of these areas, LNRE defenders cannot rely on State authorities for protection. The lack of State presence means that enforced disappearances frequently go unreported and uninvestigated. In such contexts, the State's inaction may amount to acquiescence to acts carried out by other actors.

24. While underreporting remains a concern across regions, the Working Group received particularly alarming information regarding México, Honduras, Ecuador, Perú, Guatemala, Colombia and Brazil—identified as the most dangerous countries for LNRE defenders in Latin America.⁴⁸ Colombia remains the deadliest, with a high number of murders linked to land defence.⁴⁹ Brazil faces challenges with illegal activities and land distribution issues, which contribute to enforced disappearance.⁵⁰ Ongoing impunity for enforced disappearance in Mexico, along with the alleged involvement of organized crime and increased violence against defenders, is highly concerning, as well as violence against Indigenous People who defend the LNRE.⁵¹ In Nicaragua and Brazil, enforced disappearance of LNRE defenders is allegedly largely linked to inequality in land distribution and illegal activities such as illegal logging.⁵² In Nicaragua, in particular, Indigenous Peoples and peasants have been highly affected by enforced disappearances when trying to defend LNRE.⁵³

25. In Africa, defending LNRE is particularly dangerous in the Democratic Republic of Congo (DRC), Ghana, Kenya, Nigeria, Tanzania and Uganda.⁵⁴ Alleged disappearances in these countries are often linked to protests against land and resource exploitation. The situation in the DRC is especially concerning, with reports that numerous environmental guards have been killed, and no proper investigation has been conducted to determine whether they were also victims of enforced disappearance.⁵⁵ In Uganda, opposition to projects like the East African Crude Oil Pipeline has reportedly led to arbitrary arrests and disappearances.⁵⁶ In Nigeria, the Ogoni people have reportedly long suffered from environmental destruction and repression due to oil exploitation.⁵⁷

26. In Asia, from the information received, the countries reported as the most dangerous for LNRE defenders are Indonesia, Pakistan, the Philippines, and Thailand.⁵⁸ In these countries, enforced disappearance of LNRE defenders is reportedly tied to ownership of ancestral land, exploitation of natural resources, militarization, and environmental conflicts. As an example, the practice of enforced disappearances has been reportedly used as a tool to suppress dissent in Balochistan, particularly from the 1970s⁵⁹, with a significant uptick due to the China-Pakistan Economic Corridor and other development projects.⁶⁰ According to submissions received, in India, the Bastar region is a hotbed of enforced disappearance and human rights violations due to mineral exploitation and heavy militarization. Adivasi

⁴⁸ Front Line Defenders, “Global Analysis 2023/24”, 2024, p. 50 and A/HRC/46/35, para. 44.

⁴⁹ Ibid.

⁵⁰ Observatorio de la Desaparición de Personas en Brasil Informe de Brasil.

⁵¹ Amnesty International. Mexico: Land and Freedom? Criminalization of Defenders of the Land, Territory and Environment.

⁵² Ibid.

⁵³ Movimiento Campesino Nicaragua.

⁵⁴ Africa Network for Environment and Economic Justice. See also Elizka Relief Foundation.

⁵⁵ Maat for Peace, Development and Human Rights.

⁵⁶ Ibid.

⁵⁷ See *Social and Economic Rights Action Center (SERAC) and the Center for Economic and Social Rights (CESR) v. Nigeria*, Communication 155/96, African Commission on Human and Peoples' Rights, 27 October 2001, and *SERAP v. Nigeria*, Judgment No. ECW/CCJ/JUD/18/12, ECOWAS Community Court of Justice, 14 December 2012.

⁵⁸ Asian Forum for Human Rights and Development (FORUM-ASIA).

⁵⁹ AL PAK 1/2025.

⁶⁰ Baloch Yakjehti Committee.

communities in India reportedly face significant oppression, with LNRE defenders often being detained under fabricated charges or killed.⁶¹

C. Diversity of victims

27. Certain categories of LNRE defenders face intersectional threats that heighten their risk of enforced disappearance. Individuals and communities already situated at the margins of society, due to age, disability, gender identity, race, ethnicity, or socioeconomic status, experience intensified and intersecting vulnerabilities, both in terms of the likelihood of disappearance and the impact it has. In the context of LNRE defenders, the harm is not only individual but collective, as the disappearance of a community leader or defender disrupts family structures, social cohesion, and a sense of collective belonging that often transcends borders.

28. When women LNRE defenders are forcibly disappeared or are involved in the search for their disappeared loved ones, they face intersectional threats rooted in systemic discrimination, economic exploitation and political marginalization.⁶² When they lead efforts to find disappeared relatives, they often assume new roles in their communities, challenging traditional gender norms and facing institutional, cultural, and legal barriers rooted in patriarchal structures and the legacies of colonialism. They are frequently targeted with gender-specific forms of violence, including harassment, sexualized threats and defamation rooted in misogyny. In many cases, they are not only punished for their LNRE defence, but also for transgressing patriarchal stereotypes.

29. The disappearance of LNRE defenders who are elders or leaders, especially where Indigenous Peoples are concerned, divides communities, undermines leadership, and worsens economic and ecological vulnerability. When an LNRE defender has been forcibly disappeared, the affected community loses a crucial protector indivisible from their right to a healthy environment, their cultural heritage, their means of subsistence, and, in the case of Indigenous Peoples, their rights to self-determination and to the conservation and protection of the environment.⁶³ Moreover, when LNRE defenders are forcibly disappeared, the cohesive groups they were part of find themselves unravelling due to grief, fear, and the absence of clear direction. LNRE defenders who are community leaders and elders also frequently embody and transmit knowledge essential to land stewardship, cultural identity, and intergenerational solidarity. Their loss weakens community ties and deprives younger generations of guidance, increasing vulnerability to cultural erosion and environmental exploitation. These effects are often motivating factors for perpetrators. For example, the enforced disappearance⁶⁴ of Mr. Sombath Somphone in Lao PDR in 2012 was widely understood as an attempt to weaken grassroots environmental and development movements.⁶⁵

30. The enforced disappearance of LNRE defenders further undermines broader global efforts to confront climate change and environmental degradation. These defenders serve as early warning systems and key communicators of the local impacts of climate shifts, identify unsustainable practices, challenge destructive extractive projects, and propose viable alternatives grounded in local and Indigenous knowledge and community-based stewardship. These enforced disappearances deter others from speaking out about environmental injustice, dismantle networks of community activism, and weaken crucial spaces of public debate. At a time when the international community must urgently confront the triple crises of climate change, biodiversity loss, and pollution,⁶⁶ the enforced disappearance of those leading these

⁶¹ International Solidarity for Academic Freedom in India (InSAF India) et al., “[Enforced Disappearances of Adivasi Indigenous Peoples Resisting Takeover of Their Ancestral Lands to Facilitate Mining in Bastar Division, Chattisgarh, India](#)”.

⁶² See [A/HRC/WGEID/98/2](#).

⁶³ See [A/HRC/30/38/Add.5](#).

⁶⁴ [LAO 3/2012, LAO 2/2013, LAO 1/2021](#).

⁶⁵ OHCHR, “[‘Where is Sombath?’ Family of disappeared Lao activist demands answers](#)”, 4 October 2024.

