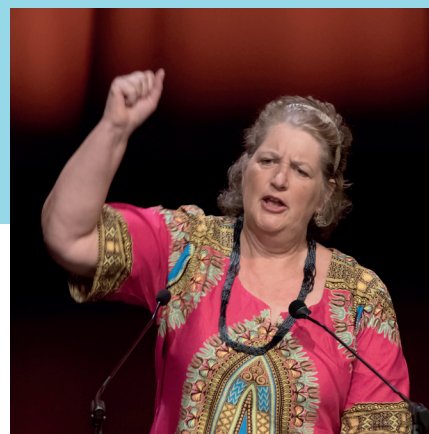


Protecting the Frontline: Good practices for Recognising and Supporting Environmental Human Rights Defenders







Liz Chicaje Churay / Photo: Goldman Environmental Prize



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Executive summary

Across the world, environmental human rights defenders (EHRDs) have been catalysing actions to safeguard a clean, healthy, and sustainable environment. Their work has been crucial to the protection and respect of their human rights, the rights of their communities, and, ultimately, of all people. Their work also plays a major role in protecting the planet's flora, fauna, and ecosystems.

By speaking up against activities that directly or indirectly harm the environment, EHRDs often oppose powerful interests, putting themselves, their families, and communities at risk. In addition to violent attacks (such as killings, torture and physical or sexual assaults), EHRDs face increasing trends of criminalisation; intimidation; attacks against their property; forced displacement or, in some cases, disappearances; and non-violent means to silence their work, including repressive laws.

These risks are exacerbated by intersecting patterns of marginalisation, discrimination, and violence based on gender, sex, ethnicity, race, age, disability, and socioeconomic status, among others.

Various stakeholders (including defenders themselves, civil society, multilateral organisations and governments) have established initiatives to recognise the work and contributions of EHRDs, as well as to secure their safety and support for EHRDs, their families and their communities. These initiatives aim to secure respect and acknowledgement for their important role and to prevent, respond to, and overcome the threats and obstacles EHRDs face in connection with the defence of the environment.

Many of these efforts have a proactive approach that doesn't rely on the occurrence of violence. Generally, recognition and support strategies may focus on:

- Enhancing respect and acknowledgment of the essential role of EHRDs while establishing conditions that proactively mitigate risks to EHRDs before they materialise,
- Addressing early signs of threats and responding to them in order to mitigate their impact and prevent their escalation, and
- Facilitating EHRDs' access to justice, including effective remedies.

These three objectives are neither consecutive nor mutually exclusive, and support practices may pursue one or more, or wholly separate objectives.

The report, 'Protecting the frontline: Good practices for recognising and supporting environmental human rights defenders' illustrates the various initiatives implemented around the world to support and promote the work of EHRDs.

In the context of this report, '*recognition*' means acknowledging the role that defenders play in addressing the interlinked environmental crises as well as recognising them as agents of their own protection. '*Support*' for EHRDs (including their families and communities) is understood broadly, and includes all practices designed to maintain a safe and enabling space for EHRDs and their work, address the various threats to their human rights and work, and maintain their individual and collective wellbeing (including physical, psychosocial and economic).

The report acknowledges that there is no '*one-size-fits-all*' formula for creating a safe and enabling space for EHRDs. Instead, the best support initiatives are co-designed, where possible, and implemented according to the EHRDs' specific contexts and needs, and with their direct participation. The active, meaningful, and ongoing participation of EHRDs and their communities at all stages of developing, implementing, and assessing support initiatives is essential.

Accordingly, a key observation stemming from this research is that the most effective sources of support tend to be local and grassroots organisations, as they are able to tailor the initiative to the particular contexts and needs of the relevant EHRDs. Further, the report finds that good practices to support EHRDs change with time in order to adapt to evolving circumstances.

Notwithstanding this, each good practice comes with valuable lessons and knowledge that can inform and strengthen other efforts to assist EHRDs.

1. Increase respect and acknowledgment of the essential role of EHRDs and prevent risks to EHRDs' enjoyment of human rights

Creating conditions which prevent risks to EHRDs before they come into being includes creating and strengthening human rights norms and policies, and related legislation, regulation, and guidelines to maintain an open civic space for the protection of the environment.

Examples of good practices to strengthen these frameworks include: the legal recognition of the legitimacy and value of EHRDs' work; express recognition of human rights and their interrelationship with the environment; building governments' capacities to fulfil their human rights obligations; regulation of business enterprises' activities and responsibilities; as well as facilitating access to information and public-participation processes.

An open civic space facilitates advocacy and lobbying by civil society and public officials; which in turn may strengthen existing frameworks and mechanisms.

On a State-level, prevention involves the creation of specialised governmental bodies, such as environmental prosecutors and courts, and international monitoring mechanisms and watchdog civil society initiatives.

On a more general level, prevention involves strengthened existing mechanisms through public participation and access to information. Good practices include establishing institutions by State and non-state actors to facilitate public participation or oversee public participation processes, such as an Ombudsperson.

The effective functioning of public participation mechanisms is dependent on access to information. Relevant information includes information regarding the state of the environment, the proposed activity and possible impacts to the environment and livelihoods, as well as information about the public participation process and appeal mechanisms. Information assists EHRDs to understand their rights, establish informed perspectives, develop effective advocacy strategies, and engage with stakeholders, among other things.

To support EHRDs' access to information, good practices include facilitating the collection and sharing of information, such as research, data collection, investigations, in-depth analyses of case studies, and reporting.

Other strategies to secure a safer space for EHRDs are enhancing the general public's awareness of and capacity to engage in environmental and human rights protection, and their understanding of the importance of EHRDs and their work.

Increasing the number of supportive and respectful stakeholders (including Governments, companies, and the general public) is an essential component of good prevention practices. Improving the general public's

understanding of and appreciation for EHRDs' work helps deter condemnation, stigmatisation, and defamation, among other forms of discrimination that may lead to violence and other human rights violations against EHRDs. Specific good practices include education and awareness initiatives addressed to the general public as well as more specific strategies to build capacities in key stakeholders, such as the private sector and conservation actors.

2. Address and respond to situations that impact EHRDs' human rights, including but not exclusively in emergency situations

The work of EHRDs tends to conflict with powerful economic and political interests, which often results in threats against EHRDs, their families, and communities. Thus, in all countries, regardless of how open civic spaces are and how robust the rule of law system is, EHRDs face various risks and obstacles that threaten the enjoyment of their rights, wellbeing and work.

In many cases, the risks faced by EHRDs jeopardise their fundamental human rights, such as the rights to life, food, water and to be free from torture. In response, EHRDs and supporting actors have put in place emergency or rapid-response strategies with the purpose of safeguarding EHRDs' lives and integrity (and those of their families and communities) and avoiding irreparable damage. These practices may include 24/7 services through which EHRDs can access information, legal advice, financial support, and other forms of immediate assistance.

Good practices to prevent these situations, involve building resilience so affected individuals, families and communities are able to prevent the escalation of threats and continue enjoying their human rights and conducting advocacy. These practices help EHRDs develop their work despite the power imbalance that most of them face.

Specific strategies include reactive monitoring of threats, strengthening or implementing physical security schemes, sharing EHRDs' stories, countering misinformation, safeguarding EHRDs' mental health, and fostering stakeholders' action.

Further, good practices to prevent the materialisation of threats commonly focus on reducing EHRDs' vulnerabilities as well as strengthening their capacities. Strengthening capabilities involves addressing intersecting patterns of exclusion, discrimination, and marginalisation. Moreover, supporting initiatives in this regard include the facilitation of access to resources to strengthen technical and professional skills, capacity to engage in political processes, and financial resources to cover costs related to EHRD's legitimate activities.

3. Secure access to justice and effective remedies for human rights violations that have occurred

Access to justice involves facilitating the accessibility of justice systems, such as courts, tribunals, review bodies, and integrity and oversight bodies. Supporting EHRDs to access justice systems is identified as a key strategy to address the underlying causes of violence and other forms of aggression against EHRDs. It is also a strategy that aims to secure the realization of their human rights and support their ability to do their advocacy work to protect the environment. Access to justice is essential to increase accountability of those who harm the environment and violate the rights of EHRDs, and to ensure the non-repetition of violations to environmental and human rights law.

Justice systems may be inaccessible due to, amongst others, language, geography, and cultural practices. Particular groups of EHRDs, such as women, Indigenous peoples, racial minorities, children, the elderly, and EHRDs living with disabilities, may have difficulty accessing justice mechanisms.

Support practices can assist to remove these barriers by creating enabling frameworks that allow all citizens to demand the observance of environmental laws and standards, including corporate accountability legislation and by raising awareness of discriminatory operation of justice systems.

Further, independent, impartial, and efficient criminal investigations by the competent authorities are also instrumental to secure citizens access to justice.

Finally, an important practice to support EHRDs, and their work, is allowing them to access effective remedies that are tailored and consistent with their specific social and environmental contexts and identities (including gender, age, disability, race, ethnicity or others) and secure the observance of just rulings through, *inter alia*, fines and other sanctions to breaching actors.

The forthcoming report offers an overview of diverse support practices and summarises the key learnings that emerge from them, with the objective of inspiring individuals and organisations worldwide to take action to support EHRDs. It provides information about the different efforts that have worked to support EHRDs and illustrates the various steps that stakeholders can take

to build or maintain a safe and enabling space for them. In doing so, this report aims to strengthen and foster the replication and permanence of such support strategies worldwide. The overarching objective of this work is to contribute to maintaining an open civic space for environmental protection across the world, to promote a positive narrative of EHRDs, and to recognise their contributions to addressing the interlinked environmental crises afflicting our planet – the loss of biodiversity, pollution, and climate change.

The forthcoming report, and the database that underpins it, have been built with the active participation of EHRDs and organisations that support them. To identify good practices across the world, the United Nations Environment Programme (UNEP) and the Universal Rights Group, with the support of the United Nations Office of the High Commissioner for Human Rights (OHCHR) undertook a series of regional consultations in Africa, Asia-Pacific and Latin America and the Caribbean; convened a global consultation; launched a global survey, that was made available in English, French and Spanish; held individual and focus groups meetings with EHRDs, experts and support organisations from across the world; and conducted desk-research to substantiate the report's findings.



China-Williams / Photo: George Osodi, Goldman Environmental Peace

Introduction

Across the world, environmental human rights defenders (EHRDs) have been catalysing actions to safeguard a clean, healthy and sustainable environment. From the local to the international level, the efforts of EHRDs have provoked responses to the interlinked environmental crises afflicting our planet, including the loss of biodiversity, pollution, and climate change. Their work has been crucial to the protection and respect of the environment, as well as their human rights, the rights of their communities, and, ultimately, of all people.

By speaking up against environmentally harmful activities, EHRDs often oppose powerful economic and political interests, putting themselves, their families, and communities at high risk. Indeed, every year since 2012,¹ the number of reported attacks and killings of EHRDs has increased. As the Alliance for Land, Indigenous and Environmental Defenders (ALLIED) and the International Land Coalition (ILC) have reported, killings are just the tip of the iceberg.² For every individual killed, many more face other forms of violence, including criminalisation; threats and intimidation; attacks against their property; physical and sexual assaults; and forced displacement; and, in some cases, disappearances.³ Such risks are exacerbated by intersecting patterns of marginalisation, discrimination and violence, based on, among others, gender, ethnicity, race, age, disability, and socioeconomic status.⁴

In addition, EHRDs are increasingly silenced through non-violent means, such as repressive laws, biased and inaccessible judicial systems, and expulsion from or restricted participation in environmental decision-making at local, national and international levels.⁵

These intersecting forms of violence, exclusion and discrimination impact on EHRDs' work, wellbeing, and enjoyment of a wide array of human rights, such as their rights to life, integrity, dignity, freedom of opinion, expression, participation in public affairs, liberty and security, physical and mental health, family, privacy, among many more. In the cases of Indigenous defenders, these risks and challenges also affect the enjoyment of their rights to, inter alia, self-determination and culture.

EHRDs themselves and various stakeholders have established strategies to protect and safeguard their work and rights, and of their families and communities.

Notably, these strategies aim to address and overcome the threats and obstacles that EHRDs face in connection with the defence of the environment, and to increase the recognition and respect for their work and its impact. Stakeholders include civil society actors (i.e., organisations, private philanthropy, academia, media, grassroots communities and EHRDs), multilateral organisations, businesses and governments.

The primary duty for the protection, respect, and fulfilment of EHRDs' human rights rests with governments. Notwithstanding, recognition and support strategies established by non-governmental stakeholders and defenders themselves also play a pivotal role in securing that defenders are able to work in a safe and enabling space, free from violence and retaliations.

Recognition and support strengthen EHRDs capacities and agency with resources (tangible and intangible) to allow them to effectively conduct their advocacy, enjoy their human rights, and maintain their individual and collective wellbeing.

This report offers an overview of diverse practices that have been implemented to secure recognition, respect and support for EHRDs and their work, and summarises some key learnings that emerge from them. It further provides information about different efforts that have worked to recognise and support EHRDs and illustrates the various steps that stakeholders, including EHRDs themselves, can take to build or maintain a safe and enabling space for the defence and protection of the environment.

In doing so, it aims at strengthening and fostering the replication and permanence of good recognition and support practices worldwide. The overarching objective of this work is to contribute to maintaining an open civic space for environmental protection and to recognise and promote EHRDs' positive contributions to addressing the interlinked planetary crisis.

The full compendium of support practices that underpins this report can be accessed via: goodpractices.environment-rights.org.

¹ Global Witness (2014). *Deadly Environment*. <https://www.globalwitness.org/en/campaigns/environmental-activists/deadly-environment/>

² Alliance for Land, Indigenous and Environmental Defenders and International Land Coalition (2022). *Uncovering the Hidden Iceberg*. <https://www.landcoalition.org/en/resources/uncovering-the-hidden-iceberg/>

³ Alliance for Land, Indigenous and Environmental Defenders; Universal Rights Group; Freedom House and the Lifeline Fund for Embattled CSOs (2022). *Strengthening support for environmental and climate defenders: New reports present recommendations to donors and civil society organisations*. <https://www.universal-rights.org/wp-content/uploads/2022/05/Joint-briefer-4.pdf>

⁴ Ibid.

⁵ See, e.g., Civicus (2019). *We Will Not Be Silenced, Climate activism from the frontlines to the UN*. https://www.civicus.org/documents/WeWillNotBeSilenced_eng_Nov19.pdf; and International Center for Not-for-Profit Law and European Center for Not-for-Profit Law (2020). *Closing Civic Space for Climate Activists*. <https://www.icnl.org/wp-content/uploads/Climate-Change-and-Civic-Space-Briefer-vf.pdf>

Methodology

This report, and the database of good practices that complements it, have been built with the active participation of EHRDs and organisations that support them. To identify good practices across the world, the UNEP and the Universal Rights Group, with the support of the United Nations Office of the High Commissioner for Human Rights (OHCHR):

1. Organised three regional consultations, one for Africa, one for Asia-Pacific and one for Latin America and the Caribbean, each with the participation of over 30 EHRDs and support organisations at the local and national levels;
2. Convened one global consultation with 30 participants, including experts and international civil society organisations that work to support EHRDs;
3. Launched a global survey, that was made available in English, French and Spanish, which received responses from 32 organisations at the national and local levels;
4. Held over 20 individual and focus groups meetings with EHRDs, experts and support organisations from across the world; and
5. Conducted desk-research.

While the majority of participants originated from regions that witnessed a higher frequency of reported attacks against defenders—specifically Latin America and the Caribbean, Africa, and the Asia-Pacific, the researchers also conducted interviews and consultations with defenders and organisations hailing from various other parts of the world, such as Asia, Europe, the United States, and the Middle East and North Africa region.



Thai Van Nguyen / Photo: Suzi Eszterhas, Goldman Environmental Prize

What do 'recognition' and 'support' for EHRDs mean?



In the context of this report, **recognition** means acknowledging the role that defenders play in addressing the interlinked environmental crises as well as recognising them as agents of their own protection. **Support** for EHRDs (including their families and communities) is understood as encompassing all practices that help to reduce the unique risks and barriers to EHRDs' human rights and work. Support strategies contribute to the individual or collective wellbeing (including physical, psychosocial and economic) of EHRDs, their families and communities by strengthening EHRDs capacities and agency with resources (tangible and intangible) to allow

them to effectively conduct their advocacy, enjoy their human rights, and maintain their individual and collective wellbeing. These are not a one-size-fits-all concept, and largely depend on the specific context of each EHRD.

It is a common misconception that supporting EHRDs means primarily providing emergency assistance in contexts of violence. In reality, recognition and support efforts are wide-ranging, and many of them have a proactive approach that does not rely on the occurrence of violence.

While **physical violence** is amongst the most visible dangers faced by EHRDs, they also face multiple non-physical obstacles and threats. This includes **non-physical forms of violence**, such as online abuse; **non-violent means to silence defenders**, like exclusion from decision-making spaces and protest bans; **obstacles that shrink the civic space** for environmental defence, such as burdensome bureaucratic procedures and repressive laws, and long-standing patterns of **exclusion and discrimination**. Compounding these human-produced risks and obstacles, EHRDs face threats from **environmental hazards**, such as landslides and floods that affect and may even destroy their livelihoods and cause loss of lives.

Most EHRDs, even those in non-violent settings, need recognition and multiple kinds of support to be able to conduct their advocacy in an enabling space. For example, defenders in the Caribbean who reported that they do not experience frequent violence or physical threats, call for increased recognition in climate response negotiations, financial resources and capacity-building to conduct effective activism and access to decision-making spaces, and humanitarian assistance to respond to climate change-related events that threaten their lives and livelihoods. In countries with open civic spaces, numerous children and youth activists who are not concerned about their physical safety, require mental health and digital security support.

Hence, beyond emergency response, recognition and support:

1. Help to increase **respect and acknowledgment** of the essential role of EHRDs and **prevent** risks to EHRDs' enjoyment of human rights,
2. Address and **respond** to situations that impact EHRDs' human rights, including but not exclusively in emergency situations, and
3. Secure **access to justice and effective remedies** for human rights violations that have occurred.

In practice, these outcomes tend to be intertwined. As an illustration, a defender in Mexico requested assistance from a global holistic security organisation to respond to web-based harassment. However, what initially started as an *emergency response* to a digital threat soon evolved to incorporate physical security *prevention* elements. As part of the same strategy, other organizations joined providing legal advice to secure *access to justice*, leveraging existing protection laws. Other entities partnered with the defender to raise the visibility of his work to *increase recognition and garner solidarity*. This evolution allowed the defender's grassroots organization to continue its advocacy work with reduced risks of retaliation.

Generally, support and recognition practices have shared traits.

