Environmental Human Rights Defenders: Threats, Challenges and Opportunities

31st October 2016
URG Project:

Environmental Human Rights Defenders: Emerging challenges and solutions

2014 Consultation:


II. EHRD portal – with the support of the SR on environment and human rights, Global Witness, ISHR and N1M. Funding: Spanish Ministry of Cooperation and Foreign Affairs.
1. International Conventions on Human Rights

2. The Human Rights Council
   - Human Rights Defenders
   - Human rights and the environment (2011-2012 onwards)

3. Special Procedures
   - The Special Rapporteur (former independent expert) on human rights and the environment; and Special Rapporteur on human rights defenders

EHRD personify the interface between environmental protection and human rights
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Risk factors

1. Fall in the middle the ‘cracks’ between environmental protection and human rights law.
   - Human Rights Council
   - SR on human rights defenders: Report to UNGA71
   - SR on human rights and the environment.
   - UNEP

2. Lack of systemic monitoring.
   - NGOs – Global Witness

3. Lack/few visibility and understanding of the violence against EHRD as a trend, rather than isolated cases.
   - UN
   - Inter American System
   - NGOs
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Violence against EHRD


Hover over countries for total death toll.

Source: Global witness, how many more.
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**Threats faced by EHRD**

- Killings
- Arbitrary detentions
- Damage to property
- Physical and psychological violence
- Kidnappings
- Criminalization
- Stigmatization
- Forced displacement
- Sexual violence
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An overview and analysis of the Latin American situation

Normative framework - The Inter American System

• Right to a healthy environment. Protected in connection with other CPR and ESCR:
  • Life, physical integrity, freedom of opinion and expression, property (individual and collective), freedom of association, participation, and previous consultation.
• The obligations of States vis-à-vis EHRD.
• Inter-American Court and the Inter-American Commission on Human Rights: Scope of rights and responsibilities of States.
Indigenous peoples and tribal communities

• More than half of the rulings by the Inter-American Court of Human Rights that relate to environmental concerns are focused on indigenous and/or tribal communities.

• 30% of the extractive industries or agribusiness areas are located in ancestral territories.

• 76% of the killings to indigenous EHRD during 2015 occurred in Latin America.

• The right to a healthy environment, right to property, life and culture acquire a different meaning, when it comes to indigenous peoples.
I. URG Policy report
An overview and analysis of the Latin American situation

The COPINH and Berta Cáceres
I. URG Policy report

An overview and analysis of the Latin American situation

- Rights of EHRD more commonly violated:
  - Access to justice, due process (presumption of innocence, defense, fair trial).
  - Life, freedom, equality, physical integrity.
  - Freedom of opinion and expression, information, participation, association and assembly.

- Gap in the implementation of the relevant legal instruments.

- Impunity, corruption, weak state presence and institutions, and organized crime are some of the factors underpinning violence against EHRD.

- Primacy to economic development
“… need for better networking and access to information that can help EHRDs. The main suggestion was through the creation of a website that can help consolidate a variety of information, including a list of organizations and initiatives that can assist EHRDs on the ground, legal resources, document templates such as sample legal documents or communication letters to Special Procedures, contact information for other EHRDs in the regions, a web discussion forum, and other useful features”.

First Regional Consultation with Environmental Human Rights Defenders
Access:
From the websites of ISHR and Not One More (N1M), as organizations focused on supporting HRDs, including EHRDs.

Content:
• Relevant legal instruments (protections)
  • Norms, jurisprudence, courts, institutions and mechanisms
• Resources/ Contacts
• Avenues of international remedy/redress
• Tips
• Case studies
• Reporting and statistics

Expected launch: November/December 2016
Thank you.