⁶⁶ UN High Commissioner for Human Rights, “[‘Well past the hour’ for countries to align climate laws with human rights obligations, says High Commissioner](#)”, 28 May 2024.

struggles jeopardizes the development of equitable, rights-based, and sustainable solutions. In this sense, enforced disappearances of LNRE defenders not only violate the rights of the disappeared persons and those of their families, but also hinder collective efforts to safeguard the planet.⁶⁷

31. For many communities, including Indigenous Peoples, land and nature is not simply a resource, but a constitutive element of cultural identity⁶⁸—there is no separation or division between land and human beings. More than as an exploitable resource, the land is perceived as a sacred space, a core of identity at both individual and collective levels.⁶⁹ These communities are one with “Mother Earth” and “Mother Nature”, and they have a different understanding about who may be considered a victim in cases of enforced disappearances of LNRE defenders. In this context, environmental destruction associated with enforced disappearance may also be viewed as an attack on nature itself. For instance, in Colombia, the Special Jurisdiction for Peace (JEP) recognized the Cauca River as a victim after it had been used as a mass grave by paramilitary forces acting in complicity with State authorities between 2000 and 2004.⁷⁰ This recognition reflects not only the river’s ecological degradation but also the spiritual and cultural harm to the surrounding communities. This recognition makes it possible to overcome inherited legal conceptions that treat nature exclusively as an object and an exploitable resource. Recognizing nature as a subject of rights also implies making visible its structural role in the vital balance of the conditions that make the planet’s habitability possible.⁷¹

32. As an example, a good practice recognized is Colombian legislation that clearly acknowledges Indigenous peoples and communities as victims, stating that “[f]or Indigenous Peoples, the territory is a victim, considering their worldview and the special and collective bond that unites them with Mother Earth. Without prejudice to the foregoing, it shall be understood that the holders of rights under this decree are the Indigenous peoples and communities and their members considered individually.”⁷²

D. Intergenerational harm

33. Enforced disappearance causes intergenerational harm. The trauma and uncertainty about the fate and whereabouts of their loved ones affect families and communities for years, with psychological, cultural, and material consequences that are rarely remedied. This is especially notable in cases involving LNRE defenders, where communities lose not only individuals, but also access to, and protection of, the land and resources those individuals fought to defend.

34. The intergenerational harm inflicted by enforced disappearance of LNRE defenders especially affects children in the following ways: (i) cultural disconnection: children experience a disconnection from their cultural heritage as they lose the link to their cultural and linguistic practices, which are essential for the reproduction of their culture; (ii) loss of territorial bonds: the forced displacement hinders children’s ability to maintain connections with their culture, language, education, and health, thereby affecting their capacity to exercise their rights and engage in community practices; (iii) interruption of ancestral knowledge transmission: the displacement disrupts the passing down of ancestral knowledge and wisdom about the land to new generations, thereby compromising cultural continuity; (iv) differentiated impact on children: children are forced to live in foreign cultures, leading to a loss of identity and cultural uprooting; (v) psychosocial trauma: the psychosocial effects of displacement are intergenerational, impacting descendants of the victims and hindering their full development; (vi) gender-based violence: women and girls face heightened violence due

⁶⁷ See [A/HRC/56/46](#)

⁶⁸ IACtHR. *Comunidad Indígena Yakye Axa Vs Paraguay*, para. 135.

⁶⁹ IACtHR. *Comunidad Indígena Maya Q’eqchi’ Agua Caliente vs. Guatemala*, para. 103.

⁷⁰ Special Jurisdiction for Peace (SJP), *Auto No. 226 de 2023, Caso 05*, para. 60. See also [Special Jurisdiction for Peace](#). In the context of Case 05 of the JEP, the intersections between enforced disappearance and environmental destruction are addressed.

⁷¹ IACtHR, *Advisory Opinion OC-32/25 of 29 May 2025*.

⁷² *Decreto Ley 4633 de 2011*, Colombia, Article 3 (non-official translation).

to displacement, severing their connections to land and resources, and undermining their life plans and those of their communities.⁷³

E. Shrinking civic space

35. The enforced disappearance of LNRE defenders is not fortuitous, and has a direct connection with the work that they undertake. The Working Group has documented numerous reports of LNRE defenders being forcibly disappeared in order to prevent them from carrying out their legitimate work on defending land, natural resources and the environment. Enforced disappearance is used to create a chilling effect on public participation. The fact that many LNRE defenders also come from tight-knit communities means that the disappearance of one defender may deter countless others.⁷⁴

36. While shrinking civic space may not initially involve enforced disappearance, the Working Group has observed a rise in such cases in contexts where freedoms of expression, assembly, and association are increasingly restricted. Patterns such as the proliferation of restrictive legislation or policies on these freedoms may thus serve as an early warning of the risk of enforced disappearance. For instance, in 2022, the IACHR condemned Nicaragua's cancellation of the legal status of 25 civil society organizations, including groups defending climate change and Indigenous and Afro-Descendant rights on the Caribbean coast. Less than a month earlier, Indigenous leader Salomón López Smith had been found dead with signs of torture after being forcibly disappeared for seven days.⁷⁵ The Working Group also received information on the case of Miskitu Indigenous leader and defender Mr. Brooklyn Rivera Bryan, also in Nicaragua, who was reportedly arbitrarily detained in September 2023 and forcibly disappeared.⁷⁶ The IACHR granted precautionary measures to protect the life of Mr. Rivera Bryan in Nicaragua,⁷⁷ however his fate and whereabouts remain unknown.

37. The Working Group has documented several cases where LNRE defenders' exercise of their freedom of expression has resulted in enforced disappearance or seriously increased the risk thereof.⁷⁸ For instance, in the Lao People's Democratic Republic, people report serious risks and fear when mentioning the name of the abovementioned disappeared LNRE defender Mr. Sombath Somphone⁷⁹ due to fear of retaliation. The Working Group also documented the case of refugee and environmental defender Mr. Od Sayavong, who was reportedly forcibly disappeared from his home in Thailand in reprisal for his meeting with the UN Special Rapporteur on extreme poverty and human rights.⁸⁰

38. LNRE defenders also face judicial harassment for their work. Considering the inequality of resources between LNRE defenders and transnational corporations and other business enterprises, for example, in terms of access to adequate and effective legal representation, this presents a significant challenge. State actors have also targeted LNRE defenders who seek information about development projects, conducting strategic lawsuits against public participation (SLAPPs) to bury them with costly and protracted litigation⁸¹. For example, between 1997 and May 2019, organizations in Thailand have recorded 212

⁷³ CCPR/C/143/D/4023/2021-4032/2021 para. 8.4. The Human Rights Committee highlighted several significant harms caused by the forced displacement of Indigenous Peoples—where individuals from these communities were executed and disappeared—that have intergenerational repercussions. See also: IACtHR. *Comunidad Indígena Maya Q'eqchi' Agua Caliente vs. Guatemala*, paras. 198 and 199.

⁷⁴ Amnesty International. *Mexico: Land and Freedom? Criminalization of Defenders of the Land, Territory and Environment* p. 53.

⁷⁵ Comisión Interamericana de Derechos Humanos, “Cierre del espacio cívico en Nicaragua”, 2023.

⁷⁶ A/HRC/WGEID/132/1, para. 83(a) and A/HRC/57/54/Add.4, para. 32.

⁷⁷ Inter-American Commission on Human Rights, Resolution 59/2023, *Precautionary Measure No. 799-23*, 9 October 2023.

⁷⁸ See *THA 2/2016*, *IND 9/2019*, *AGO 1/2020*.

⁷⁹ *Supra* note 51.

⁸⁰ *THA 8/2019*, *LAO 2/2019*, *THA 8/2020*, *LAO 4/2020*, *LAO 3/2023*.