First, these are context specific. Defenders' overlapping identities and experiences intersect with the threats and obstacles they face. Gender,⁶ race, and ethnicity,⁷ for example, have been identified as factors that can contribute to increasing defenders' risks and even determining their capacity to effectively access to justice. Consequently, a fundamental characteristic of good practices to increase recognition and support for EHRDs is that they are tailored to the context of each person or group and adopt an intersectionality approach.⁸ In order words, practices that acknowledge the specific risks and obstacles that EHRDs face due to exclusion, violence and discrimination based on, inter alia, race, gender, ethnicity, socio-economic status, age, and disability.⁹

Second, good practices to recognise and support EHRDs are **adaptable**, including in their duration, to evolving circumstances. Recognition and support strategies are frequently reviewed and updated to match circumstances that may affect the work and wellbeing of defenders. Just as EHRDs' contexts are constantly changing, the threats they face are continuously evolving and strategies to address this must match this reality.

Relatedly, many good practices, especially financial and legal assistance response strategies, need to be **long-term**.

An example of a strategy that successfully combines long-term commitment with adaptability is the Environmental Defenders Office (EDO)'s support for the Camberwell community's efforts to protect Glennies Creek water and community land in Australia. Over a period of 22 years, the Camberwell community, led by the prominent advocate Ms. Wendy Bowman, thwarted the expansion of an open-pit mining project through steadfast advocacy and a well-planned legal approach.

Initially, the EDO pursued a single core strategy aligned with the community's objectives, but it did not yield the desired outcome. In response, in close collaboration with the community, EDO explored alternative approaches to protect the community's rights. Furthermore, as the case evolved and the mining company explored various avenues to secure its expansion, the EDO continuously supported the community's advocacy with legal strategies. These strategies addressed critical issues such as the granting of mining licenses, the protection of community lands, and the enhancement of transparency in environmental decision-making processes. EDO remained committed to collaborating with the Camberwell community defenders until, 22 years later, they successfully secured the protection of their lands and natural resources.

⁶ United Nations, Human Rights Council (2016). *Report by the United Nations Special Rapporteur on the situation of human rights defenders*. Forst, M. A/HRC/31/55. https://www.ohchr.org/Documents/Issues/Defenders/A-HRC-31-55_en.pdf

⁷ IWGIA (2019). *Indigenous rights defenders at risk*. <https://www.iwgia.org/en/news/3330-indigenous-rights-defenders.html>

⁸ This was highlighted in a statement by 163 civil society organisations which explicitly highlighted the need to an intersectional approach to the protection of women and Indigenous peoples.

⁹ Resolution 40/11 of the Council explicitly recognised 'the need to develop protection mechanisms for environmental human rights defenders, taking into account the intersectional dimensions of violations against women human rights defenders, Indigenous peoples, rural and marginalized communities, and persons belonging to minorities.'

Because good support practices are shaped by the relevant defenders and are context-specific (including commensurate with the time), the same kind of strategy implemented by the same organisation **should never be identical in two different places**. For example, community protocols that aim to secure the protection and sustainable management of natural resources by African communities are all different because they incorporate the specific values, priorities, and concerns of each community.¹⁰

Third, recognition and support have a domino effect: empowered and endowed supporting actors assist other defenders or actors who, in turn, if properly equipped, are then able to offer direct support to those individuals and groups who are most isolated. Often, local and grassroots organisations are effective sources of support. But they, in turn, need assistance. For instance, in Kenya, the Centre for Justice, Governance and Environmental Action (CJGEA), is a grassroots environmental justice organisation. CJGEA's nature allows it to have a close relationship with local communities from five different regions in Kenya. CJGEA has given legal accompaniment and representation to these communities, partnered with them in advocacy campaigns, and facilitated trainings to strengthen and bolster their advocacy and legal skills. However, CJGEA, in turns, has enriched its capacities thanks to financial, legal, advocacy and training support received from international organisations and coalitions.

Fourth, all practices benefit from coordination and collaboration. Good practices to recognise and support EHRDs frequently incorporate various strategies to address the multiple intertwined risks and obstacles faced by these defenders, rather than working to address only one of these threats. Capacity-building (via training, courses, workshops, or resources), funding, accompaniment,¹¹ collaboration, information-sharing (including through resources, online tools or meetings), standard-setting, lobbying, visibility, awareness-raising, advocacy, technical and legal assistance, and campaigning, among others, often, and ideally, appear as different pieces of the same puzzle.

These different undertakings may be implemented by one or various actors, acting individually or collaborating on joint strategies. Regardless of the number of actors behind them, and the concrete mechanisms for coordination, complementary support strategies are instrumental to attaining holistic, long-term, and sustainable impacts. **Complementarity** is, therefore, a good practice in and of itself.

Fifth, good practices to support EHRDs usually adopt or oversee **safeguards to prevent reprisals** against those who access or use the existing recognition and support strategies, mechanisms, or resources, or speak-up against perpetrators. These strategies include special protection measures such as secure technologies and guarding the anonymity of EHRDs as well as efforts to secure accountability and fight corruption and impunity for attacks against defenders.

The most appropriate way to recognise and support EHRDs depends on the particular situation of each individual or group (community, network, organisation, or movement), and of course, of the objectives addressed by each specific strategy (i.e., prevention, response or access to justice). For example, an Indigenous female EHRD living in a rural setting would most likely require a different type of support to that needed by her non-Indigenous female colleague from an urban setting, even if both advocate for the same cause, like clean water, and share similar threats, such as sexual violence.

To anchor support strategies in the particular situation of each individual or group defender, stakeholders that are not part of the EHRD's immediate community or group should undertake context-specific analyses **with the meaningful participation** of the corresponding defenders and their communities. Meaningful participation means giving EHRDs the effective possibility to inform and shape the relevant strategies. Meaningful participation allows to identify and understand EHRDs' support needs and the best way of responding to them. As an expert who provided his input into this project explained: *'good support is always led by EHRDs.'*

The meaningful participation of EHRDs, as previously defined, plays a pivotal role in ensuring the full adherence to the *'do no harm'* principle in all actions aimed at acknowledging and supporting defenders. It is the voices of EHRDs that ultimately determine whether a particular action or strategy has the potential to either create or exacerbate the risks faced by them, their fellow defenders, and their communities. These risks may encompass issues such as the development of internal tensions within communities and the possibility of retaliation, among other concerns.

Additional research and analysis by experts are important to complement recognition and support strategies, including risks assessments, provided that this input is done with and for EHRDs and to answer questions that EHRDs might have as opposed as to replace or undermine their participation.

¹⁰ See, e.g., United Nations Environment Programme and Universal Rights Group (n.d.). *Good Practices to Support Environmental Defenders, Community Protocols*. <https://goodpractices.environment-rights.org/goodpractice/community-protocols-on-sacred-forests/>

¹¹ Accompaniment refers to the physical presence of support organizations in EHRDs' work or home spaces. See, e.g., Peace Brigades International (n.d.). *Protective Accompaniment*. <https://www.peacebrigades.org/en/about-pbi/what-we-do/protective-accompaniment#:~:text=Protective%20accompaniment%20is%20a%20strategy,communities%20in%20areas%20of%20conflict>; and For Peace Presence (n.d.). *International Accompaniment*. <https://peacepresence.org/learn-more/accompaniment/>

¹² United Nations, Human Rights Council (2016). *Report by the United Nations Special Rapporteur on the situation of human rights defenders*. Forst, M. A/HRC/31/55. https://www.ohchr.org/Documents/Issues/Defenders/A-HRC-31-55_en.pdf

Each good recognition or support practice comes with valuable lessons and knowledge that can inform and strengthen other efforts to assist EHRDs. Indeed, it was on the basis of consultations with defenders themselves that, in 2016, former United Nations Special Rapporteur on the situation of Human Rights Defenders and current Special Rapporteur on Environmental Defenders under the Aarhus Convention, Michel Forst, articulated seven principles related to good practices to protect human rights defenders (which includes EHRDs):¹²

Principles

- 1 *Good practices should adopt a rights-based approach to protection, empowering defenders to know and claim their rights and increasing the ability and accountability of those responsible for respecting, protecting and fulfilling rights.*
- 2 *They should recognise that defenders are diverse; they come from different backgrounds, cultures and belief systems. From the outset, they may not self-identify or be identified by others as defenders.*
- 3 *They should recognise the significance of gender in the protection of defenders and apply an intersectionality approach to the assessment of risks and the design of protection initiatives. They should also recognise that some defenders are at greater risk than others because of who they are and what they do.*
- 4 *They should focus on the 'holistic security' of defenders, in particular their physical safety, digital security and psychosocial wellbeing.*
- 5 *They should acknowledge that defenders are interconnected. They should not focus on the rights and security of individual defenders alone but also include the groups, organisations, communities and family members who share their risks.*
- 6 *They should involve defenders in the development, choice, implementation and evaluation of strategies and tactics for their protection. The participation of defenders is a key factor in their security.*
- 7 *They should be flexible, adaptable and tailored to the specific needs and circumstances of defenders.*



Photo: Goldman Environmental Prize

¹² United Nations, Human Rights Council (2016). *Report by the United Nations Special Rapporteur on the situation of human rights defenders*. Forst, M. A/HRC/31/55. https://www.ohchr.org/Documents/Issues/Defenders/A-HRC-31-55_en.pdf



The following sections describe various types of strategies that have been designed and implemented to prevent and respond to situations that impact EHRDs' human rights, and to secure their access to justice in the light of negative affectations.

Alexandra Narvaez / Photo: Goldman Environmental Prize



Recognising and supporting environmental human rights defenders

01

Preventing risks to the enjoyment of human rights through increased recognition and support

1.1. Norms and standards that contribute to creating a safe and enabling environment for EHRDs

Strong rule of law¹³ systems are fundamental to guaranteeing a safe and enabling space for EHRDs. A building block of these rule of law systems are human rights and environmental norms and standards,¹⁴ with specific provisions to secure the democratic, transparent, and sustainable management of natural resources.¹⁵ The continuous strengthening of these norms and standards is also essential for strong rule of law systems.¹⁶

Human rights and environmental protection norms play a crucial role in fostering an open civic space for EHRDs. These norms not only enable EHRDs to exercise their human rights without discrimination but also lend legal weight and legitimacy to their invaluable work. Furthermore, these norms address the complex web of exclusion, violence, and discrimination that often intersect and amplify the risks and obstacles faced by EHRDs.¹⁷

Human rights norms

By securing that EHRDs can freely express their opinions, access information, partake in decision-making processes, and seek remedies, these norms create a conducive environment where EHRDs can develop their work and protect their rights effectively. Moreover, these norms help to address the complex and intersecting challenges faced by EHRDs, especially those in vulnerable situations, by addressing patterns of exclusion, violence, and discrimination.¹⁸

As John Knox, the first UN Special Rapporteur on human rights and the environment, explains,

Ideally, all EHRDs should be able to exercise their human rights to freedom of expression and association, to information, to participation in decision-making, and to effective remedies in order to help to protect the environment - and the rights that depend upon it - from unsustainable exploitation. In this way, the relationship between human rights and the environment should be a virtuous circle: the exercise of human rights helps to protect the environment, and a healthy environment helps to ensure the full enjoyment of human rights.¹⁹

Recognising and upholding human rights is essential in promoting a harmonious relationship between the environment and human rights, wherein the protection of one contributes to the preservation and enhancement of the other. For example, laws to protect the freedoms of peaceful assembly and association²⁰ are crucial to enable climate and environmental activists' protests and strikes; laws upholding the right to freedom of expression and a free press²¹ are essential for a conducive setting for journalist defenders; and the legal protection of Indigenous peoples' right to self-determination²² is key to allow these communities to preserve the integrity of their territories.

¹³ The United Nations defined the 'rule of law' as 'a principle of governance in which all persons, institutions and entities, public and private, including the State itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards. Rule of law systems include anti-corruption bodies, integrity agencies, NHRIs, public participation processes, among many other initiatives detailed below'. United Nations. What is the Rule of Law. (n.d.) [https://www.un.org/ruleoflaw/what-is-the-rule-of-law/#:~:text=For%20the%20United%20Nations%20\(UN,and%20which%20are%20consistent%20with](https://www.un.org/ruleoflaw/what-is-the-rule-of-law/#:~:text=For%20the%20United%20Nations%20(UN,and%20which%20are%20consistent%20with)

¹⁴ United Nations, Human Rights Council (2015). *Compilation of Good practices: Report of the Independent Expert on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment*. Knox, J. A/HRC/28/61. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G15/017/26/PDF/G1501726.pdf?OpenElement>

¹⁵ United Nations Environment Programme (n.d.). *Environmental Rule of Law*. <https://www.unep.org/explore-topics/environmental-rights-and-governance/what-we-do/promoting-environmental-rule-law-0#:~:text=Environmental%20rule%20of%20law%20is%20central%20to%20sustainable%20development.&text=It%20highlights%20environmental%20sustainability%20by,for%20environmental%20rights%20and%20obligations>

¹⁶ Ibid.

¹⁷ Multiple CSOs and activists have worked to raise awareness on the importance of an intersectional approach. See, e.g., Fran Haddock (2020). *What is Intersectional Environmentalism, and why is it so important?* <https://curious.earth/blog/what-is-intersectional-environmentalism/>

¹⁸ United Nations, Human Rights Council (2015). *Report of the Independent Expert on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment*. Knox, J. A/HRC/25/53. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G13/192/11/PDF/G1319211.pdf?OpenElement>

¹⁹ Knox, J. (2017). *Environmental Human Rights Defenders: Global Crisis*. <https://www.universal-rights.org/urg-policy-reports/environmental-human-rights-defenders-ehrds-risking-today-tomorrow-2/>

²⁰ Ibid.

²¹ International Programme for the Development of Communication and United Nations Educational, Scientific and Cultural Organization (n.d.). *Plan of Action on the Safety of Journalists and the Issue of Impunity*. <https://www.ohchr.org/en/safety-of-journalists/un-plan-action-safety-journalists-and-issue-impunity>

²² IWGIA and Inter-American Commission on Human Rights (n.d.). *Right to Self-Determination of Indigenous and Tribal Peoples*. <https://www.oas.org/en/iachr/reports/pdfs/self-determination-EN.pdf>

Regarding substantive environmental rights, the Inter-American Commission,³⁰ the OAS General Assembly, the European Court of Human Rights,³¹ and the African Commission on Human and Peoples' Rights³² have recognised that the enjoyment of various civil and political rights depends on a clean and healthy environment. States have done the same, especially through the recognition of the right to a clean, healthy and sustainable environment (right to a healthy environment) in national constitutions,³³ regional treaties,³⁴ and more recently, via Human Rights Council Resolution 48/13 and General Assembly Resolution A/76/300.

Across the world, recognition of a right to a healthy environment is a good practice that has catalysed stronger frameworks for the democratic and transparent management of natural resources; action to address the three environmental crises; and sounder norms for the protection of EHRDs' rights and work.³⁵

Recognition of RTHE [right to a healthy environment] helps protect EHRDs and provides an important tool to allow them to undertake their important work more effectively. Regarding protection, the presence of constitutional provisions on RTHE helps reduce stigmatisation by showing that EHRDs are working to defend their rights (in addition to working to safeguard the environment) and to promote sustainable development and the public good (i.e., they are not 'antidevelopment'). Moreover, where violations take place, the protection of RTHE helps promote accountability and access to justice. The RTHE also helps EHRDs undertake their important work safely and effectively. By asserting the right (including its component parts such as access to information, access to decision-making, and access to justice), in conjunction with other human rights, they are better able to fight back against projects and policies that harm the environment, and, where their rights are violated, to secure remedy and redress.³⁶

²³ See, e.g., India, Ministry of Tribal Affairs (2006). *Forest Rights Act*. <https://tribal.nic.in/fra.aspx>

²⁴ See, e.g., *Report of the Independent Expert*, *supra* note 27.

²⁶ Losale, C. and Freeman, M. (2018). In DRC, a Network of Women Leaders Successfully Advocated for an Unprecedented Legal Framework to Secure Women's Land & Forest Rights. *Rights and Resources*. <https://rightsandresources.org/blog/in-drc-a-network-of-women-leaders-successfully-advocated-for-an-unprecedented-legal-framework-to-secure-womens-land-and-forest-rights/>

²⁶ Ibid.

²⁷ Ibid.

²⁸ Organization of American States (1969). *Environment and Human Rights Arts. 4(1) and 5(1)*; and American Convention on Human Rights (2017). *Inter-American Court of Human Rights. Advisory Opinion OC-23/17*. In Series A: Advisory Opinions (No. 23).

²⁹ *Id.*

³⁰ Inter-American Commission on Human Rights (2011). *Indigenous and Tribal Peoples' Rights Over Their Ancestral Lands and Natural Resources: Norms and Jurisprudence of the Inter-American Human Rights System*. 35 AM. Indian L. Rev. <https://digitalcommons.law.ou.edu/ailr/vol35/iss2/2>

³¹ European Court of Human Rights (2004). Önerildiz v. Turkey [GS] Application 49839/99.30 <https://hudoc.echr.coe.int/eng/%7B%22fulltext%22:%7B%22C3%96nery%C4%B1d%C4%B1z%20v%20turkey%22%7D%22documentcollectionid%22:%7B%22GARDCHAMBER%22%22CHAMBER%22%7D%22itemid%22:%7B%22001-67614%22%7D%7D>

³² African Commission on Human and Peoples Rights (2002). *Social and Economic Rights Action Center (SERAC) and Center for Economic and Social Rights (CESR) v. Nigeria*, Communication No. 155/96, at par. 51. <https://www.esccr-net.org/caselaw/2006/social-and-economic-rights-action-center-economic-and-social-rights-v-nigeria>

³³ Boyd, D. (2018). *Catalyst for Change: Evaluating Forty years of Experience in Implementing the Right to a Healthy Environment*. The Human Right to a Healthy Environment, pages 17-41.

³⁴ African Union (1981). *African Charter on Human and Peoples' Rights*; Organization of American States (1999). *Protocol of San Salvador*; League of Arab States (2004). *Arab Charter on Human Rights*; Economic Commission for Latin America and the Caribbean (2018). *Agreement on Access to Information, Public Participation and Justice in Environmental Matters*.

³⁵ Boyd, D., Knox, J., and Limon, M. (2021). *#The Time is Now: The Case for Universal Recognition of the Right to a Safe, Clean, Healthy and Sustainable Environment*. https://www.universal-rights.org/download.php?file=https://www.universal-rights.org/wp-content/uploads/2021/02/2021_URG_R2HE_TIME_REPORT_MM-2-page.pdf

Concerning procedural rights, at the international level, the United Nations Economic Commission for Europe (UNECE) Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (Aarhus Convention)³⁷ explicitly recognises the right of all citizens to defend their natural surroundings and states that all individuals and groups have specific ‘access rights’—namely the rights to information, participation in decision-making, and justice—that governments must observe.

