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## PRESS RELEASE

Wind park project in Mexico disregards indigenous peoples' rights

### **Civil lawsuit: French energy company EDF must comply with human rights obligations**

**Berlin/Mexico City/Paris, 13 October 2020** – The energy giant Electricité de France (EDF) plans to build a wind farm on the land of the Mexican indigenous community Unión Hidalgo. The indigenous community has not been appropriately consulted about the use of their land – a clear violation of their rights. Today, representatives of Unión Hidalgo, the Mexican human rights organization ProDESC and the Berlin-based European Center for Constitutional and Human Rights filed a civil lawsuit in Paris urging EDF to respect Unión Hidalgo's rights and suspend the Gunaa Sicarú wind park project until the company complies with its vigilance obligation.

“Our ancestral land belongs to us. We, as a community, have the right to decide how it is used. EDF interfered with decision-making in our community by trying to influence individual people. This led to division and violent conflict. People critical about the project – human rights and land rights defenders – have been threatened, stigmatized and criminalized. We demand that EDF suspend the project until prior and free consultation takes place, and we agree to the project,” said Guadalupe Ramirez who filed the lawsuit on behalf of her community Unión Hidalgo.

The NGOs CCFD-Terre Solidaire, Sherpa, Friends of the Earth France, the Observatory for the Protection of Human Rights Defenders, SOMO, OECD Watch, and the Fair, Global and Green Alliance (FGG) advocate binding legislation for businesses to protect human rights and the environment, and support the Unión Hidalgo representatives, ProDESC and ECCHR in this endeavor. The Paris-based lawyers Julie Février and Hanna Rajbenbach represent the Unión Hidalgo claimants, as well as ECCHR and ProDESC, in front of the Paris civil court.

Land-intensive infrastructure projects on indigenous territories must respect human rights, in particular the right to free, prior and informed consent (FPIC). Indigenous communities are often discriminated against and deprived of their rights. Therefore, under international and Mexican law, they are granted the right to be consulted if a project is planned on their land. It is important that those responsible – the state and the companies concerned – ensure that consultation processes are fair and free from undue pressure and manipulation. This includes ensuring that human rights defenders are protected from intimidation, harassment and physical attacks.

“The French duty of vigilance law obliges EDF to examine whether its business operations risk violating human rights. If so, it must take measures to mitigate these risks. EDF is moving forward with the Gunaa Sicarú project even though it is resulting in serious human rights violations. The company must comply with France's mandatory human rights due

diligence law. In case it cannot mitigate those risks, the project should be cancelled,” said Cannelle Lavite, legal advisor at ECCHR.

Guillermo Torres, senior lawyer at ProDESC, added, “It is important that the company stops negotiating land leasing contracts and requesting relevant licenses and permissions for its project without the community’s prior and informed consent. By influencing the consultation and offering incentives to individual supporters of the project, EDF and its Mexican subsidiary caused violence to escalate in Unión Hidalgo. Consequently, threats against and attacks on human rights and land rights defenders are increasing. We urge EDF to take measures to prevent further attacks on Unión Hidalgo human rights defenders. ”

“Even though it is the Mexican state that has to implement the indigenous peoples rights, according to France’s duty of vigilance law, companies like EDF are obliged to ensure that human rights are respected in all of their transnational business operations and those of their business partners. The wind power industry is not free from these obligations,” explained Swann Bommier, advocacy officer at CCFD-Terre Solidaire.

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