⁸¹ See OHCHR, “The impact of SLAPPs on human rights & how to respond”, p. 2.

SLAPP cases, with 196 being criminal suits.⁸² Once involved in such legal battles, LNRE defenders become more vulnerable to severe reprisals, including enforced disappearance, due to the discrediting of their name and work, and their increased public profile, among other reasons.

III. Perpetrators

A. State Actors

39. States bear the primary responsibility to prevent and remedy human rights violations, including by addressing the root causes of enforced disappearance. Under international law, including the Declaration on the Protection of All Persons from Enforced Disappearance and the International Convention for the Protection of All Persons from Enforced Disappearance, State responsibility may arise not only from direct participation in a disappearance, but also from support, direct or indirect, consent or acquiescence in cases of disappearances perpetrated by non-State actors.⁸³

40. In the context of LNRE defenders, State involvement in enforced disappearances often takes multiple, interconnected forms. Responsibility may arise through both action and omission by the State. While enforced disappearances are often linked to police or military forces, responsibility extends also to local officials, including municipal mayors. Historical exclusion from political power of marginalized communities shapes the structures and attitudes of State institutions today, resulting in systemic discrimination, criminalization, and indifference toward violence against these communities—conditions under which enforced disappearances are enabled, tolerated, or ignored.

41. In the case of LNRE defenders, enforced disappearances are frequently rooted in a complex nexus of State policies, corporate interests, transnational development agendas,⁸⁴ corruption, impunity, and both local and national political dynamics. These interconnected actions, whether through direct involvement, facilitation, or wilful neglect, must all be investigated to fully understand and address the responsibility of the State.

B. Non-State Actors

42. As noted, the international legal responsibility of a State may be triggered by its authorization, support or acquiescence in the commission of an enforced disappearance by “persons or groups of persons” other than State authorities.⁸⁵ In some contexts, the interaction between State and non-State actors in the commission of enforced disappearance is complex, and it is difficult to determine the degree of participation of each actor.

43. The Working Group has identified a range of non-State actors involved in enforced disappearance or acts tantamount to enforced disappearance, of LNRE defenders, including organized criminal groups, transnational corporations and other business enterprises, mercenary groups, private security companies, financial institutions, non-State armed groups, landowners, settlers, and others.

⁸² Dialogue Earth, “[In Thailand, SLAPP laws are silencing environmental journalists and activists](#)”, 28 November 2024, citing Human Rights Lawyers Association, “Overview of SLAPP cases collected from 1997 to 31 May 2019,” Recommendations on the Protection of Those who Exercise Their Rights and Freedoms from Strategic Lawsuits Against Public Participations, p. 10.

⁸³ UN General Assembly, International Convention for the Protection of All Persons from Enforced Disappearance, 20 December 2006, Article 2 and Preamble Declaration on the Protection of all Persons from Enforced Disappearance.

⁸⁴ UNODC, “The Drugs Crime Nexus in the Amazon Basin: How a complex crime ecosystem is endangering the world’s largest rainforest and imperiling efforts to combat climate change. [The Drugs Crime Nexus in the Amazon Basin: How a complex crime ecosystem is endangering the world’s largest rainforest and imperiling efforts to combat climate change](#)”, November 2023, p. 3.

⁸⁵ UN General Assembly, International Convention for the Protection of All Persons from Enforced Disappearance, 20 December 2006, Article 2.

1. Organized criminal groups

44. Criminal groups may perpetrate enforced disappearances with the acquiescence, tolerance or support of the State, to protect their illicit activities, or they may be hired by State authorities or business enterprises to do so, serving to hide the chain of responsibility between those who order the act and those who carry it out.

45. Criminal groups may view LNRE defenders as obstacles to their otherwise profitable activities. In some instances, criminal groups act in collaboration with business enterprises and corrupt State officials, including military officials. In some places, organized crime has taken direct control of the exploitation of natural resources, dispossessing communities of their territories and resources, and committing enforced disappearances with the tolerance or complicity of the State. For example, the vulnerability of Indigenous populations in the Brazilian Amazon and the risk of violence they face because of the activities of illegal loggers extracting Amazon timber⁸⁶ and the case of LNRE defenders who were forcibly disappeared in Colombia after armed actors attempted to appropriate their land for illicit use.⁸⁷

46. According to information received, organized crime groups in Guerrero, Mexico, have ties to State authorities, with whom they act in collusion to carry out enforced disappearances of individuals defending their land and natural resources.⁸⁸ The disappearance of two social leaders, Mr. Abencio Caicedo and Mr. Edison Valencia García, members of the *Proceso de Comunidades Negras Palenque Regional el Congal*, in Colombia, occurred amidst the infiltration of drug trafficking and mining in the territory, without effective search and investigation measures being implemented.⁸⁹

2. Business enterprises

47. The Working Group has observed a trend illustrating the implication of business enterprises with transnational operations from economically developed countries in the enforced disappearance of LNRE defenders in economically developing countries. The Working Group is concerned that the human cost of such enterprises' quest to enhance profit margins, or to maximize the benefits for their shareholders, is overwhelmingly borne by LNRE defenders and rural communities. In many countries, the lack of legal frameworks to hold non-State actors accountable for enforced disappearances, including business enterprises, acting with the authorization, support or acquiescence of the State, creates a critical protection gap and fosters impunity.

48. The Working Group has observed that most States lack robust and obligatory due diligence laws. While international human rights standards do exist, such as the UNGP,⁹⁰ greater efforts are required for countries to harmonize their domestic legislation to establish corporate obligations regarding human rights, including the imposition of sanctions for non-compliance. The Working Group does, however, note recent positive developments, including the adoption of new international standards to enhance corporate accountability. Notably, the European Union's Directive 2024/1760 on Corporate Sustainability Due Diligence, which entered into force in July 2024, requires business enterprises to identify, prevent, mitigate, and address human rights impacts across their entire chain of activities, both within and outside Europe. Additionally, the Working Group notes the positive trend toward including human rights conditionality in Bilateral Investment Treaties, further strengthening international frameworks for corporate accountability.

49. Holding business enterprises accountable for enforced disappearances can also pose significant legal difficulties, including the separate legal personality of business enterprises,

⁸⁶ [AL BRA 15/2021](#).

⁸⁷ IACHR, [Res. 111/2021](#), Precautionary Measure No. 1113-21.

⁸⁸ Centro de Derechos Humanos de la Montaña Tlachinollan "Desapariciones forzadas en el contexto de la defensa de la tierra, el medio ambiente y los recursos naturales: el caso del estado de Guerrero", p. 2.

⁸⁹ [Asociación para la Investigación y Acción Social Nomadesc](#). See also: IACHR, [Res. 111/121](#) Precautionary Measure No. 1113-21.

⁹⁰ [Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework](#).

their transnational nature, the stark imbalance in resources in litigation, and their close ties to the State.

50. The Working Group has documented several instances where business enterprises, with the acquiescence, tolerance or support of the State, have allegedly perpetrated enforced disappearances of LNRE defenders.⁹¹ Mr. Ricardo Lagunes Gasca and Mr. Antonio Días Valencia in Mexico have been forcibly disappeared in connection with their legitimate defence against mining activities, with authorities allegedly neglecting to investigate their environmental activism as a reason.⁹²

51. Business enterprises and financial institutions may contribute to harm in several ways: (i) indirectly, through a third party: for example, when a company grants a concession in an area known for human rights abuses, thereby creating strong incentives for violations, and (ii) directly, by facilitating abuses: for instance, by providing financial or material support to actors known to engage in repression or violence. An adverse impact may also be directly linked to a company's operations, products, or services through its business relationships. For example, sourcing material from a supplier that engages in human rights violations. In these cases, while the company may not bear direct responsibility for redress, it is expected to use its leverage to prevent or mitigate harm by its supplier.