Governments from across the world have taken steps to leverage the Aarhus Convention to inform the development of robust frameworks for the protection of EHRDs. For example, Latin American and Caribbean countries adopted the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement) in 2018. This agreement, in addition to the procedural rights recognised by the Aarhus convention, explicitly includes provisions regarding the protection of EHRDs and establishes the obligation of all States parties to ‘*guarantee a safe and enabling space for persons, groups and organizations that promote and defend human rights in environmental matters, so that they are able to act free from threat, restriction and insecurity.*’

Civil society organizations in Africa and Asia are working to secure the adoption of environmental regional agreements for their regions that increase the protection of the environment and the human rights that depend on it.

At the national level, governments have adopted norms that establish, as enforceable standards, the rights of all people to access information, participate in decision-making spaces, and access justice in environmental matters. For example, among other countries, the Republic of Austria incorporated these rights through the Aarhus Participation Act of 2018, and the People’s Republic of China via its *Revised Environmental Protection Law*.³⁸

Environmental protection norms

Cornerstone to States’ obligation to protect substantive environmental human rights, are legal frameworks to protect against environmental harm. *‘In an important sense, all environmental laws that set stringent standards for air quality, water, quality, toxic releases and/or other environmental matters are good practices for the protection of the many human rights that depend on a healthy environment.’*³⁹ The stringency of environmental norms refers to their strength or capacity to create an ‘*explicit or implicit cost of environmentally harmful behaviour, for example pollution.*’⁴⁰

Norway, for example, has one of the most stringent environmental protection frameworks.⁴¹ Norway is also a ‘*frontrunner in many environmental areas and invests heavily in technological development and innovation to support its green transition.*’⁴² Relatedly, Norway’s air quality is one of the best around the world and has a low rate of premature death attributed to air pollution.⁴³

The rights of nature

Recognition of the rights of nature is a good practice to strengthen enabling frameworks for the defence of the environment.

The protection of nature and the environment is important *‘not only because of the benefits they provide to humanity or the effects that their degradation may have on other human rights, such as health, life or personal integrity, but because of their importance to the other living organisms with which we share the planet that also merit protection in their own right.’*⁴⁴

A good practice within these efforts to recognise the rights of nature – and other conservation efforts – is to secure the meaningful participation of EHRDs in these processes and the management of the relevant resources, to avoid causing harm to communities and to EHRDs.

³⁷ The Aarhus Convention operates under the United Nations Economic Commission for Europe; it was initially open for signatures by UNECE member States and States with consultative status, but under Article 19 of this Convention ‘Any other State... that is a Member of the United Nations may accede to the Convention upon approval by the Meeting of the Parties’.

³⁸ See, e.g., United Nations Environment Programme and Universal Rights Group (n.d.). *Good Practices to Support Environmental Defenders*. <https://goodpractices.environment-rights.org/goodpractice/chinas-revised-environmental-protection-law/>¹⁵ United Nations Environment Programme (n.d.). *Environmental Rule of Law*. <https://www.unep.org/explore-topics/environmental-rights-and-governance/what-we-do/promoting-environmental-rule-law-0#:~:text=Environmental%20rule%20of%20law%20is%20central%20to%20sustainable%20development.&text=It%20highlights%20environmental%20sustainability%20by%20for%20environmental%20rights%20and%20obligations>

³⁹ See, e.g., United Nations Environment Programme and Universal Rights Group (n.d.). *Good Practices to Support Environmental Defenders*. Supra note 7.

⁴⁰ Organisation for Economic Co-operation and Development (2016). *How stringent are environmental policies? Policy Perspectives*, page 4. <https://www.oecd.org/economy/greeneco/How-stringent-are-environmental-policies.pdf>

⁴¹ Ibid.

⁴² Organisation for Economic Co-operation and Development (2022). *OECD Environmental Performance Reviews: Norway 2022*. <https://www.oecd-ilibrary.org/sites/59e71c13-en/1/3/1/index.html?itemId=/content/publication/59e71c13-en&csp=17d84a085376ad8ff5f0f46d9a7875f2&itemI=oeed&itemContentType=book#section-d1e1368>

⁴³ Ibid.

⁴⁴ Inter-American Court of Human Rights (2017). *Advisory Opinion OC-23/17*. In Series A: *Advisory Opinions* (No. 23). *Environment and Human Rights* (Arts. 4(1) and 5(1) of the American Convention on Human Rights), *Advisory Opinion OC-23/17*, Inter-Am. Ct. H.R. (ser. A) No. 23 (2017), art. 62.

The Court explains: ‘The preamble to the Constitution of the State of Bolivia stipulates that: ‘In ancient times, mountains arose, rivers were displaced, and lakes were formed. Our Amazon, our Chaco, our highlands and our lowlands and valleys were covered in greenery and flowers. We populated the sacred earth with a variety of faces, and since then we have understood the plurality that exist in all things and our diversity as human beings and cultures.’ Article 33 of the Constitution establishes that: ‘People have a right to a healthy, protected and balanced environment. The exercise of this right should allow individuals and collectivities of present and future generations, and also other living beings, to develop normally and permanently.’ In addition, article 71 of the Constitution of the Republic of Ecuador establishes that: ‘Nature or Pacha Mama, in which life is reproduced and realized, has the right to comprehensive respect for its existence, and the continuity and regeneration of its vital cycles, structure, functions and evolutionary processes. Every person, community, people or nationality may require public authorities to respect the rights of nature. The relevant principles established in the Constitution shall be observed to apply and interpret these rights. The State shall encourage natural and legal persons, and collectivities, to protect nature and shall promote respect for all the elements that form an ecosystem.’

⁴⁵ Wesche, P. (2021). *Rights of Nature in Practice: A Case Study on the Impacts of the Colombian Atrato River Decision*. *Journal of Environmental Law*. Volume 33, issue 3, pages 531–555. <https://academic.oup.com/jel/article/33/3/531/6359472>

Landmark decisions include the Republic of Colombia's recognition of the legal personalities of the Amazon and Atrato rivers. The Republic of Colombia's Courts affirmed that the preservation of these rivers goes hand-in-hand with the protection of the lives and livelihoods of those whose rights and survival depends on the protected ecosystems. *'In these cases, the legal representation of natural entities is often entrusted to local Indigenous communities, assumed to be their most suitable stewards for close and sustainable relations with nature.'*⁴⁵

Similarly, New Zealand conferred legal person status to the Te Awa Tupua, comprising the lands and waters of the Whanganui River from the mountains to the sea.⁴⁶ The recognition of the Te Awa Tupua's rights was rooted in the understanding that this ecosystem is a *'singular entity comprised of many elements and communities' and that it sustains 'the health and well-being of the iwi, hapū, and other communities of the River.'*⁴⁷

Safeguards for an open civic space

Recognising human rights (i.e., the rights and freedoms enshrined in the Universal Declaration of Human Rights and core human rights treaties⁴⁸) and adopting environmental protection provisions as binding laws are the pillars of a safe and enabling context for EHRDs. In addition to these building blocks, governments may take additional steps to secure an open civic space for human rights defenders.

Across the world, governments have implemented, inter alia, the following good practices:⁴⁹

a. Removing bureaucratic barriers to civil society action, such as complex registration requirements, and, instead, simplifying and facilitating civil society registrations and operations;

b. Allowing peaceful demonstrations and other forms of expression without requiring prior governmental authorisation and allowing spontaneous demonstrations;

c. Lightening the operational costs of human rights work by granting tax exemptions, giving allowances, and not limiting sources of funding, including international funding;

d. Allowing the free flow of information and free communications between civil society organisations (CSOs) and their peers and supporting entities, including the media and the public;

e. Adopting privacy laws and banning and penalising surveillance;

f. Protecting CSOs' independence, by preventing governmental intervention;

g. Establishing concrete mechanisms for the protection of those exercising their human rights, whilst recognising the significance of gender,⁵⁰ race, ethnicity and age in designing protection strategies;

h. Regulating and educating law-enforcement agents, security bodies, and personnel on their role during peaceful protests and other demonstrations.

i. Implementing anti-SLAPP (Strategic Lawsuit Against Public Participation)⁵¹ laws and other protections to ensure that the law is not weaponised against defenders.

⁴⁶ Parliamentary Counsel Office of New Zealand (2017). *Te Awa Tupua (Whanganui River Claims Settlement) Act 2017*. <https://www.legislation.govt.nz/act/public/2017/0007/latest/whole.html>

⁴⁷ Ibid.

⁴⁸ The core human rights treaties are International Convention on the Elimination of All Forms of Racial Discrimination (1965); International Covenant on Civil and Political Rights (1966); International Covenant on Economic, Social and Cultural Rights (1966); Convention on the Elimination of All Forms of Discrimination against Women (1979); Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984); Convention on the Rights of the Child (1989); International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990); International Convention for the Protection of All Persons from Enforced Disappearance (2006); Convention on the Rights of Persons with Disabilities (2006).

⁴⁹ See, e.g., Open Government Partnership (n.d.). *Actions to Protect and Enhance Civic Space*. <https://www.opengovpartnership.org/actions-for-a-secure-and-open-civic-space/>

⁵⁰ As indicated on pages 7-8 of this publication, the former Special Rapporteur, Professor Michel Forst, articulated seven principles on good practices to protect of human rights defenders. Principle 3 should be taken into consideration here as well: 'Principle 3: They should recognise the significance of gender in the protection of defenders and apply an intersectionality approach to the assessment of risks and the design of protection initiatives. They should also recognise that some defenders are at greater risk than others because of who they are and what they do.' See, e.g., supra note 11.

⁵¹ SLAPP laws, for example, are often filed by power actors (e.g., corporations, public officials/entities) against defenders that express critical positions on the powerful actor; typically based off of ambiguous laws, SLAPPs often seek large damages claims (i.e., in a defamation lawsuit) intended to silence critics by subjecting them to costly litigation.

An open civic space facilitates solidarity actions

In addition to facilitating the work of EHRDs, an open civic space allows civil society organisations, lawyers, coalitions, scientists, defenders and many more to speak up on behalf of EHRDs, amplify their voices and echo their messages through, *inter alia*, direct advocacy, campaigning and lobbying.

These efforts can help to increase recognition and respect for EHRDs and their work, garner solidarity for defenders, strengthen international and national norms and policies, and influence specific decision-making processes.

For example, some direct advocacy and lobbying efforts are focused on improving basic human rights standards at the national level, like aiming for the domestic recognition of the right to a healthy environment and equal rights for women, Indigenous, and other minority groups.⁵² Others are focused on strengthening normative provisions on the obligations of stakeholders with respect to EHRDs, including businesses and governments;⁵³ or influencing the adoption of specific decisions, such as the approval of concrete projects.⁵⁴

A good practice when undertaking advocacy and lobbying is to promote the adoption of an intersectionality approach – as has been mentioned before in this report. For example, the Convention on Biological Diversity (CBD) Women Caucus (CBDWC) has been striving to share and embed a gender-based approach in biodiversity conservation frameworks, promoting the understanding that women play a special role in the protection and conservation of biodiversity and that their needs and impact in this area are unique. This approach is mainstreamed into international frameworks through CBDWC's active participation in the policy framework of the CBD.⁵⁵

Direct advocacy and lobbying leverage the recognition, legitimacy, and power of those who undertake these efforts and their capacity to enter into dialogue and to influence key actors – i.e., EHRDs' counterparts – who are normally out of reach for defenders.

Express recognition of human rights defenders and EHRDs

An important component of enabling frameworks for the defense of the environment is the recognition in hard and soft law instruments of the legitimacy and value of human rights defenders. A good practice is to mention explicitly of EHRDs and their work.

At the international level, soft and hard law instruments have clarified that defending human rights is not only a legitimate activity but a human right in itself, and an essential endeavour for human rights implementation,

democracy, and the rule of law.⁵⁶ These instruments further underscore the interlinked relationship between democratic institutions, an open civic space and the enjoyment of all human rights.

An example of a hard law provision that specifically recognises the work of EHRDs, is Article 3 of the Aarhus Convention, which establishes the obligation of each State Party to '*provide for appropriate recognition of and support to associations, organizations or groups promoting environmental protection and ensure that its national legal system is consistent with this obligation.*'⁵⁷

⁵² See, e.g., Stand for Her Land (n.d.). *Stand4HerLand: About the Campaign*. <https://stand4herland.org/about-the-campaign/#:~:text=Stand%20for%20Her%20Land%20is%20the%20first%20advocacy%20campaign%20of,women%20from%20the%20ground%20up>

⁵³ See, e.g., Environment-Rights.org (n.d.). *The EU Corporate Sustainability Due Diligence Directive Proposal and Protecting Human Rights Defenders: Initial Reflections*. <https://environment-rights.org/eucsdd/>; and CANARI (2020). *CANARI stands ready to support Caribbean government in Escazú Implementation*. <https://canari.org/tag/escazu-now/>

⁵⁴ See, e.g., Amazon Frontlines (2021). *Civil Society to the United Nations Development Programme: Sever Ties to the Oil Industry*. <https://www.amazonfrontlines.org/chronicles/undp-sever-ties-to-the-oil-industry>

⁵⁵ See, e.g., United Nations Environment Programme and Universal Rights Group (n.d.). *Good Practices to Support Environmental Defenders*. Supra note 38.

⁵⁶ See, e.g., the United Nations' Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, the African Commission on Human and Peoples' Rights Kigali Declaration adopted in 2003, and the Organisation of American States' (OAS) Resolution on Human Rights Defenders in the Americas.

⁵⁷ United Nations Human Rights Council (2019). *Resolution 40/11. Recognizing the contribution of environmental human rights defenders to the enjoyment of human rights, environmental protection and sustainable development*. <https://digitallibrary.un.org/record/3804641?ln=en>

The Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazu Agreement) also recognises *'the important work of the public and of human rights defenders in environmental matters for strengthening democracy, access rights and sustainable development and their fundamental contributions in this regard.'*⁵⁸

Regarding soft law instruments, the UN Human Rights Council (hereinafter, the Council) resolution 40/11, *'Recognizing the contribution of environmental human rights defenders to the enjoyment of human rights, environmental protection and sustainable development'* acknowledges EHRDs' *'role in supporting States to fulfil their obligations under the Paris Agreement and to realize the 2030 Agenda for Sustainable Development, including the pledge that no one will be left behind and to reach the furthest behind first.'*⁵⁹ The resolution recognises EHRDs as a particular constituency of human rights defenders and urges States to take steps to secure their protection and prevent harm against their human rights, with due regard of the intersectional dimensions of human rights violations against them. Further, this instrument drew attention to the role that strong norms and frameworks play in the safety of EHRDs.⁶⁰

The Escazú Agreement and Resolution 40/11 solidified international consensus on the significance of implementing specific measures to address human rights violations and abuses of EHRDs. They also clarified some of the obligations that governments hold in this regard.

Specific obligations for governments

The express inclusion and explication of governments' obligations *vis-à-vis* EHRDs is also a good practice to create and strengthen a safe and enabling space for EHRDs.

Ideally, the obligations that governments have with respect to EHRDs should be included in binding norms pertaining human rights defenders.

As mentioned before, at the international level, Article 9 of the Escazu Agreement and Article 3 of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) highlight the recognition and protection duties of States.

Article 9 of the Escazu Agreement establishes States Parties' obligation to *'guarantee a safe and enabling environment for persons, groups and organizations that promote and defend human rights in environmental*

*matters, so that they are able to act free from threat, restriction and insecurity,'*⁶¹ as well as States Parties' obligation to adopt adequate and effective measures to recognize, protect and promote EHRDs' human rights and to prevent, investigate and punish attacks, threats or intimidations against them.

Article 3 of the Aarhus Convention, in addition to including States' duty to recognise EHRDs, establishes States' obligation to ensure that persons exercising their rights in conformity with the Convention are not penalised, persecuted or harassed in any way for that work.

At the national level, governments have adopted laws and policies, including national human rights action plans, which recognise human rights defenders' legitimate and vital role and detail States' obligations in this regard. These laws and policies also establish concrete protections to which individuals exercising their human rights, including EHRDs, are entitled under the domestic legal framework. Finally, they establish the processes and institutions for enforcing the relevant standards in each domestic context. Examples -notwithstanding opportunities for improvement- include Mongolia's and Honduras' laws regarding human rights defenders.⁶²

Where human rights norms and environmental protection norms exist, but their scope in relation to EHRDs is not clear, a good practice implemented by Governments and Courts is to clarify their content.

For instance, in response to a request from the Republic of Colombia, the Inter-American Court of Human Rights (IACtHR) issued Advisory Opinion 23-17, titled *'the environment and human rights.'*⁶³ The Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social, and Cultural Rights, commonly referred to as the *'Protocol of San Salvador,'* acknowledges various human rights, including the right to a healthy environment. This advisory opinion provides a detailed account of the specific human rights obligations that States must uphold concerning environmental matters. The opinion explicitly outlines the responsibilities of States concerning individuals and groups exercising their environmental procedural rights, such as freedom of expression, access to information, public participation, and access to justice in environmental matters.

The Court is now in the process of responding to a request, submitted in 2023 by Colombia and Chile, for an advisory opinion on State obligations in addressing the climate emergency within the framework of international human rights law.

⁵⁸ United Nations Economic Commission for Latin America and the Caribbean (2018). *Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean*. <https://repositorio.cepal.org/items/86cae662-f81c-4b45-a04a-058e8d26143c>

⁵⁹ United Nations Human Rights Council (2019). *Resolution 40/11*. Supra note 57.

⁶⁰ The text of resolution 40/11, for example, mentions rule of law, democracy, open civic space and anti-impunity, and anti-corruption strategies, as well as strong human rights frameworks.

⁶¹ United Nations Economic Commission for Latin America and the Caribbean. (2018). Supra note 58.