52. Of particular concern are the mining, agribusiness, hydrocarbons, hydroelectric, fossil fuel,⁹³ and logging sectors, where State involvement and a high potential for profit create conditions conducive to corruption and disregard for the rights of communities on or near project sites. The lack of accountability and sufficient transparency in development and foreign investment-related decision-making processes by both State authorities and business enterprises, oftentimes combined with corruption, facilitates profit-driven corporate decision-making. In turn, LNRE defenders who assert the rights of affected communities, and who are seen by perpetrators as obstacles to project implementation, are targeted. The Working Group was provided with numerous examples illustrating how the disappearances or murders of LNRE defenders facilitate the continuation of harmful but profitable projects.

53. According to a 2017 report, Canada, China and United States-headquartered companies were linked to 25% of all reported attacks on human rights defenders working on business and human rights over the two years prior.⁹⁴ More recent reported cases of enforced disappearances of LNRE defenders involving business enterprises relate to European companies operating in India and Mexico.⁹⁵

54. In the context of resource-extraction projects, business enterprises reportedly sow and worsen community divisions, inciting violence among locals with opposing views on resource-extraction projects. Some Governments, such as the Honduran Government, have promoted mega-projects (monocultures, mining, hydroelectric dams) supported by business enterprises from the United States and Canada, allowing them to appropriate large swathes of land, granting concessions and permits without consulting local communities, and reportedly brutally repressing opposition.⁹⁶

55. In addition to the challenges posed by potential collusion between States and non-State actors, the Working Group has identified several legal and structural obstacles to holding business enterprises accountable for their involvement in enforced disappearance: (i) large, multinational corporations often operate through complex ownership structures, which shield individual actors—especially those in senior positions who shape corporate policies—from liability; (ii) many companies fail to accurately or adequately disclose their human rights compliance records; (iii) companies may refuse to provide information relevant to

⁹¹ See [Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework](#).

⁹² [LUX 1/2023](#), [MEX 1/2023](#) and [ARG 1/2023](#), and [TZA 1/2024](#), [GBA 4/2024](#) and [USA 10/2024](#), and [Global Rights Advocacy \(GRA\)](#), [International Human Rights Clinic de Seattle University](#), [Global Exchange](#) and [Tsikini](#).

⁹³ [A/HRC/59/42](#).

⁹⁴ Business and Human Rights Resource Centre in the Report of the UN Special Rapporteur on the situation of human rights defenders, [A/72/170](#), 19 July 2017.

⁹⁵ [IND 9/2019](#), [MEX 1/2023](#).

⁹⁶ [Center for Gender & Refugee Studies University of California College of the Law, San Francisco](#).

investigations, citing confidentiality or privilege; (iv) most corporate human rights due diligence frameworks remain unobserved and lack enforcement mechanisms; and (v) business enterprises are frequently incorporated across multiple jurisdictions, complicating accountability and hindering access to information.

3. Financial institutions

56. The gravity of enforced disappearances demands rethinking responsibility beyond just the immediate perpetrators. When international financial institutions (IFIs), investors, development banks, and bilateral aid groups finance projects neglect rights, they can also enable conditions that lead to enforced disappearances. As international legal persons, international organizations such as the World Bank and the International Monetary Fund (IMF), have international legal obligations to take full responsibility for respecting human rights in situations where the institutions fund projects, policies or programmes that negatively impact or undermine the enjoyment of human rights.⁹⁷ As stated by the International Law Commission, this implies that they also have *jus cogens* obligations, including as regards the prohibition of enforced disappearance.⁹⁸

57. In practice, IFIs often do not comply with these responsibilities. While some institutions have adopted policies and grievance mechanisms, such as the African Development Bank⁹⁹, these tools are rarely applied in cases of enforced disappearance of LNRE defenders. For instance, the Resilient Natural Resource Management for Tourism and Growth (REGROW) project in Tanzania, funded with a USD \$150 million World Bank credit, allegedly led to grave human rights violations, including forced evictions, killings, and enforced disappearances near Ruaha National Park. Despite the existence of safeguarding policies, authorities failed to prevent abuses. Although the World Bank suspended funding in 2024 following documented violations, measures to provide meaningful remedies for victims remain limited.¹⁰⁰ Following suspension from the World Bank, the REGROW Project was subsequently cancelled.

58. For financial actors that are not international organizations, including national development banks and private investment firms, the UNGP remain applicable. These include responsibilities to respect human rights,¹⁰¹ adopt human rights policies,¹⁰² conduct human rights due diligence,¹⁰³ and establish accountability mechanisms.¹⁰⁴ However, the Working Group is concerned that many have yet to meet these obligations and often reject any responsibility to provide reparations for human rights violations their projects finance. For example, almost ten years after the murder of Honduran LNRE defender Berta Cáceres, and despite multiple criminal convictions for her killing and for fraud linked to an internationally financed hydroelectric project, the project's financiers FMO, BCIE, and Finnfund have failed to implement a single reparation measure such as issuing an apology, providing compensation, or ensuring the return of Indigenous land property titles.

⁹⁷ See "Tilburg Guiding Principles on World Bank, IMF and Human Rights", World Bank, IMF and Human Rights, Willem van Genugten, Paul Hunt and Susan Mathews, (eds), Nijmegen: Wolf Legal Publishers, 2003, ISBN 9058500535, 255 p., p. 247-255, para. 5.

⁹⁸ Report of the International Law Commission, [A/77/10](#), Chapter IV, paras. 43 - 44. *See also* Conclusion 19 (noting that IFIs thus have an obligation to "bring to an end through lawful means" the breach of *jus cogens* norms, to not "recognize as lawful" a situation created by that breach, and to not "render aid or assistance in maintaining that situation").

⁹⁹ [A/78/155](#), para. 59.

¹⁰⁰ "World Bank Board Approves Action Plan for the Tanzania Resilient Natural Resource Management for Tourism and Growth (REGROW) Project", April 2025.

¹⁰¹ [Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework](#), Guiding Principle 11.

¹⁰² *Ibid.*, Guiding Principle 15 (a).

¹⁰³ *Ibid.*, Guiding Principles 15 (b) and 17.

¹⁰⁴ *Ibid.*, Guiding Principle 29.

Obligations of business enterprises and IFIs regarding enforced disappearances of LNRE defenders

59. As mentioned, the primary obligation to respect, protect, and fulfil human rights rests with the State. In the case of State-owned business enterprises and financial institutions its responsibility is clearly defined. When these entities maintain sufficient connection to the State through “ownership, control, activity, legal form or objective”¹⁰⁵ they are directly bound by the State’s international human rights obligations. In such cases, they may incur international responsibility for enforced disappearance of LNRE defenders.¹⁰⁶

60. However, pursuant to international law, private actors, including business enterprises and IFIs, also bear obligations¹⁰⁷ and are required to uphold human rights, refrain from contributing to violations, and address adverse impacts linked to their activities.¹⁰⁸ The UNGP affirm this responsibility, referring to the rights contained in the International Covenant on Civil and Political Rights, including the rights to life, liberty, personal security, legal personality, and freedom from torture and arbitrary detention. These rights are also understood to encompass the right not to be subjected to enforced disappearance, as articulated in the Declaration and in the International Convention.