⁶² See, e.g., Office of the High Commissioner for Human Rights (2021). *Mongolia: New Law to Protect Human Rights Defenders*. <https://www.ohchr.org/en/stories/2021/04/mongolia-new-law-protect-human-rights-defenders>; and Washington Office on Latin America (2019). *Human Rights Protections in Honduras: Evaluating State Capacity to Protect & Promote Human rights*. <https://www.wola.org/wp-content/uploads/2020/04/Derechos-Humanos-HN-ENG-4.6.pdf>

⁶³ Inter American Court of Human Rights (2017). *Advisory Opinion oc-23/17 of November 15, 2017 requested by the Republic of Colombia, 'the environment and human rights'*. https://www.corteidh.or.cr/docs/opiniones/seriea_23_ing.pdf

This is not the only pronouncement through which the IACtHR has clarified Governments' obligations with respect to EHRDs. In the *Kawas-Fernández vs. Honduras* ruling this Court clarified that member States of the Organization of American States (OAS) 'have a positive obligation to protect environmentalists who are in serious jeopardy from human rights violations'.⁶⁴ In this case, the IACtHR recognised the family of late defender Jeannette Kawas-Fernández's right to receive a compensation; requested measures to portray a positive narrative of EHRDs, with a view to contributing to educating the public on their vital work; and held that member States,

*have the duty to provide the necessary means for human rights defenders to conduct their activities freely; to protect them when they are subject to threats in order to ward off any attempt on their life or safety; to refrain from placing restrictions that would hinder the performance of their work, and to conduct serious and effective investigations of any violations against them, thus preventing impunity.*⁶⁵

At the national level, the obligations concerning EHRDs have also been elucidated by local courts, National Human Rights Institutions (NHRIs), and the executive branch. For instance, the National Human Rights Institution of Ecuador issued a resolution titled '[N]orms to promote and protect human rights and nature defenders',⁶⁶ which outlines the State's specific responsibilities in ensuring the protection of the human rights of EHRDs in accordance with relevant human rights laws. This resolution marked the initial step towards establishing a national system of early-warning alerts, through which the NHRI triggers action by other State entities by informing them of their roles and responsibilities in each individual case.

An example related to the role of the executive branch involves the issuance of guidance notes on how government representatives should interact with defenders. These guidance documents are designed to offer advice to public officials, whether they are within or outside the government's territories or jurisdictions. Several countries, including the United Kingdom, Canada, Switzerland, Denmark, and the United States, have adopted such policies.⁶⁷

The role of businesses

While governments have the primary duty for securing EHRDs' enjoyment of their human rights, businesses enterprises (private, State-owned, or mixed economy) may cause or contribute to social and environmental impacts. Indeed, it is businesses that implement many of the activities that may conflict with the rights of EHRDs

and their communities. Consequently, another important step to strengthen frameworks for EHRDs are norms and standards that regulate and clarify the responsibilities of these entities with respect to defenders.

At the international level, the activities and impact of enterprises have mainly been enshrined through soft-law instruments, including the Organisation for Economic Cooperation and Development's (OECD) Guidelines for Enterprises, the International Labour Organization's (ILO) Declaration of Principles Concerning Multinational Enterprises, the UN Global Compact, and the UN Guiding Principles on Business and Human Rights, which seek to prevent, address, and remedy human rights abuses committed in business operations. These instruments are informing current efforts to negotiate and potentially adopt an international, legally binding treaty regulating the activities of transnational corporations and other business enterprises.

At regional level, the European Union is seeking to introduce the Corporate Sustainability Due Diligence Directive,⁶⁸ which will require companies to fulfil due diligence obligations with respect to human rights and the environment.

At the national level, good practices to regulate businesses' activities include the adoption of binding laws to secure businesses compliance with their human rights obligations, especially in relation to EHRDs and the environment.

For example, notwithstanding existing challenges,⁶⁹ France's 'Loi de vigilance' or Due Diligence Law, was enacted to prevent human rights and environmental violations by obliging companies to adopt and publish a Vigilance Plan, in consultation with stakeholders and trade unions, that identifies impacts and outlines the corresponding mitigation and prevention actions. The law is a pioneer not only in its requirements that business assess and manage risk and embed responsible business conduct in operations, but in extending these obligations beyond the parent entity's own activities to those of its controlled subsidiaries, subcontractors, and suppliers.⁷⁰ Moreover, it institutes a reparation and liability mechanism for breaches of the responsibility by companies.

While governments have the human rights obligation of regulating businesses activities and responsibilities to secure respect for all human rights, stakeholders (including civil society and business enterprises themselves) have also implemented good practices that contribute to this end.

⁶⁴ Inter American Court of Human Rights (2009). Case of Kawas-Fernández v. Honduras, Judgment of 3 April 2009, Series C No. 196.

⁶⁵ Ibid.

⁶⁶ Ecuador, Defensoría del Pueblo (2019). Resolución No. 043-DPE-DD-2019. <https://goodpractices.environment-rights.org/wp-content/uploads/2023/11/Resolucion-No.-043-DPE.pdf>

⁶⁷ See, e.g., Global Affairs Canada (2019). *Voices at Risk: Canada's Guidelines on Supporting Human Rights Defenders*. https://www.international.gc.ca/world-monde/assets/pdfs/issues_development-enjeux_developpement/human_rights-droits_homme/rights_defenders-guide-defenseurs_droits_en.pdf?_ga=2.265068168.645984690.1651094791-1547816669.1651094791

⁶⁸ European Commission (2022). *Proposal for a directive of the European Parliament and of the Council on Corporate Sustainability Due Diligence and amending Directive (EU) 2019/1937*. <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52022PC0071&from=EN>

⁶⁹ Savourey, E., and Brabant, S., (2021). *The French Law on the Duty of Vigilance: Theoretical and Practical Challenges Since its Adoption*. Business and Human Rights Journal. Volume 6, issue 1, pages 141-152. <https://www.cambridge.org/core/journals/business-and-human-rights-journal/article/french-law-on-the-duty-of-vigilance-theoretical-and-practical-challenges-since-its-adoption/0398716B2E8530D9A9440EEB20DB7E07>

⁷⁰ See, e.g., Kippenberg, J., (2017). *France Takes Historic Step Toward Reducing Supply Chain Abuses*. Human Rights Watch. <https://www.hrw.org/news/2017/02/27/france-takes-historic-step-toward-reducing-supply-chain-abuses>

For instance, civil society, including academia and defenders, have encouraged businesses to take positive action to support EHRDs through concrete recommendations,⁷¹ tailored advice and guidance, bringing violations to light, and advocating for the adoption of binding standards. These strategies have contributed to create pressure and awareness⁷² on businesses' role, including during the COVID-19 pandemic;⁷³ and to increase the visibility of the concrete ways in which businesses impact EHRDs, either positively or negatively.

Similarly, companies and guilds have adopted guidelines and grievance mechanisms to prevent causing or contributing to harm EHRDs, like the Global Industry Standard on Tailings Management⁷⁴ and the Principles for Responsible Investment.⁷⁵

Notwithstanding their potential, industry initiatives must be thoroughly evaluated as they can have a greenwashing effect and substitute enforceable norms with standards that do not achieve tangible results. Thus, a good practice of critical importance is monitoring compliance with standards and constantly securing the meaningful participation of EHRDs in designing industry standards and ensuring they are implemented. Such vigilance and collaboration are vital to prevent greenwashing and secure the effectiveness of these instruments.

International Financing Institutions (IFIs) are motors behind many development, extractive, industrial, and agricultural projects that may result in or contribute to negative environmental and social impacts. Consequently, multiple actors, including IFIs themselves, have worked to raise awareness on the responsibilities and opportunities, as well as concrete steps that these entities should take to support, rather than pose a risk to, EHRDs.

Some concrete practices to bring IFIs into compliance with human rights standards and to support EHRDs include human rights and environmental protection clauses within loan or finance agreements; official manifestations of solidarity; and transparency initiatives to make public the environmental and social rights risks associated with their operations and how these are managed.

Similarly, EHRDs and those working to support them value the adoption of complaints procedures and channels for communication with individuals and communities affected by IFI operations or projects. These procedures allow civil society, including EHRDs, to speak out against the projects or activities developed with the support of the relevant IFIs, and incorporate response procedures to prevent, mitigate or halt environmental or human rights

harm. In some cases, these procedures have led to the withdrawal of investments in projects.⁷⁶ An important aspect of these mechanisms is the incorporation of safeguards to avoid retaliation against those who participate in them.

Additionally, many civil society organisations are working to strengthen IFI actions to support EHRDs explaining why the protection of EHRDs is in the best interest of investors.⁷⁷

Furthermore, as explained in Section 1.3 below, some civil society organisations have worked to monitor compliance with laws and industry standards and hold IFIs accountable for harm directly or indirectly caused to EHRDs.

1.2. Strong enforcement and oversight mechanisms that contribute to effective implementation.

The effective implementation of human rights and environmental protection norms depends not only on clear rules but also on their active enforcement.

Strong enforcement mechanisms are essential for ensuring compliance and deterring violations, thereby encouraging stakeholders to adopt practices that align with existing norms. Ultimately, enforcement translates norms into meaningful protections and positive outcomes. By fostering a culture of respect for human rights and actively discouraging violations, enforcement mechanisms play a pivotal role in holding individuals, organisations, and governments accountable for their actions and omissions.

To secure enforcement, stakeholders have created mechanisms that range from specialised and oversight governmental bodies – such as specialist prosecutors and courts, NHRIs, ombudspersons and anti-corruption agencies – to international monitoring mechanisms and watchdog civil society initiatives.

Effective enforcement mechanisms are impartial, independent, and have the capacity to receive and act upon complaints or communications from the public. At the regional and national level, a fundamental aspect is the enforceability of the resulting recommendations, decisions, or findings on the various concerned actors, including government entities and businesses.

Section 3 offers more information about the work and characteristics of these mechanisms.

⁷¹ See, e.g., Global Witness (n.d.). *Responsible Sourcing: The Business Case for Protecting Land & Environmental Defenders & Indigenous Communities' Rights to Land & Resources*. <https://www.globalwitness.org/en/campaigns/environmental-activists/responsible-sourcing/>

⁷² See, e.g., Rainforest Action Network (2021). *Banking on Climate Chaos: Fossil Fuel Finance Report*. <https://www.ran.org/wp-content/uploads/2021/03/Banking-on-Climate-Chaos-2021.pdf>; and Bankwatch Network (n.d.). *What we do*. <https://bankwatch.org/what-we-do/publications>

⁷³ See, e.g., SwedWatch (2020). *The Role of Investors in Supporting Human Rights & Environmental Defenders in the Covid-19 Era*. <https://swedwatch.org/wp-content/uploads/2020/11/Investor-briefing-The-role-of-investors-in-supporting-defenders-in-the-Covid-19-era.pdf>

⁷⁴ Global Tailings Review (2020). *Global Industry Standards on Tailings Management*. https://globaltailingsreview.org/wp-content/uploads/2020/08/global-industry-standard_EN.pdf

⁷⁵ UNPRI (n.d.). *What are the Principles for Responsible Investment?* <https://www.unpri.org/about-us/about-the-pri>

⁷⁶ AIDA (2022). *Indigenous victory as development bank withdraws investment and drafts exit plan following rights violation in Guatemala*. <https://aida-americas.org/en/press/indigenous-victory-as-development-bank-withdraws-investment-and-drafts-exit-plan>; and Coleman, J. and Güven, B. (2018). *Withdrawal of Consent to Investor-State Arbitration and Termination of Investment Treaties*. <https://www.iisd.org/tin/en/2018/04/24/withdrawal-of-consent-to-investor-state-arbitration-and-termination-of-investment-treaties-lise-johnson-jesse-coleman-brooke-guven/>

⁷⁷ SwedWatch (2020). *The role of investors in supporting human rights and environmental defenders in the Covid-19 era*. <https://swedwatch.org/wp-content/uploads/2020/11/Investor-briefing-The-role-of-investors-in-supporting-defenders-in-the-Covid-19-era.pdf>





Photo: Goldman Environmental Prize

Procedural rights: Public participation and the defense of the environment and the human rights that depend on it

The importance of public participation

Promoting, creating, and strengthening safe participation of EHRDs in the decision-making processes that affect them is not only a human right, but a pillar of environmental democratic governance and the rule of law.

Participation is in and of itself a civil and political right, which must be respected, protected, and fulfilled.⁷⁸ It is also a procedural environmental right, and hence, crucial for the enjoyment of many other human rights, including the right to a clean, healthy and sustainable environment.

Participation fulfils an important preventative role. It is the cornerstone of inclusive and informed decisions, which in turn help prevent or mitigate the social and environmental impact and human rights violations or abuses resulting from environmental degradation, industrial, development, and conservation projects, among others.

Participation spaces, whether legal mandated or *ad hoc*, allow EHRDs to shape general norms and standards, or specific decisions with human rights or environmental impact. Importantly, these spaces must be established before the adoption of relevant laws, policies, decisions, and actions.

For example, during the negotiation process of the Escazú Agreement, the UN Economic Commission for Latin America and the Caribbean created a Regional Public Mechanism to guarantee the effective participation of civil society.⁷⁹ Civil society representatives contributed to the meetings of the Negotiation Committee, working groups, and other relevant spaces, thus shaping the final text of the agreement.

National-level examples include government and parliamentary consultations, cooperation, or dialogue with human rights defenders. For instance, the Republic of Finland's Ministry of Foreign Affairs created a mechanism for regular engagement through periodic meetings between human rights defenders and the Ministry within its advisory board, allowing defenders to express their views on governmental decisions that may have a human rights impact. Similarly, the Kingdom of Bhutan subjects all its national decisions (policies and projects) to the Gross National Happiness Screening Tool, which enables all citizens to flag government decisions with potential impacts on the environment and livelihoods. In terms of legislatures, in line with the recent trend of efforts to encourage broader public engagement with the work of parliaments,⁸⁰ the Mexican and Mongolian parliaments shared draft bills on the protection of human rights for contributions by civil society before the adoption of the corresponding laws.

⁷⁸ The right to participation is recognized, *inter alia*, in:

Article 21 of the Universal Declaration on Human Rights, 'Everyone has the right to take part in the government of his country, directly or through freely chosen representatives. Everyone has the right of equal access to public service in his country. The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.'

Article 25 of the International Covenant on Civil and Political Rights, 'Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions: (a) To take part in the conduct of public affairs, directly or through freely chosen representatives.'

The Human Rights Committee, the mechanism in charge of overseeing reporting and compliance with the International Covenant on Civil and Political Rights, has explained that the right to take part in the conduct of public affairs 'covers all aspects of public administration, and the formulation and implementation of policy at international, national, regional and local levels.' United Nations, Human Rights Committee. General Comment No. 25: Article 25, *Participation in Public Affairs and the Right to Vote, The Right to Participate in Public Affairs, Voting Rights and the Right of Equal Access to Public Service*, (12 Jul.1996). UN Symbol: CCPR/C/21/Rev.1/Add.7

⁷⁹ CIVICUS (2019). *Escazú: The work of civil society made a huge difference*. <https://civicus.org/index.php/media-resources/news/interviews/3728-escazu-the-work-of-civil-society-made-a-huge-difference>

⁸⁰ Inter-Parliamentary Union and United Nations Development Programme (2012). *Global Parliamentary Report: The Changing Nature of Parliamentary Representation*. <https://www.ipu.org/file/659/download>

Good practices to secure defenders' meaningful participation

The first step to ensure the meaningful participation of defenders is the recognition and implementation of the right to participation: the right of all citizens to be informed, participate in a timely manner, and have their views considered in decision-making processes that may affect them, including environmental processes. This right emanates from the right to participate in the conduct of public affairs and the government of their country and entitles those affected by relevant decisions to have their views and concerns adequately and timely considered, providing them with a real opportunity to shape the resulting decisions.

Good practices for ensuring the meaningful participation of EHRDs enable defenders to promptly access information (see Box Procedural Rights: The right to access to information and the defence of the environment and the human rights that depend on it) and to express or participate in context-appropriate formats and languages.

In addition to establishing participatory spaces, a best practice for ensuring that EHRDs can effectively express their views and opinions is to assess and enhance the effectiveness of these participatory spaces. This involves addressing barriers to meaningful engagement, such as language barriers, financial constraints, geographic limitations, and digital/technological challenges that may hinder defenders, especially those in isolated and high-risk situations, from participating and contributing to relevant decision-making forums. These measures also encompass initiatives aimed at facilitating engagement, such as establishing digital communication channels and conducting meetings in local communities.⁸¹

Another valued practice is the creation of opportunities for EHRDs to have direct representation in decision-making processes. At national level, in Belgium, for example, the Bond Beter Leefmilieu acts as a space where EHRDs and experts enter into dialogue with companies and government representatives to foster the adoption of environmentally friendly policies and actions.⁸²

Training and supporting defenders to ensure their participation will be effective is also a good practice. For example, environmental civil society organisations in the Oriental Republic of Uruguay received training from OHCHR on presenting reports to international human rights mechanisms. This training allowed EHRDs to bring their data, claims and concerns before the UPR and UN treaty bodies. The workshop also fostered cooperation among defenders, increasing strengthening their networks at the local level.

Another important set of good practices to ensure participation includes efforts to prevent and address any type of intimidation, coercion, or interference. These efforts range from promoting a positive narrative of defenders within the context of the relevant process to enforcing special security measures when required.

⁸¹ See, e.g., Chile, Servicio de Evaluación Ambiental (n.d.) ¿Qué es la PAC? <https://sea.gob.cl/que-es-la-pac>

⁸² See, e.g., United Nations Environment Programme and Universal Rights Group (n.d.). *Good Practices to Support Environmental Defenders: Bond Beter Leefmilieu (BBL), multi-stakeholder spaces of dialogue*. <https://goodpractices.environment-rights.org/goodpractice/bond-beter-leefmilieu-bbl/>

Free, Prior and Informed Consent (FPIC)

The Free, Prior, and Informed Consent (FPIC) principle is rooted in Indigenous People's rights to participation and self-determination. It encompasses the entitlement of Indigenous peoples to be consulted regarding all projects that might impact their lives, rights, or territories. FPIC mandates that Indigenous peoples receive proper information and have the ability to deliberate, negotiate, and express their opinions and concerns without facing any form of intimidation or harassment. This process should be carried out in a culturally appropriate manner, addressing issues related to their rights, lands, natural resources, territories, livelihoods, knowledge, social structure, traditions, governance systems, culture, and heritage, both tangible and intangible.⁸³

In the context of EHRDs, in addition to the practices previously emphasized regarding procedural rights, such as access to information and public participation, it is a good practice to apply the Free, Prior, and Informed Consent (FPIC) principle, even when the affected communities are not Indigenous. In some states, like Colombia, FPIC is recognized not only for Indigenous and tribal communities but also for ethnic communities in general. This practice is important for ensuring the meaningful participation of groups that have historically experienced marginalization.

Extending the FAO (Food and Agriculture Organization) guidelines to include local communities and acknowledging the observance of FPIC with respect to them is another good practice to ensure the protection of their human rights and their ownership of the relevant processes. This approach recognizes the importance of respecting the rights and voices of all communities, irrespective of their ethnic or cultural backgrounds, in decision-making processes.⁸⁴

Another important strategy for ensuring the observance of the Free, Prior, and Informed Consent (FPIC) principle is to enhance knowledge and build the capacities of State and private actors responsible for its proper implementation. Many organizations have developed guidelines and resources aimed at supporting the accurate observance and implementation of FPIC.⁸⁵ By providing training and resources to these key stakeholders, it becomes more likely that FPIC will be applied correctly and effectively, contributing to better protection of the rights and interests of affected communities. This approach helps promote a deeper understanding of the principles and processes involved in securing meaningful consent.