61. The prohibition of enforced disappearance has attained the status of *jus cogens*—a peremptory norm of international law from which no derogation is permitted. This elevates the legal and moral imperative on all actors, including business enterprises and IFIs, to avoid any form of participation in, facilitation of, or benefit from, enforced disappearances. Where such violations occur, the *jus cogens* nature of the norm reinforces the obligation of all actors to take effective measures to prevent, investigate, and remedy the harm, irrespective of formal legal duties under domestic law.

62. This analysis draws on binding and non-binding sources, including, among others, treaty law, customary international law, the UNGP, General Comment No. 24 of the Committee on Economic, Social and Cultural Rights (CESCR), the Organisation for Economic Co-operation and Development (OECD) Guidelines for Multinational Enterprises, and the International Law Commission Draft Articles on Responsibility of States for Internationally Wrongful Acts. It is crucial that States build a binding legal framework establishing the human rights responsibilities of business enterprises, particularly those arising from the *jus cogens* obligation to prohibit the enforced disappearance of LNRE defenders.

63. When a business enterprise or IFI is implicated in enforced disappearance, whether through its own operations, business relationships, or the conduct of its employees or contractors, its responsibilities under international law must be carefully assessed. This assessment requires consideration of: (i) the legal and normative framework governing corporate conduct, including treaties and soft law instruments like the UNGP, the OECD Guidelines for Multinational Enterprises, and due diligence standards; (ii) the nature of the enterprise and its relationship to the State; (iii) the nature and degree of its involvement;¹⁰⁹ and (iv) the measures adopted (or omitted) to identify, prevent, and mitigate human rights risks or harms.

64. Where involvement in enforced disappearances is identified, the enterprise is expected to cooperate in investigations, provide remedies, including reparations where appropriate,

¹⁰⁵ Ioana Andreea Ciolomic and Ioana Natalia Beleiu, “What are State-Owned Enterprises?” (2023) 24, Review of International Comparative Management 418, pp. 422–424. See also the definitional criteria identified by Mark McLaughlin, Defining a State-Owned Enterprise in International Investment Agreements (2019) 34(3), ICSID Review - Foreign Investment Law Journal 595, pp. 604–609.

¹⁰⁶ International Law Commission, Draft Articles on Responsibility of States for Internationally Wrongful Acts, Supplement No. 10 (A/56/10), chp.IV.E.1, November 2001, Articles 4 - 9.

¹⁰⁷ Inter-American Court of Human Rights (IACtHR). Advisory Opinion OC-18/03. Judicial Condition and Rights of Undocumented Migrants, para. 140. See also: [Advisory Opinion OC-32/25](#) of the IACtHR.

¹⁰⁸ [Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework](#), Guiding Principle 11.

¹⁰⁹ See [Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework](#), Guiding Principles 13, 15, 17, 19 and 22.

and take steps to prevent recurrence, in line with international standards¹¹⁰ and evolving jurisprudence.

Nature of the responsibility

65. States have an obligation under international law to prevent, investigate, punish enforced disappearances, and ensure access to truth, justice, and reparations. These obligations are well-established in customary international law and codified in core human rights treaties. In cases where the enforced disappearance of a LNRE defender involves both a State and a business enterprise or financial institution, each actor bears distinct but potentially overlapping or interrelated obligations.

66. Business enterprises have the obligation to comply with all applicable laws in the jurisdictions where they operate. Under the UNGP, most domestic legal systems prohibit complicity in crimes, including enforced disappearances. Civil liability may arise from an enterprise's contribution to harm while criminal liability may be triggered when a company knowingly provides practical assistance or encouragement that has a substantial effect on the commission of a crime.¹¹¹

67. Business enterprises and financial institutions have human rights responsibilities, especially when their operations intersect with conflict, repression, or threats to fundamental rights. In practice, this means companies must assess their operations and financing relationships for potential links to human rights violations. Where land conflicts or repression of LNRE defenders are foreseeable risks, failure to act with heightened diligence may constitute a breach of their human rights responsibilities. Moreover, businesses and financial institutions should cooperate and support the State to ensure that the rights recognised in the International Covenant on Economic, Social and Cultural Rights are upheld and that other human rights norms and principles are respected.¹¹² The Working Group notes that enterprises should cooperate with authorities in the search, investigation, ensuring physical protection and reparation processes.

68. While these legal standards are still evolving, they reflect a growing expectation that business actors bear meaningful responsibility in addressing and remedying serious human rights violations and upholding *jus cogens* obligations.

Heightened due diligence in high-risk contexts

69. Enforced disappearances of LNRE defenders often occur in contexts marked by violence, repression, systemic marginalization and climate emergency¹¹³. In such high-risk settings—particularly where Indigenous Peoples defend ancestral lands—both State authorities and business enterprises are required to exercise heightened vigilance. This includes conducting heightened human rights due diligence.¹¹⁴ These obligations stem from treaties such as the International Convention and are reinforced by evolving standards related to environmental and climate-related harm.

70. Heightened human rights due diligence requires identifying and responding to the specific risks associated with operating in conflict-affected or high-risk areas. Business

¹¹⁰ Ibid, Guiding Principle 13.

¹¹¹ Ibid., Guiding Principle 17.

¹¹² E/C.12/GC/24 UN Committee on Economic, Social and Cultural Rights. General comment No. 24 (2017) on State obligations under the International Covenant on Economic, Social and Cultural Rights in the context of business activities, para. 23.

¹¹³ IACtHR. Advisory Opinion OC-31/25 Climate Emergency and Human Rights para. 233: Taking into account, firstly, the existing information and that which must be produced by the State regarding the climate emergency (infra paragraphs 501-518); secondly, the extreme severity of the climate impacts; and finally, the urgency of effective measures to prevent irreparable harm to individuals (supra paragraphs 185-194), the Court finds that States must act with enhanced due diligence to fulfil the duty of prevention arising from the obligation to guarantee the rights protected by the American Convention in the context of the climate emergency (unofficial translation).

¹¹⁴ [Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework](#), Guiding Principle 7; A/75/212: Issue of human rights and transnational corporations and other business enterprises.

enterprises must assess the potential for their operations or partnerships to contribute to human rights violations, including enforced disappearances, and adopt robust safeguards to prevent harm. Financial institutions are similarly expected to evaluate the human rights impact of their investments, especially in extractive or infrastructure projects affecting Indigenous territories

The role of third or host countries

71. Third or host States where business enterprises and financial institutions are headquartered play a crucial role in enforcing corporate accountability abroad. The Working Group has received reports indicating that transnational companies headquartered in developed countries often refuse to cooperate with investigations regarding the enforced disappearance of LNRE defenders committed in developing countries, and in those situations, third countries where business enterprises and financial institutions are headquartered are required to look into the obligations of these entities.

72. Though linking headquarters to enforced disappearance is legally complex, some judicial systems have successfully held companies accountable at home. However, high costs and legal complexity often exclude affected groups from this legal avenue. In this sense, the Working Group would like to highlight as good examples the legal frameworks in France and Germany, which have adopted extraterritorial due diligence laws. Under France's 2017 Duty of Vigilance Law, large corporations must identify and prevent human rights and environmental harms across their global operations, supply chains, and subsidiaries. Germany's Supply Chain Act imposes similar obligations, requiring companies to assess and act on human rights and environmental risks in their entire supply chain.

73. Nevertheless, States must prevent human rights violations abroad by corporations domiciled in their territory. They must not recognize or aid situations resulting from breaches of *jus cogens* norms such as the prohibition of enforced disappearance, and are obliged to investigate and prosecute overseas violations linked to entities under their jurisdiction. General Comment No. 24 of the CESCR affirms that States' obligations to regulate business impacts extend beyond their borders.¹¹⁵

IV. Accountability

A. Obstacles to reporting

74. In many cases, the families and communities of LNRE defenders who have been forcibly disappeared, and LNRE defenders who are at risk of being disappeared, may have limited access to State institutions for a variety of reasons, which include (i) weak State presence in remote areas where they live or work; (ii) lack of formal documentation necessary to make contact with State authorities; (iii) poverty; and (iv) linguistic and cultural barriers, (v) lack of recognition of Indigenous groups, among others. Lack of formal recognition of Indigenous Peoples perpetuates linguistic and cultural barriers as States do not put measures in place which would facilitate Indigenous Peoples' access to justice, and to State institutions more generally.

75. Beyond this, LNRE defenders may also struggle to lodge complaints due to corruption, bureaucracy, disinterest of State authorities, stigmatization, including as a result of smear campaigns, and gender-based discrimination, among other reasons. Given that, in many rural areas, State authorities, including police, are heavily under-resourced in terms of staffing, the likelihood of implication of members of the police in enforced disappearances, or of local politicians or other State authorities implicated in enforced disappearance exerting some degree of control over police, is much higher than in urban areas.

76. As part of their work, LNRE defenders often advocate against State policies and projects, or against the activities of business enterprises working in cooperation with the State. Especially in contexts where they have previously suffered human rights violations,

¹¹⁵ E/C.12/GC/24, para. 5.

and in remote areas, LNRE defenders and their communities may be particularly distrustful of State authorities, dissuading them from reporting violations. The Working Group has found that fear of retaliation is also a common experience for many families seeking justice for disappeared individuals. Crucially, family members may be threatened, attacked, disappeared, or killed if they continue to seek justice or pursue the truth about the fate and whereabouts of their loved ones.

77. Alongside these obstacles, which are of specific concern to LNRE defenders, other contextual, policy and institutional difficulties exist which contribute to the underreporting and invisibility of enforced disappearances of LNRE defenders, including lack of legislation criminalizing enforced disappearance, classification of crimes as homicide or other types of violence when enforced disappearance occurs, short-term disappearances which often remain unreported, not investigated and unpunished, and lack of awareness of victims that they have been subjected to an enforced disappearance.

B. Search and investigation

78. One of the most challenging aspects is the thorough and effective search for disappeared persons. While legal frameworks or institutional mechanisms to carry out the search may exist, they are often inadequate, slow to respond, poorly implemented, or fail to meet victims' specific needs. Noting that LNRE defenders tend to come from underrepresented or historically discriminated communities in rural areas, State authorities often fail to engage directly with affected communities, understand their specific concerns, and respond in a meaningful way. In many contexts, there is a persistent pattern of State authorities failing to carry out prompt investigations and search efforts, forcing families and communities to take the lead in uncovering the truth through their own search efforts and evidence gathering. The Working Group has also observed that authorities often prioritize criminal investigations over the urgent need to locate the victims, neglecting the search itself.

79. In consultations and interviews, a lack of autonomy in public prosecutors' offices and a lack of independence of the judiciary were reported in cases related to LNRE defence, as well as in cases of disappearances involving defenders. The undue influence of external actors, including government entities and powerful interests such as corporations or criminal groups, ultimately hinders the pursuit of justice. This situation compromises the ability to hold accountable those responsible for these violations. In the justice system, lack of effective witness protection mechanisms, dismissal by prosecutors of cases due to insufficient evidence to classify them as enforced disappearances, lack of regular communication with the families and communities during the search and investigation process, and transfer of cases to military jurisdiction all significantly hinder the pursuit of truth and justice for victims.

80. The Working Group is concerned that, given the specific considerations which come into play in the enforced disappearance of LNRE defenders, authorities often fail to conduct investigations which include an analysis of the historical, political, social, and economic context in which enforced disappearances take place, to identify structures, patterns, *modi operandi*, and those responsible, including the chain of command involving both State authorities and non-State actors. Such a contextual analysis may take into account, for instance, the existence of a contract between State and non-State actors, such as private military and security companies, for the provision of private security services, or similar such agreements.

81. The Working Group has been informed that in certain areas where organized crime or paramilitary groups operate, such as Mexico and Colombia, access to regions where LNRE defenders have disappeared is virtually impossible. Consequently, States must develop appropriate strategies to ensure safe access to these areas for search and rescue efforts. Specific expertise is required for searches conducted in forests, rivers, mountains, or rural areas, and authorities must collaborate with local individuals who are familiar with the terrain and engage specialized technicians, depending on the geographical characteristics of the areas where the search is to be conducted. Such technicians can often prove difficult for the State to find and recruit.

82. Logistical barriers to carrying out the search also frequently arise in the context of enforced disappearance of LNRE defenders. It is often necessary for searches to take place on land granted in concession to companies or on privately-owned property. The importance of performing the search with an analysis of the context in which it happened is particularly important given the increased likelihood of non-State actors implication in the disappearance of LNRE defenders, as compared to other enforced disappearances, situations may arise where the landowner with whom authorities are seeking to cooperate is also among the perpetrators. Denial of access to crucial locations for the search not only delays the search process, but also increases the risk that vital evidence may be destroyed tampered.

C. Redress and reparation

1. Holistic reparations

83. The Working Group urges States to ensure that victims of enforced disappearance of LNRE defenders are provided with full and effective reparations tailored to their individual and differential needs. In line with international standards, adequate measures of a reparation must include restitution, compensation, rehabilitation, satisfaction, and guarantees of non-repetition, including through tackling the root causes of enforced disappearance of LNRE defenders.¹¹⁶

84. International and regional sources concur that, when human rights violations affect the “lands, territories, and resources” of Indigenous Peoples, the appropriate remedy is restitution, coupled with measures guaranteeing the protection of Indigenous Peoples’ right to own, use, develop and exercise full control over their lands, territories and resources.¹¹⁷ The Working Group considers that the enforced disappearance of LNRE defenders has a direct effect on the lands, territories and resources of communities, and that appropriate remedies should be granted in turn.

85. With respect to enforced disappearances in the LNRE defence context, restitution cannot be considered a sufficient standalone remedy. Rather, holistic reparations in this context must be situated within a broad-based reparative framework that repairs harm along multiple dimensions, including individual, familial, societal, gendered, communal and environmental dimensions, among others, and addresses the root causes of such harm to ensure non-repetition. The Working Group underscores that what might be an appropriate reparation measure in one case may be inappropriate or even counterproductive in another.¹¹⁸ In this regard, it observes that States often fail to take into account the victim’s perspective and the circumstances of each individual case, including the relationship between the victim and the affected community, the relationship between the affected communities and the environment, the intersection of different forms of marginalization, and the root causes of violence in the given context, including lack of protection for Indigenous rights, insecurity of land titles and the absence of a safe and enabling environment for LNRE defenders.

86. The Working Group also highlights the important role of private actors in this context, and reiterates that business enterprises have a responsibility to respect human rights, which involves repairing rights violations.¹¹⁹ In identifying and remedying harms in this context, business enterprises have a responsibility to consult directly with the affected communities.¹²⁰ The Working Group notes in this respect the adoption of a zero-tolerance policy by the World Bank, which seeks to address reprisals and retaliatory actions against individuals who raise concerns or voice their views regarding the impacts of Bank-financed projects and Grievance Redress Service, which community members can access confidentially if they wish.¹²¹

¹¹⁶ [A/RES/60/147](#).