Another valuable practice, frequently emphasized by defenders and experts involved in this project, is to increase the agency of Indigenous communities through tailored programs. These programs aim to increase Indigenous and local communities' understanding of FPIC and its implications, as well as the legal and political avenues available to ensure its full respect and observance.

For instance, organizations like the Forest Peoples Programme and Cultural Survival collaborate with communities to disseminate information about FPIC through various means, including workshops, peer-exchange spaces, and written and audible resources. These meetings and resources are developed in context-appropriate formats and languages, breaking down the content of FPIC and sharing successful strategies for its implementation. This approach serves to co-power communities by increasing their knowledge and tools to engage effectively in FPIC processes.

⁸³ Food and Agriculture Organization of the United Nations (2016). *Free Prior and Informed Consent, An Indigenous Peoples' Right and a Good Practice for Local Communities*. <https://www.fao.org/3/i6190e/i6190e.pdf>

⁸⁴ Ibid.

⁸⁵ See, e.g., Forest Stewardship Council (2021). *FSC Guidelines for the Implementation of the Right to Free, Prior, and Informed Consent (FPIC)* FSC-GUI-30-003 V2.0 – EN. <https://fsc.org/en/document-centre/documents/retrieve/e3adfb1d-f2ed-4e36-a171-6864c96f0d76>; and United Nations Development Programme (2022). *SES Supplemental Guidance: Frequently Asked Questions (FAQs) on Applying Free Prior Informed Consent (FPIC)* (Prepared for NCE-supported Projects1) <https://ses-toolkit.info.undp.org/sites/g/files/zskgke446/files/SES%20Document%20Library/Uploaded%20October%202016/FINAL%20FPIC%20FAQ%20Guidance%20-%20June%2015%202022.pdf>

Procedural rights: The right to access information and the defence of the environment and the human rights that depend on it

Access to information is a fundamental human right that must be protected, respected, and fulfilled. It is also a critical element of the right to public participation. Access to information, which includes details about the state of the environment, the environmental and social impacts of activities, and the processes for engaging in public participation and seeking justice, is essential for the work of Environmental Human Rights Defenders (EHRDs). It serves as a foundational pillar of the rule of law, ensuring that both the general public and authorities are informed about the norms and mechanisms that govern society, enabling their enforcement. Information is vital for EHRDs to develop effective advocacy strategies and engage with relevant stakeholders. Access to information is also necessary for properly identifying and addressing potential social and environmental impacts of various projects.

As a result, many good practices aimed at supporting EHRDs focus on enhancing the information available to them concerning the environment and decisions or projects that may affect them. Concrete strategies include informing EHRDs about their rights and the specific mechanisms to assert those rights, understanding what constitutes a human rights violation and how to seek redress, gaining insights into environmental decision-making processes, accessing scientific or factual information, utilizing information technologies safely, engaging in dialogue with stakeholders such as governments and business enterprises, and utilizing environmental indicators, among other aspects.

For effective and timely access to information, good practices involve ensuring the adequate advertisement, dissemination, or awareness-raising of public participation processes and relevant decisions so that affected communities are informed of their potential to participate.

To secure EHRDs' effective access to information, these practices are typically accompanied by efforts to address and overcome barriers to access, including those related to language and accessibility. Gender, ethnic, and race-based discrimination can create hurdles to accessing information. Therefore, practical approaches to uphold EHRDs' right to access information include a diverse and responsive set of initiatives, such as advocacy, financial support, tailored assistance (e.g., materials translation or explanations), workshops, training sessions, seminars, fellowships, digital tools and resources, and written informational materials like reports, handbooks, and manuals available in local languages and presented in accessible and understandable formats. This may also involve translating all relevant documents into local languages and formatting them in ways that suit the local context.

For instance, Slovak enviroportal,⁸⁶ which is inspired by environment-rights.org, and Byelorussian EcoHome's portal,⁸⁷ are digital tools designed to share environmental, human rights, and legal information in a simplified and user-friendly way. Ultimately, it aims to facilitate EHRDs' understanding of and participation in environmental decisions and matters.⁸⁸

Similarly, UNEP's Environmental Rights Initiative⁸⁹ and UNEP's Defenders Policy⁹⁰ provide EHRDs with access to information through media dissemination and awareness raising on environmental rights via, *inter alia*, courses and workshops; an online portal with information, tools and resources; tailored pieces of communication; and meetings through which UNEP shares, usually in local and easy to understand language, data on specific projects or decisions that may affect the rights and lives of communities.

⁸⁶ Slovak Environment Agency (2023). Enviroportal. <https://www.enviroportal.sk/en/about-enviroportal>

⁸⁷ ECOHOME (n.d.). ECOHOME. <https://ecohome.ngo/>

⁸⁸ See, e.g., United Nations Environment Programme and Universal Rights Group (n.d.). *Good Practices to Support Environmental Defenders*. Supra note 38.

⁸⁹ United Nations Environment Programme (n.d.). *Environmental Rights Initiative*. <https://www.unep.org/explore-topics/environmental-rights-and-governance/what-we-do/advancing-environmental-rights/what-1#~:text=The%20Environmental%20Rights%20Initiative%20brings,Protect%20and%20Respect%20Environmental%20Rights>

⁹⁰ United Nations Environment Programme. Defenders Policy. (n.d.). <https://www.unep.org/explore-topics/environmental-rights-and-governance/what-we-do/advancing-environmental-rights/unepps#:~:text=UNEP%27s%20Defenders%20Policy%20promotes%20greater,many%20parts%20of%20the%20world>

The virtuous cycle between access to information and public participation

There exists a virtuous cycle of access to information and public participation, each reinforcing the other's significance. Firstly, as previously discussed, access to comprehensive information empowers defenders to engage meaningfully in the decision-making processes relevant to them.

Conversely, when defenders are given the opportunity to participate in these processes, including assessments such as Environmental and Social Impact Assessments (ESIAs), their participation can foster the creation of more robust information, thereby strengthening the resulting projects and decisions.

ESIAs, for instance, play a pivotal role in generating vital information about the potential social and environmental impacts of, *inter alia*, conservation and development projects.

When those most affected by these projects are actively involved in the relevant ESIAs, this proactive involvement enables decision-makers to identify more accurately relevant social and environmental risks, leading to the development of more comprehensive and impactful information about the potential impacts of the projects, and hence the most adequate mitigation measures in that specific context. Ultimately, this approach reduces conflicts and the potential for delays during project implementation, promoting a more sustainable and equitable outcome.

For instance, the National Environment Tribunal (NET) in Kenya has affirmed that even professional and comprehensive assessments that try '*to capture as much of the reasonably foreseeable anticipated impacts of the proposed project and... to address the mitigation measures to be put in place*,⁹¹ can only provide a comprehensive assessment with the full identification of all relevant impacts and measures when allowing the affected communities to meaningfully participate in these processes.⁹²

1.3. Stakeholders respectful of human rights and the environment

Promoting respect for EHRDs and their work is a good practice to create safe spaces for EHRDs to defend their human rights and the environment. These elements help to increase recognition for EHRDs and their work, build empathy and solidarity for EHRDs and hence prevent condemnation, stigmatisation, discrimination and defamation, among others, that may lead to violence and other human rights violations.

As illustrated in the following subsections, increasing recognition and respect for EHRDs includes education and awareness initiatives addressed to the public in general, as well as more specific strategies to build capacities in specific stakeholders, such as the judiciary,

private sector and conservation actors. These strategies are also good practices to secure the implementation of human rights and environmental protection norms.

a. Environmental and human rights education

Environmental and human rights education serve to enhance the understanding of the efforts and contributions of EHRDs, thereby playing a role in fostering greater respect for these defenders. Such forms of education also equip individuals with the skills necessary to actively engage in environmental management. Human rights and environmental education, as a result, are integral to the establishment of democratic and transparent environmental governance systems.

⁹¹ Kenya, National Environment Tribunal (2016). *Save Lamu et al. v. National Environmental Management Authority and Amu Power Co. Ltd.*, Tribunal Appeal No. NET 196 of 2016. <http://kenyalaw.org/caselaw/cases/view/176697/>

⁹² Ibid.

National education strategies that integrate human rights and environmental protection themes into the curricula of primary, secondary, and higher education programs are examples of good practices. While some of these strategies stem from government policies, many are the result of decisions made by relevant education or training institutions. Illustrative instances of such practices include the national strategies for environmental education in the Republic of Portugal and the Czech Republic, as well as the Republic of Cuba's Los Defensores (The Defenders) program.⁹³

As part of broader human rights and environmental education programs, an effective practice is to provide an understanding of the challenges faced by EHRDs, the critical role they play, and how individuals can support them. For instance, in the Philippines, the University of Cebu offers training to law students, equipping them to collaborate with EHRDs, comprehend the risks these defenders encounter, and provide support in cases of legal harassment. Similarly, the Markkula Centre for Applied Ethics at Santa Clara University in the United States aims to promote environmental protection by fostering solidarity with EHRDs.⁹⁴

Vocational and training programmes are also important because they encourage people to become active players in the protection of the environment, proposing innovative solutions to environmental concerns, and showing that anyone can be an EHRD - thereby also debunking stigmatisation against EHRDs. Good practices include programmes that support children and youth to become environmental leaders, creating a positive change in their families and communities. Examples include Eco-schools and Young Reporters programmes.⁹⁵

Regarding women and girls, *'the connection to female rights and agency has important implications not only for providing girls and women the opportunities to develop their own human, social, and political capital, but also for ensuring more equitable climate action.'*⁹⁶ A good practice in this regard is to explicitly address sexual and reproductive rights within broader environmental education programmes.

⁹³ See, e.g., United Nations Environment Programme and Universal Rights Group (n.d.). *Good Practices to Support Environmental Defenders*. Supra note 38.

⁹⁴ Santa Clara University/Markkula Center for Applied Ethics (n.d.). *Environmental Activists, Heroes, and Martyrs*. <https://www.scu.edu/environmental-ethics/environmental-activists-heroes-and-martyrs/>

⁹⁵ See, e.g., United Nations Environment Programme and Universal Rights Group (n.d.). *Good Practices to Support Environmental Defenders*. Supra note 38.

⁹⁶ Brooke Shearer Series (2017). *Three platforms for girls' education in climate strategies* Christina Kwaak and Amanda Braga. <https://www.brookings.edu/wp-content/uploads/2017/09/platforms-for-girls-education-in-climate-strategies.pdf>



b. Recognising and celebrating EHRDs and their work

An important form of support to EHRDs is building solidarity and empathy towards EHRDs and their work by raising the visibility of their aims, achievements, and stories. Visibility fulfils a preventative role by increasing awareness, legitimacy, and the political costs of attacks against EHRDs. It also plays an important resilience-building function: it mobilises other forms of solidarity and support, including advocacy and funding, and may even foster actions to secure accountability for violations against the rights of EHRDs, as is explained in Section 3 below.

Visibility-raising efforts take many forms. A common strategy are digital campaigns, through which EHRDs and supportive actors leverage social media, fundraising websites and online petition forms to bring attention to specific struggles, cases, or situations. Joint campaigns that involve governments or the media leverage the influence and resources of multiple actors to increase outreach. For example, the Greenhouse Agency has launched multiple campaigns in coordination with CSOs and companies, to catalyse environmental and climate action, influence businesses, policymakers, and people, and prompt respect and recognition for the rights of EHRDs, including women and young people.⁹⁷

Mass mobilisations and marches are also a good practice to increase the visibility of specific struggles and build solidarity around concrete causes. A well-known example of this is the protest organised by Fridays for Future in Uganda against the development of the East African Crude Oil Pipeline, a development long criticised by local EHRDs communities.⁹⁸

In addition to these strategies, the media and civil society organisations can showcase the role and risks faced by EHRDs through reports, briefs, articles, podcasts and other information pieces. Examples of this include Global Witness' podcast *'Defenders of the Earth,'* The Guardian's *'The Defenders' series in Internews'* Earth Journalism Network; Agenda Propia's Bogota Indígena and #DefenderSinMiedo; as well as environment-rights.org's inspiring stories. These resources have informed the actions and work of other civil society actors, governments and even United Nations' agencies.

Resources explaining and unpacking the risks faced by EHRDs help them understand ongoing violations and shed light on how to prevent continuation and escalation of violations. Examples include reports by the UN Special Rapporteurs, Global Witness, Indigenous Peoples Rights International (IPRI), UNICEF, International Centre for Not-for-Profit Law (ICNL), Vuka!, Earth Rights International, ALLIED, and others. Some of these actors have focused on the most at-risk constituencies, such as Indigenous peoples, land defenders, and women.

An emerging trend within these resources is an enhanced focus on how to portray and promote a positive narrative about EHRDs and their work. An example is the International Service for Human Rights' (ISHR) report and campaign on *'New narratives: A seat at the table,'*⁹⁹ which presents concrete recommendations for diplomats, civil society organisations and activists working at the UN on how to adopt a positive discourse on human rights defenders.



⁹⁷ See, e.g., United Nations Environment Programme and Universal Rights Group (n.d.). *Good Practices to Support Environmental Defenders*. Supra note 38.

⁹⁸ StopEACOP (n.d.). *Stop the East African Crude Oil Pipeline*. <https://www.stopeacop.net/>

⁹⁹ International Service for Human Rights (2021). *New Narratives. A seat at the table: Whether as community activists, NGO workers, or diplomats, most of us who support human rights are involved in putting stories out into the world. Discover our new guide to crafting effective human rights narratives at the UN!* <https://ishr.ch/latest-updates/new-narratives-a-seat-at-the-table/>

Another important way to raise visibility is to showcase and acknowledge the contribution and courage of EHRDs through awarding prizes. These awards tend to be granted by well-respected organisations, which are regarded as legitimate actors by governments, companies, and other actors whose interests conflict with EHRDs. Prizes, therefore, add legitimacy to the struggles of EHRDs, raise awareness, and build political pressure and support around them. The Goldman Environmental Prize, the Right Livelihood Award, UNEP's Champions of Earth Award, Front Line Defenders Award and Future for Nature are examples of good prize-based support strategies.

Visual, multimedia, and musical arts are also an effective form of conveying messages on the importance of EHRDs and the urgency to support them. For instance, documentaries help raise visibility of specific environmental conflicts and photographic exhibitions showcase the work and risks faced by EHRDs.¹⁰⁰

Finally, statements by visible figures and high-level State and civil society representatives help raise awareness of EHRDs' vital role. Instead of labelling EHRDs as 'terrorists,' 'enemies of the State,' or as 'anti-development,' governments should carry out public communications strategies, awareness-raising campaigns, and positive messaging about defenders, their legitimate role in society, and the importance of their work.

For example, Secretary-General Antonio Guterres, High Commissioner Michel Bachelet, UNEP's Executive Director Inger Andersen, and delegations at the Human Rights Council have delivered important statements encouraging States to adopt national policies and laws for the protection of EHRDs, and to refrain from curtailing their rights. Human rights experts, such as the UN Special Procedures, have also leveraged their reputation and influence to build solidarity towards EHRDs.

Governments could follow this example in public speeches, social media, and in the media. Doing so will work to prevent laws from being weaponised against defenders for their legitimate and necessary work defending their communities and the environment.

c. Informing and educating stakeholders on how to support and engage with EHRDs

In many cases, the obstacles and threats faced by EHRDs stem from a lack of information on the side of stakeholders (i.e., police, government, judges, business, employees, scientists, etc.) in the workforces related to, for instance, development, conservation, peace and security, and economic activities and projects, regarding how EHRDs are affected by their activities.

Stakeholders may have insufficient understanding and awareness on how to engage with EHRDs, how to identify and prevent risks to EHRDs, and how to support them.

They may also have misconceptions and have been subjected to misinformation about the importance, legitimacy and lawfulness of EHRDs' work. There may also be an absence of mechanisms that allow for early, proactive, and constructive interactions between them and EHRDs.

Encouraging stakeholders to embed in their work human rights and environmental protection standards, mechanisms and procedures, with express references to EHRDs, is therefore a good practice to prevent harm to EHRDs.

Concrete strategies to educate stakeholders include:

- expressly recognising EHRDs as fellow stakeholders of the corresponding activities;
- establishing mechanisms for stakeholders to engage with EHRDs during the design, implementation or assessment of the relevant projects or programmes;
- creating safeguards to secure the observance of free, prior, and informed consent and other forms of consultation;
- enforcing due diligence processes;
- actively and publicly looking for opportunities to support EHRDs;
- training staff and contractors on EHRD-related topics; and
- providing human rights education and providing specific training on EHRD-related topics to law enforcement agents and the judiciary.

An example of a good practice is International Union for Conservation of Nature (IUCN)'s work to put EHRDs at the heart of the organisation's efforts.¹⁰¹ One of the results of this work is IUCN and VIDS Suriname's guidance document for conservation and development agencies on how to collaborate with Indigenous peoples who defend natural resources, from a human rights-based approach.¹⁰²

Another example is encouraging and guiding institutional and private philanthropy funders to mainstream EHRDs' protection in their organisations, to secure that the financed projects result in a positive impact for these defenders. For instance, Ford Foundation and Open Society Foundations have embedded the protection of human rights, particularly EHRDs, in their strategies. The organizations have further opened spaces for the direct participation of these defenders in the design of their funding programmes to secure that these are aligned with their support needs.

¹⁰⁰ See, e.g., United Nations Environment Programme and Universal Rights Group (n.d.). *Good Practices to Support Environmental Defenders*. Supra note 38.

¹⁰¹ IUCN World Conservation Congress (2020). Protecting environmental human and peoples' rights defenders and whistle-blowers. <https://www.iucncongress2020.org/motion/039>

¹⁰² See, e.g., United Nations Environment Programme and Universal Rights Group (n.d.). *Good Practices to Support Environmental Defenders*. Supra note 38.



1.4. Understanding and addressing underlying causes of violations of EHRDs' rights

Across the world, UN agencies and independent experts, civil-society organisations, EHRDs, and academics have worked to shed light on the structurally intertwined factors that precede violence against EHRDs and increase the understanding of its scope. Understanding violence and its causes, particularly systemic or structural causes, contributes to implementing early measures for the prevention of human rights violations.

Examples of good practices include research, investigations, data collection and reporting, and in-depth analyses of case studies focused on specific EHRDs and their constituencies, including Indigenous peoples and women. Examples of data reporting include global trends reports, such as Global Witness¹⁰³ and ALLIED-ILC¹⁰⁴ reports, and more detailed monitoring of the situation of particular EHRDs, such as Frontline Defenders' 'Meet the human rights defenders'¹⁰⁵ initiative.

CSOs and independent experts have provided insights into the role of corruption in the human rights of EHRDs.¹⁰⁶ Notably, CSOs have highlighted how corruption and impunity perpetuate violence against defenders.

For example, hoping for government intervention to protect local communities, grassroots defenders in Mexico have collaborated with local media to expose the connections between mining companies and drug cartels.¹⁰⁷

Levels of impunity for crimes against defenders are alarmingly high. Nevertheless, a well-known example of efforts to establish accountability is the conviction of the former president of Empresa Desarrollos Energéticos S.A (DESA) and other high-ranking DESA officials for the murder of Berta Cáceres.¹⁰⁸ In this case, the State of Honduras committed to conducting an impartial and effective investigation, targeting those who ordered the crime. As in other cases, Berta Cáceres' trial was accompanied by the presence of international observers, advocacy, and mass mobilizations by civil society and international entities. This collective effort created substantial pressure on those responsible for the investigation and trial, ultimately leading to accountability for the crime. The outcome of this investigation was the result of a combination of political will and international and civil society pressure.

1.5. Securing a clean, healthy and sustainable environment

Securing a clean, healthy and sustainable environment, and therefore, defending it from degradation, is also an essential part of supporting EHRDs. These preventative actions are directly related to EHRDs' interests to protect their environment and to prevent or stop the unsustainable and unclear use of natural resources (although other measures to secure the fulfilment of their human rights may also be necessary).

Efforts to address environmental degradation include steps to transition to renewable energies such as in the Oriental Republic of Uruguay¹⁰⁹ and the Republic of Costa Rica,¹¹⁰ adopting sustainable food production and agriculture models;¹¹¹ stopping deforestation; reducing emissions; addressing unsustainable consumption patterns and natural resource exploitation; and developing innovative environmental protection strategies. All these efforts, nonetheless, must be designed and implemented in consultation with the concerned communities and with due regard of their impact on their rights of the populations to avoid a negative impact on their rights, for example, by increasing, *inter alia*, violence against them, poverty or hunger.

Another good practice to prevent environmental degradation and the unsustainable use of natural resources, is the recognition of community-based natural resource management (CBNRM) strategies. In these environmental protection tactics, decisions about the environment and its resources are made with the active participation of people from the affected communities. Different types of CBNRM include '*community-based management, community-based conservation, community-based environmental protection, community-based environmental planning organisations, integrated conservation and development programs, incentive-based conservation, and ecosystem management*'.¹¹² These practices have a positive impact in the livelihoods, wellbeing, empowerment, visibility, and collective empowerment of the communities concerned.¹¹³

¹⁰³ Global Witness (2023). *Challenging abuses of power to protect human rights and secure the future of our planet*. https://www.globalwitness.org/en/?gclid=Cj0KCQjwiryjBhD0ARIsAMLvNf9fRnUdDT0qSq5waDtrAUnUe-KaZPCe6_7dw4bzdlQhBfCykVwMvwAaofYEAw_wcB

¹⁰⁴ International Land Coalition and Alliance for Land, Indigenous and Environmental Defenders (2022). *Uncovering the Hidden Iceberg*. <https://www.landcoalition.org/en/resources/uncovering-the-hidden-iceberg/>

¹⁰⁵ Front Line Defenders. *Meet the Human Rights Defenders*. <https://www.frontlinedefenders.org/en/violations>

¹⁰⁶ See, e.g., Global Witness' reports and Forst, M. (2022). *At the heart of the struggle: human rights defenders working against corruption*. UN Symbol A/HRC/49/49. <https://www.ohchr.org/en/documents/thematic-reports/ahrc4949-heart-struggle-human-rights-defenders-working-against>

¹⁰⁷ Nuño, A. (2023). *Sierra de Manantlán: Territorio indígena marcado por la minería de hierro y el narcotráfico. A dónde van los desaparecidos*. <https://adondevanlosdesaparecidos.org/2023/10/02/sierra-de-manantlan-territorio-indigena-marcado-por-la-mineria-de-hierro-y-el-narcotrafico/>

¹⁰⁸ The Guardian (2022). *Honduras: man who planned Berta Cáceres's murder jailed for 22 years*. <https://www.theguardian.com/world/2022/jun/20/honduras-man-who-planned-berta-caceres-jailed-for-22-years>

¹⁰⁹ The Guardian (2015). *Uruguay makes dramatic shift to nearly 95% electricity from clean energy*. <https://www.theguardian.com/environment/2015/dec/03/uruguay-makes-dramatic-shift-to-nearly-95-clean-energy>

¹¹⁰ World Future Council (2020). *100% Renewable Energy in Costa Rica*. <https://www.worldfuturecouncil.org/100-renewable-energy-costa-rica/>

¹¹¹ International Food Policy Research Institute (2019). *Articulating food security and sustainable agriculture*. <http://ebrary.ifpri.org/cdm/ref/collection/p15738coll2/id/132822>

¹¹² Roka, K. (2021). *Community-Based Natural Resources Management*, in, *Life on Land: Encyclopedia of the UN Sustainable Development Goals*. <https://www.springer.com/series/15893>

¹¹³ Ibid.

An example of efforts to consolidate community-based management strategies is the Gbabandi platform in Cameroon, which centres the management of forest resources on the active participation of forest-based Indigenous peoples. It aims to harmonise the conservation of natural resources with the livelihoods, culture, and identities of their inhabitants. The Community Protocols developed with the support of Natural Justice, in Africa, also seek to guide the use of natural resources with community-determined values, procedures, and priorities. These protocols recognise and strengthen EHRDs' capacities to collectively manage resources and engage effectively with external actors, such as States and companies.¹¹⁴

Another good practice is the recognition of the knowledge and expertise held by traditional communities in the realms of environmental protection and conservation, including the preservation of biodiversity. This recognition involves acknowledging these communities as custodians of invaluable wisdom that has been refined over generations. It entails proactively permitting the application of their traditional protection and conservation practices and leveraging this knowledge to enhance policies and projects with environmental implications. This approach not only respects and safeguards cultural heritage but also promotes the adoption of sustainable and conservation practices that safeguard the rights of local communities.¹¹⁵

An example of a good practice in this regard is Canada's endeavours to ensure that conservation efforts in the country are guided by Indigenous peoples and rooted in the acknowledgment of their knowledge and traditional practices. This innovative approach to conservation prioritises the protection of the rights of Indigenous peoples, recognising that their traditional management of natural resources is both compatible with and vital for biodiversity conservation. Instead of prohibiting traditional subsistence practices, this approach harmonises conservation with the protection, respect, and fulfilment of the rights of Indigenous communities. This approach has been put into action through various projects, including the International Boreal Conservation Campaign, which is now under the leadership of the Indigenous Leadership Initiative.¹¹⁶

¹¹⁴ See, e.g., United Nations Environment Programme and Universal Rights Group (n.d.). *Good Practices to Support Environmental Defenders*. Supra note 38

¹¹⁵ Pecl, G. (2017). *Biodiversity redistribution under climate change: Impacts on ecosystems and human well-being*. <https://www.science.org/doi/10.1126/science.aai9214>

¹¹⁶ Indigenous Leadership Initiative (2021). *Canada Agrees: Indigenous-led Conservation is Central to Meeting Nature and Climate Targets*. <https://www.ilinationhood.ca/news/ilistatementonbudget2021>; and A New Era. *The Indigenous Leadership Initiative*. <https://www.ilinationhood.ca/videos/ibcc-ili-transition>



02

Addressing situations that may impact EHRDs' human rights

The work of EHRDs tends to conflict with powerful economic and political interests, which often results in threats against them, their families, and communities. Thus, in all countries of the world, regardless of how open the civic space or robust the rule of law system, EHRDs face various risks and obstacles that threaten the enjoyment of their rights and hence their wellbeing and work.

For instance, even in countries with open civic spaces, like Australia or the United States, climate and environmental activists may face opposition from some government officials, extractive companies and sympathetic individuals. This opposition commonly results in exclusion from decision-making spaces, threats and mental health concerns, among many other issues. This in turn negatively affects EHRDs' human rights, as well as their life, health, livelihoods, families and communities. Frequently, these issues are compounded by natural hazards, such as floods, droughts, heat waves, and loss of biodiversity, among others.

Frequently, the threats encountered by EHRDs lead to adverse human rights consequences in two ways. First, they can escalate into direct human rights violations or abuses,¹¹⁷ such as killings or arbitrary detentions. Second, even if these actions do not in themselves amount to violations or abuses of protected human rights, they create conditions that hinder EHRDs from effectively exercising their human rights. For example, threats and harassment commonly prevent EHRDs from enjoying the highest attainable standard of mental health, limit their freedom of movement and curtail their right to family life. Threats can occur due to the absence of preventative strategies, and sometimes, they can persist even in the presence of such strategies.

Consequently, several good practices focus on co-powering and building resilience in EHRDs by facilitating access to tangible and intangible resources that allow them to be aware of and address (prevent and respond

to) the threats and obstacles that negatively affect their human rights (or can potentially cause such an impact). They also allow defenders to develop their work, in spite of the power imbalance that most of them face when striving to protect the environment and the rights that depend upon it.

The following sections illustrate some good practices that have helped EHRDs to prevent and respond to risks and obstacles. It is important to recall that prevention and response are usually intertwined rather than consecutive or separate objectives and needs of EHRDs. Consequently, many good practices that seek to prevent risks also build capacities to respond to threats and obstacles, and *vice versa*.

2.1. Prevention

Risks, including those faced by EHRDs, are contingent on three key factors: the nature of the threats, the vulnerabilities affecting the individuals or groups in question, and their capacities to counter the specific threats.¹¹⁸

In line with this, preventive strategies typically focus on reducing vulnerabilities and bolstering the capabilities of EHRDs. They also encompass the proactive monitoring and response to threats directed at these defenders.

i. Reducing vulnerabilities and increasing capacities

Effective practices for reducing vulnerabilities consider the interconnected patterns of exclusion, discrimination, and marginalisation. These practices typically revolve around four primary areas: technical and professional skills, political capacity, financial resources, and collective strength and safety nets. In practice, these aspects are closely interrelated.

¹¹⁷ Human rights violations refer to acts from the State or official authorities, and human rights abuses are caused by non-State actors.

¹¹⁸ Eguren, E. and Caraj, M. Protection International (2022). *New Protection Manual for Human Rights Defenders*. <https://www.protectioninternational.org/wp-content/uploads/2022/12/New-protection-manual-English.pdf> Supra note 13.

The adoption of an intersectional approach, which considers factors such as gender, race, and ethnicity, as well as a human rights perspective, ensures that everyone, including gender-diverse individuals, women, Indigenous peoples, and other vulnerable EHRDs of varying ages, can benefit from these capacity-building strategies. This approach seeks to address the unique challenges and vulnerabilities faced by diverse groups of EHRDs and promote their agency and protection.¹¹⁹

Technical and professional skills

In terms of enhancing the technical and professional skills of EHRDs, those interviewed for this report endorse strategies that aim to broaden their technical and professional capacities through various means. These strategies include providing operational assistance, such as helping them establish legal entities, offering accounting services, and facilitating the opening of bank accounts. They also encompass capacity-building in areas related to science, the environment, communication, human rights, and networking. This is achieved through workshops, fellowships, scholarships, informational resources, exchange spaces, tailored training programs, and more. Additionally, in-kind donations, such as providing laptops and mobile phones, are recognised as valuable support for EHRDs.

Within these efforts, EHRDs emphasise the particular significance of strategies that enhance their legal capacities (see Section 2.2 below). This not only helps prevent the misuse of the law against them but also empowers them to utilise the law to support their work and advocacy.

For example, in the Amazon, Alianza Ceibo trains members of the Indigenous communities that make up this alliance. The training equips individuals with the capacities needed to legally demand the protection of their territories, the environment, and their rights. Alianza Ceibo has achieved landmark rulings that recognize the rights of Indigenous communities over their territories and halt environmentally damaging activities.¹²⁰ These rulings help safeguard Indigenous territories and demand respect from third parties, including extractive industries. Trainees also acquire the skills to defend themselves in cases of criminalization and trumped-up charges.

Overall, members of the local communities are better equipped to use the law to protect their territories and natural resources, themselves and their groups from interference and even harassment by external actors. Moreover, the landmark rulings achieved by Alianza Ceibo acts as a deterrent against potential threats and serve as a legal precedent that discourages further exploitation and environmental degradation in Indigenous territories, reducing the overall threats faced by these communities.

Political capacity

Turning to political capacity, EHRDs have been supported through initiatives aimed at improving their ability to manage and directly shape decisions regarding their natural resources, lands, and territories.

Some of these efforts seek to enhance the influence of defenders within their territories, thereby increasing their power. Other initiatives concentrate on enabling EHRDs to engage directly in public affairs, such as by encouraging them to actively participate in existing political parties and run for public office. Furthermore, these efforts aim to nurture resilient leadership capable of effectively mobilising their communities.

For example, in the Brazilian Amazon, Amazon Watch is working to organize local communities and co-power local leaders, assisting them to engage with and access government offices. This strategy allows defenders to exert influence over environmental decision-making that has a direct impact on their lives and livelihoods. As a result, these regions have seen a notable shift in the balance of power. The authority of Indigenous communities over their territories is increasingly acknowledged, and they are emerging as influential voices in shaping policies and actions that have repercussions for their communities, territories, and the Amazon's ecosystems.

¹¹⁹ As indicated on pages 7-8 of this publication, the former Special Rapporteur, Professor Michel Forst, articulated seven principles on good practices to protect of human rights defenders. Principle 3 should be taken into consideration here as well:

Principle 3: They should recognise the significance of gender in the protection of defenders and apply an intersectionality approach to the assessment of risks and the design of protection initiatives. They should also recognise that some defenders are at greater risk than others because of who they are and what they do.

https://www.ohchr.org/Documents/Issues/Defenders/A-HRC-31-55_en.pdf.

It is crucial to note that the Paris Agreement calls for gender equality, the empowerment of women and intergenerational equality in its preamble; it calls for a gender-responsive approach in article 7 on Adaptation and it further calls for gender-responsive Capacity building in article 11.

https://unfccc.int/sites/default/files/english_paris_agreement.pdf

¹²⁰ Alianza Ceibo (2023). *Defensores y defensoras de los derechos de las nacionalidades*. <https://www.alianzaceibo.org/programas/defensores/>

Financial resources

Strategies aimed at increasing financial resources enable EHRDs to advance their advocacy while maintaining a sustainable income. In many cases, they also provide support for their families and groups. Many EHRDs are compelled to suspend their environmental defense activities to address more immediate needs, such as providing food and shelter for their families. Others struggle to continue their advocacy due to limited resources required to establish and maintain an organisation, file or defend lawsuits, mobilise their community, and launch campaigns, among other essential activities. The lack of financial resources, therefore, presents not only a barrier to effective advocacy but also a threat to the rights and work of EHRDs.

As a result, EHRDs emphasise practices that focus on the hidden costs of environmental defence. These hidden costs encompass all the work and operations that support the visible side of advocacy, including administrative tasks, overheads, communication analyses and strategies, and the resources needed to amplify their messages, among others. Addressing these hidden costs is crucial as they significantly impact the quality of EHRDs' advocacy and are integral to the success of their work.

Concrete activities to enhance EHRDs' financial resources include grant-making programmes and capacity-building initiatives, along with technical assistance for income-generating projects and activities. Effective practices for developing income-generating projects acknowledge and address the intersecting patterns of exclusion and discrimination that heighten the vulnerabilities faced by EHRDs. Grant-making programmes may focus on supporting EHRDs' overall work (core funding), specific projects, or emergency response efforts.

For example, in Nicaragua, the Gloria Quintanilla Agricultural Cooperative was established by women who aimed to defend their rights and resources from illegal logging. The Cooperative recognises that for women to protect their lands and rights, they need access to financial resources. Consequently, the organisation places a strong emphasis on enhancing women's agricultural and financial capabilities through activities such as training and loans for productive and conservation projects. Through the initiatives they undertake collectively, women can safeguard their territories and deter illegal loggers from encroaching on their lands. This strategy has been instrumental in preventing environmental and human rights violations while also bolstering the social cohesion of communities, which is another crucial aspect of effective support efforts for environmental protection.¹²¹

Frequently, grant-making is provided by private philanthropy and civil society organisations. However, government-led funding is equally important. The most common form of government-led financial support is grants channeled through embassies in foreign countries or cooperation agencies. Some governments' units related to the environment or human rights also offer support to defenders. Typically, and in line with the 'domino effect' described earlier in this report, governments provide grants to bolster support organisations that can, in turn, contribute to increasing the recognition and support for EHRDs. For example, 20 Governments¹²² support the Lifeline for Embattled CSOs Consortium,¹²³ and the United States Bureau of Democracy, Human Rights, and Labour provides grants for the protection of EHRDs in Latin America.¹²⁴

Collective strength

The defence of natural resources is usually a collective effort. If the group is strong, their advocacy will be bold and effective; on the contrary, an isolated defender or a community with internal disruption may be more vulnerable to threats. Therefore, consolidating the collective strength of EHRDs is a good practice to reduce vulnerabilities and increase resources.

This usually has two angles: internal cohesion and strength within EHRDs' own groups (i.e., families, networks, organisations, or movements); and external alliances or bonds with peers and other supporting actors.

Good practices to strengthen group cohesion depend on the form and characteristics of the relevant group. Examples include the creation of legitimate decision-making bodies, education programmes, recovery of ancestral knowledge and goods, sustainable and community-led food production processes, adaptation and conservation practices, infrastructure building, and encouraging internal and regular dialogue between community members, among others.

¹²¹ See, e.g., La Via Campesina (2020). "The Land is Our Mother" testimonies from the Gloria Quintanilla Cooperative – Nicaragua. <https://viacampesina.org/en/the-land-is-our-mother-testimonies-from-the-gloria-quintanilla-cooperative-nicaragua/>

¹²² Australia, Benin, Canada, Chile, Costa Rica, Czech Republic, Denmark, Estonia, Finland, Ford Foundation, Latvia, Lithuania, Luxembourg, Mongolia, Netherlands, Norway, Open Society Foundations, Poland, Sweden, United Kingdom, United States, and Uruguay.

¹²³ Lifeline Embattled CSO (2023). Lifeline Embattled CSO Assistance Fund. <https://www.csolifeline.org/>

¹²⁴ See, e.g., United States, Department of State (2002). DRL Supporting Environmental Defenders in Latin America. <https://www.state.gov/drl-supporting-environmental-defenders-in-latin-america/>



Turning to external relationships, alliances and connections with other defenders and supporters act as safety-nets. They fulfil an important preventative and reactive role by catalysing support (through solidarity, access to resources, and information), adding legitimacy and power to EHRDs' work, and increasing the political costs of attacks. Moreover, safety nets may themselves be a source of support. Most frequently, support is provided through formal or informal networks.