¹¹⁷ [CERD/C/PHL/CO/21-25](#), para. 14 (b) and (e).

¹¹⁸ [A/HRC/22/45](#), para. 67.

¹¹⁹ [Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework](#), Guiding Principles 11 and 22.

¹²⁰ *Ibid.*, Guiding Principles 18 (b) and 21.

¹²¹ World Bank, [World Bank Commitments Against Reprisals](#) and [Grievance Redress Service](#).

V. Conclusions

87. LNRE defenders are often targeted because they challenge powerful economic interests, particularly in the context of land grabs, extractive projects, and development schemes. These disappearances may involve collusion between State actors and corporate entities, and organized criminal groups, all seeking to shield investments and profits, and in other cases may take place with the acquiescence of the State. National legal frameworks, where they exist, are often poorly enforced, and defenders face widespread impunity, criminalization, and public stigmatization.

88. States continue to fail in tackling the root causes for enforced disappearance of LNRE defenders, which include corruption, weak State institutions, colonial and patriarchal legacies, discriminatory legal and political systems that fail to regularize land ownership or resolve long-standing land disputes, particularly those involving Indigenous Peoples and Afro-Descendant communities. These structural inequalities are exacerbated by shrinking civic space, inadequate or absent consultation processes, and the lack of effective protection programmes.

89. Addressing the enforced disappearance of LNRE defenders requires coordinated action at national, regional, and international levels. Strengthening data collection, legal frameworks, and protection mechanisms is essential to ensuring accountability and preventing recurrence. The rights and needs of victims, including family members and affected communities, must be central to any response. This includes their rights to truth, justice, and holistic reparations.

90. Despite its gravity, enforced disappearances of LNRE defenders remain severely underreported and unpunished. There is a notable lack of disaggregated data and domestic mechanisms for monitoring, protecting, investigation, and redress. In many countries, enforced disappearance is not adequately defined or criminalized, and institutional responses are fragmented or absent. The absence of systematic data collection and reporting obscures the full scale of the problem and limits efforts at prevention and accountability.

91. While States bear the primary responsibility for preventing and responding to enforced disappearances, the role of non-State actors, and business enterprises, is increasingly central. The Working Group has reiterated that both State-owned and private companies bear responsibilities under international human rights law. The conduct of State-owned enterprises is attributable to States. While recent developments represent an important step toward binding corporate accountability, human rights due diligence obligations remain unobserved, and enforcement gaps persist across jurisdictions.

92. The enforced disappearance of LNRE defenders is a global concern, particularly in regions where economic development is prioritized over human rights. While the phenomenon is especially acute in economically developing countries, transnational companies headquartered in developed countries reportedly often refuse to cooperate with investigations regarding the enforced disappearance of LNRE defenders in developing countries.

93. The continued lack of accountability for business enterprises highlights the need for stronger international oversight and cooperation. The Working Group remains deeply concerned by the persistent impunity surrounding enforced disappearances of LNRE defenders, particularly where economic interests intersect with weak governance and repression of community activism.

94. Disputes around land tenure, government corruption for resource exploitation, and lack of prior informed consent are factors, that when assessed globally, contribute to a climate of insecurity for defenders of land and natural resources, which in turn might result in an increased risk of enforced disappearance.

95. The Working Group notes that it is ultimately a State responsibility to ensure and guarantee that operations of business enterprises and IFIs are compliant with international human rights standards and *jus cogens* obligations.

96. LNRE defenders are ultimately defending all ways of life that inhabit this planet, and as such, we must protect them from enforced disappearance.

VI. Recommendations

A. States

97. The Working Group recommends that States:

(a) Take urgent measures to search for those LNRE defenders who have been forcibly disappeared and strengthen justice and protection systems in light of the high levels of impunity identified in cases of enforced disappearance of LNRE defenders;

(b) Engage directly with affected communities, understand their specific concerns, and ensure that legal, policy, and institutional responses to enforced disappearance are developed in consultation with, and grounded in the needs and rights of, those most impacted;

(c) It is crucial to strengthen international cooperation in the investigation and prosecution of enforced disappearances of LNRE defenders, including through mutual legal assistance, cross-border evidence sharing, and coordinated action against transnational networks involving corporate or State actors;

(d) Adopt legislation, policies, and practices that guarantee community rights to ancestral lands and recognition, fully uphold the principle of free, prior, and informed consent in relation to any activities affecting Indigenous Peoples and local communities, and collect and collate data on the enforced disappearance of LNRE defenders as a means to tackle its root causes;

(e) Given the collective nature of the harm in many cases, reparations should reflect not only the individual loss but also the broader cultural, environmental, and social impact experienced by communities. A sustained commitment to addressing root causes will be necessary to reduce the risk of enforced disappearances and to support those defending their rights and the environment;

(f) Ensure that all members of civil society, including LNRE defenders, can exercise their rights to freedom of expression, peaceful assembly, and association without fear of violence, retaliation, or undue interference;

(g) Establish specialised teams for risk analysis to develop protection plans tailored to the specific needs and realities of LNRE defenders, taking into account the nature of their work and the context in which they operate;

(h) Guarantee access to independent, well-trained, and professional legal counsel across all relevant areas of law required by LNRE defenders in their work and in relation to threats, reprisals, or legal proceedings; criminal prosecution should not be the only avenue for investigating and addressing enforced disappearances in LNRE defence. The State must ensure accessible and effective procedures for victims in civil, agrarian, administrative, or any other relevant areas that support the defence of these rights. This comprehensive approach is essential for providing justice and reparations to victims while safeguarding their fundamental rights;

(i) Guarantee access to justice and search operations in areas close to affected communities, led by multidisciplinary teams with appropriate contextual and cultural understanding, and supported, where necessary at the victims' request, by independent and impartial experts. In cases where necessary, support the search and investigation with new technologies that can be beneficial;

(j) In all agreements or trade treaties related to the use of land or natural resources, States, business enterprises and financial institutions must ensure that clear clauses establish the absolute prohibition of enforced disappearances. Additionally, appropriate sanctions should be included in cases where companies fail to fulfil their duty of due diligence regarding human rights and their obligation to prevent, support

in the search, investigate, and provide reparations for harm. This also applies if they obstruct the search, investigation, or prosecution of enforced disappearances involving the rights of Indigenous Peoples and local communities;

(k) All international trade agreements must include a mandatory clause for consultation with affected communities, in line with international human rights standards;

(l) Search plans should reflect the specific circumstances of each case, including the individual's role in defending land, nature, and the environment, and be adapted as necessary in consultation with affected families and communities;

(m) Ensure that such mechanisms contribute to building investigative hypotheses from a justice and search-oriented perspective, including through conducting contextual analyses, mapping State and non-State actors involved, including the full chain of command, and identifying patterns of authorisation, support or acquiescence in cases involving business enterprises;

(n) Ensure that investigations incorporate a structural analysis of the historical, political, social, and economic context, in order to identify structures, patterns, and chains of command involving both State and non-State actors;

(o) Ensure that independent and multidisciplinary teams support the development of comprehensive and holistic reparation plans, in accordance with the recommendations contained in this study and with the victims. Reparations should include harm to the victims, including damage caused to the land, nature, and the environment;