*Networks of defenders and their allies facilitate the provision of support, heighten recognition and strengthen solidarity for defenders. The stronger and deeper the relationships among network members, the more swiftly they are able to react and to coordinate their actions to protect defenders.*¹²⁵

Networks are also effective channels for information flow and serve as platforms for coordinated action between supporting actors, thereby increasing their capacity to respond to EHRDs' support needs. Networks and alliances, moreover, can provide accompaniment,¹²⁶ visits, capacity-building, legal assistance, funding, and solidarity statements, among others.

¹²⁵ United Nations, Human Rights Council (2016). Report by the United Nations Special Rapporteur on the situation of human rights defenders. Forst, M. A/HRC/31/55, supra note 6

¹²⁶ Peace Brigades International (2019). International accompaniment is saving our lives. https://www.peacebrigades.org/sites/www.peacebrigades.org/files/PBI%20Annual%20Review%202019%20ENG%20FINAL_1.pdf

These networks or alliances may be formal (i.e., follow an official declaration, legal registration or act of incorporation) or informal. They may have a specific focus, such as Namati's Legal Empowerment Network of grassroots justice defenders, which seeks to build legal capacities and advocate changes in the law, or the Zero Tolerance Initiative, which addresses violence against defenders linked to global supply chains. Or they may have a broader focus, such as the Alliance for Land, Indigenous and Environmental Defenders - ALLIED, which seeks to drive multi-stakeholder action and systemic change in the recognition, support, and protection of EHRDs.

Concrete good practices to strengthen or foster the creation of safety nets include promoting the creation of networks and alliances at the local, national and international levels; helping EHRDs form their own alliances and strengthen existing ones; and creating bridges between EHRDs and different stakeholders, including other human rights defenders, the UN, CSOs, and NHRIs.

A good practice within these networking-strategies includes connecting EHRDs with non-traditional supporting actors. Human rights organisations and peer defenders tend to be a natural ally for most EHRDs. Non-human rights civil society organisations focused on specific areas related with the risks faced by these defenders, such as digital security entities, are less well-known allies. Similarly, embassies, academia, UN experts and agencies, NHRIs, development cooperation agencies, scientists and journalists can also be sources of support. They can, for example, provide accompaniment;¹²⁷ increase outreach and visibility; conduct visits to communities with the objective of halting attacks; or share resources, including vital information and funding, among others. However, most defenders tend to be unaware of these support opportunities. Facilitating contact and increasing the visibility of their work, can help to strengthen the resilience of EHRDs.

The relationships between EHRDs and supporting actors are usually trust-based.¹²⁸ Facilitating these trust-building processes through referrals, meetings, workshops, and other secure spaces where the different actors can establish an open dialogue, is a good practice for strengthening or encouraging the creation of networks, alliances, and other constructive relationships.

ii. Addressing threats: proactive monitoring and response

Also fundamental to EHRDs' protection and wellbeing is addressing the threats that affect these defenders.

A first step is to train stakeholders to recognise and respect EHRDs. This includes building their skills and capacities to recognise and respect their work and to offer support. For instance, Katiba and Natural Justice provided training to journalists in East Africa to help them identify and report situations related with judicial harassment against EHRDs, as well as to portray a positive narrative of their work. These CSOs also trained lawyers to help them identify and respond to cases of criminalisation and SLAPPs against EHRDs.

Another strand of work includes understanding the source and scope of the threats thoroughly, and the most relevant steps to counter them.

A good practice to monitor threats are early-warning systems. Namely, alarm measures based on communication systems that provide information about specific and imminent hazards. The concrete form, objective and mechanisms of early-warning systems are wide-ranging and include, among others, land and environmental conflicts, extreme weather events, landslides, violence, criminalisation, and others.

¹²⁷ Ibid.

¹²⁸ Universal Rights Group (2018). *Identifying and Overcoming the Risks, Threats, and Challenges Faced by those who defend the Environment in Latin America*. <https://www.universal-rights.org/urg-policy-reports/identificando-y-superando-los-riesgos-amenazas-y-desafios-que-enfrentan-quienes-defienden-el-medio-ambiente-en-america-latina-2/>



Photo © Goldman Environmental Prize

Early-warning systems may be, *inter alia*:

- government-led, such as the Colombian NHRI's early-warning mechanism on human rights violations, which, following citizens' reports, presents recommendations to government entities on how to prevent attacks;
- hybrid, such as the Chihuahua's Contingency Plan for Human Rights Defenders and Journalists in Mexico, which is government-led but implemented in coordination with civil society organisations; or
- community-led, such as the monitoring mechanism that grassroots EHRDs organisations in the state of Matto Grosso, Brazil, implement with the support of the Instituto Centro Vida to remotely monitor changes in the use of land in Indigenous territories and swiftly identify threats.¹²⁹

An important aspect for the effectiveness of these early-warning systems is their enforceability or deterrence capacity – i.e., capacity to dissuade the relevant actors from inflicting damage or harming EHRDs or increasing their protection.

For example, differences between the police and the communities of the Sepik River in Papua New Guinea are generally mediated by a representative of a civil society organisation. Upon early signs of conflict, the mediator, who is highly esteemed by all stakeholders, meets with the different actors involved, i.e., police and communities,

to settle the disputes and avoid their escalation.

In addition to conflict-resolution systems, such as the mediation case just mentioned, good deterrence measures include diplomatic missions and good offices, communications or letters to authorities or companies, public pronouncements and other specific procedures that acknowledge the political or private source of the threats, or accountability efforts such as investigations and trials (see Section 3).

iii. Collective and holistic protection strategies

Collective and holistic protection strategies seek to avoid the materialisation or escalation of attacks or other forms of violence against EHRDs. Types of support to implement collective and holistic security strategies most commonly include capacity-building strategies, in situ accompaniment, information sharing, psychosocial support, in-kind donations, and financing.

Collective protection

As has already been mentioned in this report, environmental protection has an important collective aspect which means that the threats and their impacts go beyond the attacked individuals to impact entire groups. Acknowledging this, and that *'the protection of one defender will depend on the actions of other people'*,¹³⁰ civil society organisations and EHRDs have implemented collective protection strategies.

What is collective protection?

*'A set of strategies, measures and actions that aim at protecting both a collective actor (an organisation, a community, a group) and the individuals who are part of it, and that are or may be at risk due to their human rights defence activities.'*¹³¹

Collective protection focuses on entire groups but also includes elements of individual and psychosocial protection, social fabric strengthening, and the protection of territories. It is context-specific and activates a network of immediate support, consistent with the culture, capacities, and existing resources of the relevant groups, allowing them to remain in their territories.¹³²

Collective protection stems from the understanding that the defence of the environment is a collective effort, and hence, threats to EHRDs affect entire groups. Accordingly, it recognises that protection, too, needs to have a collective dimension for it to be sustainable, comprehensive, and truly holistic.

It acknowledges that the threats faced by EHRDs undermine community structures and that, in many cases, the projects that affect the environment (the impacts of which EHRDs oppose) usually also divide communities and affect their internal bonds. It, therefore, seeks to strengthen these relationships to increase the protection of EHRDs.

¹²⁹ See, e.g., United Nations Environment Programme and Universal Rights Group (n.d.). *Good Practices to Support Environmental Defenders*. Supra note 38.

¹³⁰ Protection International (2022). *Collective Protection of Human Rights Defenders: A Collective Approach to the Right to Defend Human Rights*. <https://www.protectioninternational.org/wp-content/uploads/2022/12/Collective-Protection-of-Human-Rights-Defenders-%C7%80-A-collective-approach-to-the-right-to-defend-human-rights.pdf>

¹³¹ Ibid.

¹³² Jass and Fund For Global Human Rights (n.d.). *Collective Protection To Defend Territory; Defense Of Territory To Protect Life Contributions of women defenders of land and territory in Mesoamerica*. Supra note 5.





Photo: Goldman Environmental Prize

Collective protection practices address the economic, political, psychosocial, and organisational dimensions of security to safeguard EHRDs' work, wellbeing, and territories or lands. Collective protection strategies also address threats that stem from environmental degradation and climate change, where relevant, through community-led prevention and mitigation measures. A central element of collective protection is the recognition of the interdependence between EHRDs and their communities and their territories. These strategies are particularly important in rural areas, and for ethnic and minority communities; they are designed and implemented using a bottom-up approach and foresee measures to protect the groups as well as the individuals that are at risk.

An example of collective protection strategies are the Biodiversity and Humanitarian Zones or Peace Territories, that various communities have been developing in Colombian regions affected by violence and attacks against EHRDs and their communities. In Colombia, the civil society organization Comisión Intereclesial de Justicia y Paz helps communities that have traditionally fought to protect their natural surroundings to demarcate 'safe spaces for a dignified life,' known as Humanitarian and Biodiversity Zones. The territories, and the natural resources therein, are collectively and sustainably managed by the communities. Community-led holistic security measures are devised to protect all group members, starting but not stopping with, those at higher risk. In the context of violence from armed groups, these strategies 'keep away' such violent organisations, hence increasing the groups' safety. At the core of this strategy is the recognition that a community's human rights and the conservation of ecosystems, lands, or territories are intertwined.

Through this collective protection strategy, communities have successfully resisted, organised themselves, reported injustices, and ensured their continued presence in their territories. These collective strategies have also facilitated demands for collective reparations and guarantees of non-repetition for past violations, as well as the prevention of future human rights infringements, depending on each specific context. Furthermore, these strategies have enabled communities to reclaim initiatives related to environmental protection and sustainable livelihood projects.

Across the country, the preventive impact of these collective protection strategies has been maximised through the support of local authorities. This includes relevant early warning alerts issued by the Colombian Ombudsman Office, departmental decrees aimed at protecting the rights of the communities, and the recognition of territorial rights by the army.

Another example of collective preventative and protective measures are Peace Brigades International (PBI)'s accompaniment projects. Through close partnerships with local communities, PBI strengthens the capacities of EHRDs to help them structure and implement collective protection strategies to secure the digital, physical, and psychosocial wellbeing of entire groups. PBI follows an 'integrated approach, combining a presence alongside human rights defenders on the ground with an extensive network of international support.'¹³³

An important element of collective protection is sensitivity to the different identities and needs of the group members. For instance, in the case of women, self-care elements are a key component of effective security strategies because they enhance women's capacity to identify and respond to risks. Good practices in collective protection include such elements.

Holistic security

The various angles of security are also considered under the holistic approach. Holistic security 'integrates self-care, well-being, digital security, and information security into traditional security management practices.'¹³⁴

The Holistic Security Strategy Manual¹³⁵ developed by Tactical Technology Collective in collaboration with the Centre for Victims of Torture and Frontline Defenders is a well-known tool to guide the implementation of holistic security strategies and to build preventative and reactive capacities in all EHRDs.

Holistic security may be provided by one single organisation, like Open Briefing, that helps EHRDs implement strategies to secure their physical, digital and psychosocial wellbeing. Similarly, Trocaire works in Guatemala offering legal, advocacy, logistic, economic, medical, and psychosocial support to EHRDs', contributing to increasing their resiliency to defend their social, political, and civil rights.

In the absence of a single organisation that can address the various security angles, support may be provided by different organisations that coordinate their actions to deliver holistic support for EHRDs, each working within their own area of expertise. Indeed, a common practice among some climate activists is to receive legal support from local human rights organisations, digital security assistance from international civil society organisations, and individual and psychological well-being protection from their own climate movements.

¹³³ Peace Brigades International (n.d.), *About PBI*. <https://www.peacebrigades.org/en/about-pbi>

¹³⁴ Front Line Defenders (2016). *Holistic Security*. <https://www.frontlinedefenders.org/en/resource-publication/holistic-security>

¹³⁵ Tactical Technology Collective, Centre for Victims of Torture, and Frontline Defenders (2016). *Holistic Security, Strategy Manual*. https://holistic-security.tacticaltech.org/ckeditor_assets/attachments/61/hs_complete_hires.pdf

2.2. Response

EHRDs and their supporters tend to agree that while a preventative approach must prevail, support to respond to threats is commonly necessary. Likewise, although a holistic approach is ideal, targeted support strategies that address only one aspect of security are the most feasible. This is particularly true where there are constrained resources.

All responses to threats need to be requested or informed by EHRDs and focused on entire groups, where applicable. Reactive support must be aimed at restoring the personal, economic, and psychosocial wellbeing of EHRDs, including digital aspects, as indicated by them.

Collective protection and holistic security, as explained above, are also responsive strategies.

Activities through which stakeholders work with EHRDs to respond to threats include financing, capacity-building, technical assistance, accompaniment, advocacy, and visibility. Usually, these are deployed to monitor or respond to threats against EHRDs' physical, digital and psychosocial security.

Solidarity

A good practice to respond to risks is to work with or encourage stakeholders to stop ongoing threats or give redress to defenders. A fundamental aspect of these practices is listening to EHRDs to avoid posing or increasing the risk to other members of the affected defenders' groups.

Urgent appeals detailing the situation faced by an EHRD or community and indicating the relevant lines of action that the recipient may take are a good practice in this regard. These displays of solidarity may prompt action, bring relevant situations to the attention of the highest levels of authority, increase the political costs of continuing attacks, and raise the visibility of cases.

Letters and communications requesting the adoption of concrete measures are another practice through which EHRDs themselves, academia, civil society organisations, UN Special Rapporteurs or UN Country Teams, among others, seek to prompt response by governments and other actors. These may be addressed to specific governments, such as the communication sent by civil society organisations¹³⁶ following Berta Cáceres' assassination; or to businesses, such as the ones sent to companies by the Business and Human Rights Resource Centre inviting them to respond to and take action on claims of human rights violations and abuses.¹³⁷

Digital and social media campaigns are also a good practice in this regard. The hashtag #AlbertoCuramil was used by CSOs, experts, and EHRDs worldwide to denounce the detention of Indigenous defender Alberto Curamil and call for his release, which eventually happened in 2019.

At the intergovernmental level, the Inter-American Commission on Human Rights has been fostering governments' protective actions by issuing precautionary measures¹³⁸ to prevent irreparable harm to EHRDs' human rights. These measures include physical protection, professional assistance, support to obtain medical diagnosis, and investigating attacks against defenders, normally in consultation with the concerned EHRDs.

¹³⁶ See, e.g., AIDA (2016). *En representación de 50+ organizaciones internacionales, nos dirigimos a usted para expresarle nuestra conmoción y preocupación por el reciente asesinato de Berta Cáceres, activista ambiental y dirigente de la organización indígena COPINH*. <https://aida-americas.org/es/carta-p-blica-al-presidente-de-honduras-sobre-el-asesinato-de-berta-c-ceres>

¹³⁷ See, e.g., United Nations Environment Programme and Universal Rights Group (n.d.). *Good Practices to Support Environmental Defenders*. <https://goodpractices.environment-rights.org/>

¹³⁸ See, e.g., Inter-American Commission on Human Rights. *Precautionary Measures*. <https://www.oas.org/en/iachr/decisions/precautionary.asp?Year=2022&searchText=environment>



i. Reactive monitoring of threats

Reactive monitoring refers to observing and checking the status or progress of a threat. It can take various forms. One of these is data collection and reporting on incidents and attacks against EHRDs, including killings and other forms of attacks.¹³⁹

Data collection is important to inform protection and support strategies; assist with accountability efforts; raise the visibility of the situation faced by EHRDs; foster other forms of solidarity, including visits and accompaniment;¹⁴⁰ shed light on the dimensions and scope of the threats that need to be tackled; and contribute to protecting the right to truth¹⁴¹ of EHRDs, their families and communities.

A good practice is to accompany data reporting with the training of EHRDs on how and where to report incidents as a strategy to help EHRDs seek support, claim their rights, and build solidarity and support networks. Building capacities on EHRDs to report attacks against them also contributes to overcoming underreporting of attacks and hence, impunity.

Another good practice to monitor the risks faced by EHRDs are fact-finding missions. These endeavours seek to establish facts, mobilise support, raise visibility, help EHRDs re-organise and prevent future risks, and increase the legitimacy of EHRDs' claims and allegations.

Fact-finding missions may be conducted by NHRIs, UN Country Teams, civil society organisations, peer defenders, UN Special Rapporteurs, and jointly by different actors. These missions help EHRDs to have an in-depth and context-specific understanding of the risks, hence fostering the adoption of other protective measures. Commonly, these missions are followed by a press statement, report, or other form of public communication that seeks to prompt government and other stakeholders' action. Importantly, both the missions and subsequent statements should always and only be done in collaboration and through consultation with defenders, following their prior and express consent.

ii. Physical and digital security

A good practice to respond to acts against the integrity or safety of EHRDs, such as violence, intimidation, or attacks against their property, is to establish and strengthen context-specific physical and digital security schemes. These strategies usually follow a fact-finding mission or a risk analysis, and are implemented by EHRDs, often with the assistance of civil society organisations or peer defenders—although UN entities and academia play an important role building capacities and providing relevant information.

Concrete strategies include revising (or setting-up) individual and collective security protocols and risk assessment tools; 'deterrence' maneuvers which may be material (i.e., access control, fences, guards, CCTV, alarms, secure software, etc.), or political (i.e., communications to relevant actors or international solidarity actions like permanent accompaniment); counter-surveillance strategies; and non-traditional elements that address specific needs of the beneficiaries. For example, concerning women defenders, implementing integrated security strategies¹⁴² which consider the wellbeing of women and their families by incorporating non-traditional security elements like childcare and healthcare.

Self-protection strategies are also good practices to secure physical security. EHRDs' communities have implemented physical security strategies to protect their members from violence. An example of these good practices are non-violent security bodies, such as the Guards (Guardias) created in some countries of Latin America by Afro-descendent, Indigenous, and campesino communities. These unarmed bodies protect their communities' territories from violence through pacifist methods that leverage ancestral knowledge and maintain harmony and control of what happens within these spaces. The Guards also seek to 'fill the gap' in knowledge and experience that government security bodies, such as the military and the police, may have when it comes to engaging with their respective communities. The recognition of Indigenous Guards is part of Government's duties to respect and secure their full enjoyment of their right to self-determination.

iii. Psychosocial wellbeing

A shared concern amongst many EHRDs is the impact of the risks and obstacles they face on their mental health and psychosocial wellbeing. For these defenders, finding psychosocial assistance is not an easy task. To fill this void, civil society organisations and mental health experts have implemented activities to respond to situations that affect EHRDs' mental health.

For example, Defenred in Spain created the 'Respite House', to offer a period of rest and respite to EHRDs, to assist with their physical and psychological recovery, among other things.¹⁴³ In Mesoamerica, the Iniciativa Mesoamericana de Mujeres Defensoras (Mesoamerican Initiative of Women Defenders) launched a similar programme, addressed to women, in recognition that the mental-health impacts on EHRDs is different for women than for men. Defenders can access these spaces whenever their mental health is affected by their work as defenders.