(p) Take appropriate steps to ensure the effectiveness of domestic judicial mechanisms when addressing business-related human rights abuses, including considering ways to reduce legal, practical and other relevant barriers that could lead to a denial of access to remedy. These mechanisms must integrate and respect the customs and traditions of Indigenous peoples;

(q) Enacting legislation imposing civil and criminal penalties where business enterprises fail to develop or implement adequate due diligence plans or where they cause serious harm, along with liability for damages stemming from insufficient preventive measures taken by business enterprises. Comprehensive legislation should include a broad definition of business enterprises and should encompass financial institutions;

(r) End the use of official narratives that stigmatize, delegitimize, or criminalize the activities of LNRE defenders, and instead promote public recognition of their contributions to the defence of rights, the environment, and the rule of law;

(s) Cease the misuse of criminal, civil and administrative procedures against LNRE defenders, including the misuse of counter-terrorism laws;

(t) Ensure the prosecution not only of direct perpetrators, but also of enablers, including transnational business enterprises, investors, and development banks, which finance, support, or incentivize projects connected to enforced disappearances;

(u) Compel private actors, including business enterprises, to share information about the fate and whereabouts of victims and to cooperate fully with the prevention, search, investigation, and reparation of enforced disappearances of LNRE defenders occurring through an adverse impact directly linked to a company's operations, products, or services through its business relationships;

(v) Support efforts in other States to ensure truth, search, investigation, reparation, and related processes where companies headquartered or registered domestically are implicated in enforced disappearances or related abuses, and take all appropriate steps to support accountability, including, where necessary, the use of universal jurisdiction;

(w) Ensure meaningful regulation and oversight of business enterprises, in line with the UNGP, and exercise due diligence to prevent, investigate, prosecute, punish and provide redress for violence, including enforced disappearance, linked to their conduct;

(x) Condition future engagement with financial institutions on meaningful consultation between project financiers and the communities affected by such projects, with full respect for the right to free, prior, and informed consent.

B. The Working Group recommends that National Human Rights Institutions:

98. Conduct a mapping of the applicable legislation in the areas of agrarian, civil, administrative, and criminal law to identify all risks that such legislation may pose, in relation to LNRE defending. This mapping should be carried out in collaboration with the affected communities and the organisations that support them, as well as interested academics and activists. It must be presented to the relevant legislative bodies to ensure that national legislation aligns with international treaties, jurisprudence, and the highest standards of human rights;

99. Carry out assessment, research, and other actions that allow for the documentation of the risks faced by the LNRE and suggest measures for searching, investigating, sanctioning, and repairing the damage. In the face of the significant powers that LNRE defenders confront, national human rights institutions must defend and support victims.

C. Business enterprises, including financial institutions

100. The Working Group recommends that business enterprises, including financial institutions take the following preventive measures:

(a) Conduct risk and conflict assessments in areas of operation, specially having regard to the nature and the context of their operations, including root cause analysis;

(b) Engage in free, prior, and informed consultations with Indigenous Peoples and other communities;

(c) Take concrete measures to prevent, mitigate and account for how they address their actual and potential adverse impacts as an integral part of business decision-making and risk management systems, including impacts on LNRE defenders;

(d) Provide full access to information on potential project impacts;

(e) In consultation with affected individuals and communities, implement protection strategies for at-risk defenders;

(f) Facilitate peaceful resolution of project-related disputes;

(g) Map stakeholders to identify the motive, capacities and opportunities for actors to engage in acts of violence, and scenario planning to anticipate social tensions and reduce conflict;

(h) Use leverage to influence the entity causing the adverse impact to prevent, mitigate or remediate that impact;

(i) Adopt and enforce comprehensive human rights policies and good practices in line with the UNGP, along with zero-tolerance policies on reprisals against LNRE defenders, including surveillance, harassment, and enforced disappearance, and ensure these policies apply across subsidiaries, contractors, and supply chains, with accountability mechanisms for violations;

(j) Refrain from propagating harmful narratives and initiating groundless legal accusations or proceedings, including SLAPPs, against LNRE defenders, or reporting them to authorities as a means of intimidating them;

(k) Conduct heightened human rights due diligence in all high-risk areas, especially where land and environmental defenders face threats, and suspend or withdraw from operations where there is a credible risk of enforced disappearance or other gross violations;

(l) Ensure full respect for the principle of free, prior, and informed consent of affected communities in all project phases, and suspend activities where such consent has not been properly obtained or where dissent has led to violence or disappearance;

(m) Make project financing conditional on demonstrable respect for human rights, including protection of LNRE defenders, by embedding enforceable human rights clauses in all financing, investment, and concession agreements, with clear consequences for violations;

(n) Establish effective operational-level grievance mechanisms for individuals and communities who have been adversely impacted by the enforced disappearance of LNRE defenders in connection with the enterprise's activities and provide or contribute to holistic and effective remedy where the enterprise has caused, contributed to, or is otherwise linked to an enforced disappearance, taking into account the relevant guidance in this report;

(o) When concluding contracts, include a mandatory clause for consultation with affected communities, in line with international human rights standards.

101. With respect to the search for disappeared persons, including LNRE defenders, business enterprises and financial institutions should:

- (a) Fully cooperate with the search of disappeared persons;
- (b) Facilitate immediate access to relevant territories;
- (c) Provide logistical and material support for search efforts;
- (d) Use their influence to urge State compliance with its obligation to search;
- (e) Assist with any specialized technical support necessary for search operations;

(f) Take the necessary steps to cease its contribution to any violation of human rights related to the disappearance, and use its leverage to mitigate any remaining impacts to the greatest extent possible. Such should include the termination of the business activity, or the responsible disengagement from a business relationship.

102. In relation to investigations, business enterprises and financial institutions should:

- (a) Fully cooperate with the investigation;
- (b) Share all relevant information, including from corporate headquarters;
- (c) Cooperate with victims and authorities to ensure prompt, thorough, independent, impartial and effective investigations;
- (d) Fund independent expert analysis when needed;
- (e) Contribute material resources to support investigative procedures;
- (f) Ensure victims and their families have access to assistance and support services.

103. Regarding reparations, business enterprises and financial institutions implicated in enforced disappearances should:

- (a) Provide reparations in accordance with international standards. In consultation with victims and affected communities, reparations should be holistic and include measures of restitution, compensation, rehabilitation, satisfaction, and guarantees of non-repetition;

(b) Prevent their own activities from causing or contributing to adverse human rights impacts and address those impacts where they occur;

(c) Seek to prevent or mitigate adverse human rights impacts directly related to operations, products or services provided through their business relationships, even where they have not contributed to those impacts.

D. Office of the High Commissioner and its field presences

104. The Working Group recommends that the Office of the High Commissioner and its field presences:

(a) Strengthen monitoring and public reporting on enforced disappearances of LNRE defenders, including through the development of thematic reports, urgent alerts, and regional trend analyses, with particular attention to patterns involving State and non-State collusion and transnational business conduct;

(b) Provide technical assistance and capacity-building to States and NHRIs to ensure alignment of legal frameworks and investigative practices with international standards on enforced disappearance, with specific reference to LNRE defenders;

(c) Support and coordinate international efforts to ensure accountability for business-related enforced disappearances, including by facilitating cooperation between UN mechanisms, affected communities, and States, and by advocating for binding corporate accountability frameworks in relevant intergovernmental fora;

(d) Where appropriate, assist victims of enforced disappearance of LNRE defenders in their engagement with regional human rights mechanisms, the Special Procedures of the Human Rights Council and the Treaty Bodies, including the Working Group and the Committee on Enforced Disappearances.