¹³⁹ See, e.g., Alliance for Land, Indigenous and Environmental Defenders and International Land Coalition (2022). *Uncovering the Hidden Iceberg*. Supra note 2.

¹⁴⁰ Ibid.

¹⁴¹ The right to the truth is often invoked in the context of gross violations of human rights and grave breaches of humanitarian law. The relatives of victims of summary executions, enforced disappearance, missing persons, abducted children, torture, require knowing what happened to them. The right to the truth implies knowing the full and complete truth as to the events that transpired, their specific circumstances, and who participated in them, including knowing the circumstances in which the violations took place, as well as the reasons for them.' United Nations (n.d.). International Day for the Right to the Truth Concerning Gross Human Rights Violations and for the Dignity of Victims 24 March. <https://www.un.org/en/observances/right-to-truth-day>

¹⁴² Barcia, I. and Penchaszadeh, A. AWID (2021). *Ten Insights to Strengthen Responses for Women Human Rights Defenders at Risk*. https://www.awid.org/sites/default/files/atoms/files/ten_insights_to_strengthen_responses_for_women_human_rights_defenders_at_risk.pdf

¹⁴³ Defenred (2023). *Casa de Respiro*. <https://defenred.org/>

Other good practices to protect EHRDs' mental health consist of professional assistance and peer-to-peer support groups. For instance, The Resilient Activist has built an online community of climate activists who meet to share concerns and tools to cope with anxiety, depression, and other mental health issues.

iv. Legal protection

Legal protection is particularly relevant to the misuse of the law such as in cases of Strategic Lawsuits Against Public Participation (SLAPPs), trumped-up charges,¹⁴⁴ criminalisation, forced evictions, protest bans, judicial harassment, and restrictive laws.

Good practices to secure EHRDs' legal protection can be divided into four main categories: legal assistance, legal empowerment, financing to access legal services or deploy legal strategies, and strategic litigation. These activities should utilise an intersectional approach and acknowledge that defenders who face multiple and intersecting forms of discrimination based on, among other factors, gender, race, or ethnicity, may not enjoy similar levels of legal protection as other individuals.

Legal assistance commonly includes legal advice, legal representation, and the preparation of legal documents or research. For example, through its network of lawyers, the Environmental Law Alliance Worldwide (ELAW) helps EHRDs and their communities to respond to SLAPPs, criminalisation, and trumped-up charges by offering pro bono legal representation and assisting them in drafting legal documents. This organisation further supports public interest environmental lawyers by providing legal and scientific support while helping them protect themselves and their organisations, deter attacks, and maintain their capacity to continue working with communities.

As exemplified in the introduction of this report,¹⁴⁵ a valued practice within these efforts is to offer them throughout the duration of the relevant legal processes.¹⁴⁶

On the part of Governments, legal assistance commonly takes the form of facilitating access to public defenders in instances involving criminalisation, trumped-up charges, or SLAPPs. Although most countries have public defender programs, good practices in support of EHRDs encompass appropriately funding these programs; ensuring an appropriate caseload for each

public defender; extending their outreach to remote communities, especially Indigenous and rural populations; creating public defenders who can speak EHRDs' native languages and understand their cultures, and training public defenders to handle cases related to EHRDs without overloading their capacities.

A good practice to increase the effectiveness of legal assistance is to complement legal strategies with scientific and specialised knowledge. For example, in Chile, ONG Defensa Ambiental complements its legal support strategies and grassroots-led advocacy strategies with scientific data that demonstrates the environmental, social, and human rights impacts caused by the questioned activities.¹⁴⁷ Other entities, such as the American Bar Association, offer EHRDs assistance with environmental assessment studies, including through partnerships with higher education institutions, to help defenders obtain scientific evidence in support of their lawsuits.¹⁴⁸

In situations where legal assistance is not readily available, and recognising the importance of enabling defenders to take an active role in their own protection, many groups, including local communities, implement legal empowerment or training strategies.

These skills-strengthening strategies aim to allow EHRDs to participate in relevant legal processes and enhance their ability to represent or provide legal advice to their communities. This reduces their reliance on external actors, enabling faster responses in all cases.

For instance, various supporting organisations, such as Natural Justice, Namati, ELAW, ALLIED, and the Justice Initiative, provide training to community paralegals. These paralegals either work alongside the organisations' lawyers in legal proceedings or independently represent and defend their communities.

Additional examples of legal empowerment include the creation and distribution of training and knowledge-building resources, such as manuals, guides, and other informational documents in formats suitable for the local context. Civil society organizations also aim to enhance EHRDs' legal knowledge and capabilities through online resources containing legal materials and information. An example of this is Civicus' *'Right to Protest Toolkit'*.¹⁴⁹

¹⁴⁴ Trumped up charges, typically unrelated to actual criminal activities, encompass a range of other legal provisions beyond tax laws. These can involve the misuse of defamation laws, manipulation of administrative regulations, exploitation of licensing requirements, or the misapplication of various legal statutes. These tactics are employed to unjustly target and intimidate human rights defenders, undermining their advocacy work by subjecting them to legal harassment and baseless accusations.

¹⁴⁵ See, e.g., Introduction, page 12.

¹⁴⁶ The report: 'Our Common Agenda - Report of the Secretary-General', defines key proposals across the **12 commitments** which are designed to accelerate the achievement of the SDGs. Commitment 5 is to 'Place women and girls at the centre' and specific actions include: **Repeal of gender-discriminatory laws**; Promote gender parity, including through quotas and **special measures**; Facilitate women's economic inclusion, including investment in the care economy and support for women entrepreneurs; Include voices of **younger women**; Eradication of violence against women and girls, including through an **emergency response plan**. Page 6.

United Nations Secretary-General. Our Common Agenda - Report of the Secretary-General. (2021). https://www.un.org/en/content/common-agenda-report/assets/pdf/Common_Agenda_Report_English.pdf

And also as explained in detail in this UNEP key messages, supra note 70: **'4. Understand and address the effects of multiple and intersecting forms of discrimination'**

¹⁴⁷ In its General Recommendation No. 37, the Committee on the Elimination of Discrimination against Women recognizes that environmental crises worsen existing gender inequalities and compound intersecting forms of discrimination, including on a basis of economic or social class; caste, ethnicity, race, religion, or indigeneity; disability; age; migration status; and sexual orientation, gender identity, or sex characteristics. **Those facing such multiple and intersecting forms of discrimination are often disproportionately affected by environmental harms. When crafting environmental laws, policies, and practices, States should seek to address intersecting systemic inequities, and take concrete steps to overcome the participation and leadership barriers that may be faced by women who face intersectional marginalization and discrimination. Such steps may include ensuring equal access to information, participation and remedies, investing in gender-responsive social protection and care systems, and empowerment and capacity-building.'**

¹⁴⁸ See, e.g., United Nations Environment Programme and Universal Rights Group (n.d.). *Good Practices to Support Environmental Defenders*. <https://goodpractices.environment-rights.org/>. Supra note 38.

¹⁴⁹ Ibid.

¹⁴⁹ Civicus (n.d.). Protest Resilience Toolkit. <https://prt.civicus.org/your-right-to-protest/>



Peer-exchange spaces, where defenders who have experience with legal proceedings share their insights with others, also contribute to enriching their knowledge and tactics.

Financing for legal strategies is primarily facilitated by civil society and private philanthropic organisations. These entities play a crucial role in ensuring that EHRDs have the essential financial resources to access legal assistance, as explained above, or to execute their own legal strategies. Typically, this involves securing the necessary financial support to pursue legal actions, engage in litigation, or conduct legal advocacy efforts. In some instances, such as the African Environmental Defenders Fund, financial assistance is also allocated to cover bail expenses when necessary.¹⁵⁰

Finally, **strategic litigation** is a valued practice to prompt desired normative changes, bring EHRDs' interests to the public's attention, demonstrate their legal weight and legitimacy, and position the relevant concerns in the agenda of domestic and international decision-makers. By building solidarity, these cases help counter the power imbalance that EHRDs and their communities face when opposing private and public economic and political interests. An example of strategic litigation are Friends of Earth International's cases against Shell and RWE Germany.¹⁵¹

v. Positive narratives and visibility

Stigmatisation and smear campaigns attack EHRDs' reputation, credibility, and support within their communities. In addition, actors that portray a negative narrative of EHRDs may create mistrust within the general public. This creates a disruption that may isolate or potentially ostracise EHRDs and, hence, increases the vulnerabilities that affect them - making them more prone to attacks.

In response, stakeholders have embarked on efforts to counter negative narratives and smear campaigns that attack defenders to debunk misinformation, clarify the truth, and challenge these attempts to delegitimise defenders by correcting information and highlighting the relevant contributions they make. Concrete activities include media publications, written information pieces, digital campaigns, and official statements by visible organisations or political figures.

In addition to increasing solidarity with EHRDs and their work, these efforts also channel other types of support, including by drawing the attention of potential allies and catalysing efforts to strengthen environmental and human rights protection institutions.

For example, Amazon Watch has led a campaign to raise the visibility of Steven Donziger, a lawyer who successfully assisted Ecuadorian communities in suing Chevron for the environmental damage caused in their territories. Donziger has been facing a '*lifetime of litigation*'¹⁵² in retaliation for the Ecuadorian court's ruling demanding the company pay compensation to the affected communities. Amazon Watch's campaign eventually resulted in 29 Nobel Laureates and other public figures demanding an end to the persecution of Donziger. The campaign has contributed to clarifying Donziger's positive role and efforts and raising awareness of SLAPPs.

2.3. Emergency support

In many cases, the risks faced by EHRDs jeopardise their fundamental rights. In response, defenders and supporting actors have put in place emergency or rapid-response strategies with the purpose of safeguarding EHRDs' lives and integrity and avoiding damage.

A good practice to provide emergency support is through flexible 24/7 help desks and other rapid response mechanisms, through which EHRDs can access advice, funds, and other forms of assistance almost immediately. For example, Frontline Defenders has a 24/7 helpdesk where EHRDs can reach out to a person speaking Arabic, English, French, Russian or Spanish to receive advice and, if needed, funding or other kinds of support to address an emergency situation.¹⁵³

Flexible grants that are rapidly transferred and can accommodate a wide array of circumstances are also a good practice as a form of emergency support. The FrontLine Defenders and Lifeline for Embattled CSOs's funds are examples of this form of support. These funds can be used for, *inter alia*, relocation, legal assistance, medical assistance, and prison visits, depending on the needs of the defenders. Emergency grants are normally transferred within hours or days to the beneficiaries.

Some of these grants acknowledge that emergencies may be linked to a wide array of threats, including environmental degradation, and are therefore also flexible in the risks they help respond to. For example, the funds awarded by Fundo Brasil through 'Amazon SOS' help EHRDs respond to fires and deforestation.

Emergency grants are sometimes complemented with capacity building, technical assistance, and accompaniment¹⁵⁴ to create resiliency in EHRDs, secure greater impact for the funds, and prevent the escalation of risks and harms.

¹⁵⁰ Natural Justice (2023). *African Environmental Defenders Initiative*. <https://naturaljustice.org/human-rights-defenders-fund/>

¹⁵¹ Friend of the Earth International (n.d.) *Litigation for climate and social justice*. <https://www.foei.org/what-we-do/climate-justice-and-energy/climate-litigation/>

¹⁵² Protect the Protest (2020). *29 Nobel Laureates Demand Freedom for Human Rights Lawyer Steven Donziger*. <https://protecttheprotest.org/2020/04/16/29-nobel-laureates-demand-freedom-for-steven-donziger/>

¹⁵³ See, e.g., United Nations Environment Programme and Universal Rights Group (n.d.). *Good Practices to Support Environmental Defenders*. <https://goodpractices.environment-rights.org/>

¹⁵⁴ See, e.g., supra note 12.

Another way to respond to emergencies is to reduce defenders' exposure¹⁵⁵ to threats. This can be done through supporting relocation, secure transportation, and similar strategies. Relocation may consist of moving defenders to other places within or outside their own country – such as the EU temporary relocation platform – offering shelter or a hiding place within the EHRDs' own community or neighbouring communities, and assistance to obtain visas (including diplomatic good offices, funding, and legal assistance).

Although relocation may have a negative impact on EHRDs' wellbeing – by, inter alia, generating rootlessness or loss of sense of place and isolation – in many cases relocation is the only way to safeguard the life and integrity of an individual. When considering relocation, it should primarily be viewed as a measure of last resort, and it is crucial that the absolute consent of those who are compelled to relocate is secured. The main goal should be to keep the relocation temporary, all the while safeguarding the rights of the individuals affected in terms of their land and property. Moreover, it is vital that any relocation plans are accompanied by thorough strategies for the restoration, rehabilitation, and, whenever possible, reuniting communities. In a related context, plans for returning defenders to their native territory and providing them with necessary support while outside of it are absolutely essential.

A good practice to counter these negative '*side effects*' of relocation are other forms of support such as psychological assistance, steady and secure channels of communications between the EHRDs and their community or family, economic assistance via fellowships or paid jobs related to the defenders' advocacy and facilitating the continuation of defenders' environmental protection work from the place of refuge.

Other forms of emergency support include physical security measures to protect EHRDs from imminent threats, such as security personnel and security items. For example, the African Environmental Defenders Fund¹⁵⁶ offers funding or material assistance for the implementation of these measures.

Similarly, governments usually implement personal security measures by, inter alia, deploying bodyguards, offering bullet-proof vests, and other similar tactics. EHRDs have warned that these measures may be insufficient and, in some cases, even counterproductive, due to a lack of a collective and holistic approach and a disconnect with their particular contexts. However, EHRDs also acknowledge that in some cases they are indispensable to safeguard the life and integrity of

defenders. A good practice is to highlight the specific ways in which these measures can be strengthened, as OHCHR has been doing in Mexico.¹⁵⁷ Recommendations include, inter alia, a stronger focus on political measures, such as communications or letters to authorities with the aim of persuading or dissuading, public pronouncements, good offices, and other specific procedures that acknowledge the political source of the threats.

Emergency legal assistance is deployed within hours or days to respond to threats. Cases of emergency in which EHRDs may require this urgent type of support include arbitrary detentions or arrest, forced evictions, malicious prosecutions, among others. Although this aid tends to be short-term, in some cases it may extend for longer periods. Concrete tactics to provide emergency legal assistance include remote advice (i.e., online or via phone calls) such as the Centre of Environmental Justice in Sri Lanka during the COVID-19 pandemic;¹⁵⁸ legal assistance to present temporary injunctions as with the Environmental Defenders Law Centre;¹⁵⁹ or direct legal representation, as with Human Is Right Cameroon.¹⁶⁰ In addition to legal advice and representation, emergency legal aid may include financial resources to pay for these services or for a bail or bond.¹⁶¹

Emergency psychological assistance is frequently hard to find for many of the EHRDs who participated in this project. Some organisations provide support by sharing online protocols and written resources,¹⁶² or by offering counselling and psychotherapy. For example, Open Briefing offers as part of its holistic support, a wellbeing strategy to assist individual defenders and provide fully funded counselling and psychotherapy, including specialised trauma therapies. It also offers assistance to at-risk organisations with wellbeing policy frameworks, coaching, psychological first-aid trainings and other workshops, and setting up peer support programmes.¹⁶³ Incorporating psychological assistance within the support strategies offered by international organisations is a good practice to respond to this pressing need.

In times of crisis, as has been mentioned earlier, EHRDs' families or groups may also be affected by the threats that endanger the defenders. Consequently, to address situations of emergency, some supporting actors, including EHRDs' peers and communities, offer family and social support. Concrete activities include helping the families of detained or deceased EHRDs by giving them a stipend, and facilitating shelter and communications, among others.

¹⁵⁵ Eguren, E. and Caraj, M. Protection International (2022). *New Protection Manual for Human Rights Defenders*. <https://www.protectioninternational.org/wp-content/uploads/2022/12/New-protection-manual-English.pdf>. Supra note 13.

¹⁵⁶ African Environmental Defenders (n.d.). A Natural Justice Initiative. Emergency Fund. <https://envirodefenders.africa/emergency-fund/#howtoapply>

¹⁵⁷ Office of the United Nations High Commissioner for Human Rights in Mexico (2019). Diagnosis on the operation of the mechanism. <https://www.focus-obs.org/documents/mexico-un-dh-reviews-protection-mechanism-and-makes-104-recommendations-for-its-strengthening/>

¹⁵⁸ CEJ and Friends of Earth Sri Lanka (2021). Online Environmental Legal Aid Clinic. Ejustice. <https://ejustice.lk/online-environmental-legal-aid-clinic/>

¹⁵⁹ Environmental Defender Law Center (2023). Law Firm Program. <https://edlc.org/our-work/finding-lawyers/>

¹⁶⁰ Human Is Rights Cameroon (2018). Legal Assistance. <https://www.hisrcameroon.org/legal-assistance/>

¹⁶¹ See, e.g., United Nations Environment Programme and Universal Rights Group (n.d.). Good Practices to Support Environmental Defenders. <https://goodpractices.environment-rights.org/>. Supra note 38.

¹⁶² See, e.g., Extinction Rebellion (n.d). *Wellbeing*. <https://extinctionrebellion.uk/act-now/resources/wellbeing/>

¹⁶³ Open Briefing (n.d). *Responsive Assistance*. <https://www.openbriefing.org/support/referral/>

In times of crisis, as has been mentioned earlier, EHRDs' families or groups may also be affected by the threats that endanger the defenders. Consequently, to address situations of emergency, some supporting actors, including EHRDs' peers and communities, offer family and social support. Concrete activities include helping the families of detained or deceased EHRDs by giving them a stipend, and facilitating shelter and communications, among others.

Increasingly, digital security emergencies affect the advocacy, privacy, and security of EHRDs. To address situations promptly, support organisations offer financing,¹⁶⁴ technical assistance,¹⁶⁵ and advice.¹⁶⁶ Most commonly, urgent digital security assistance is needed to confront illegal surveillance, account hacking or closing, and data thefts, although other forms of digital attacks may also be covered. Emergency digital security is usually provided remotely in order to secure its promptness, through secure, encrypted channels, and in easy-to-understand terms and language. Access Now, for example, complements its emergency assistance with recommendations on how to strengthen digital security measures to prevent the reoccurrence or worsening of incidents.

In situations of emergency, visibility of particular cases or situations helps build political pressure to deter attacks and counter the power imbalance that affects EHRDs. Foreign governments and international mechanisms may offer support by sending communications to the concerned national governments requesting special measures. In other cases, digital campaigns, press releases, press articles, or urgent letters also help build political pressure. Other solidarity actions in times of emergency include visits in detention centres and missions to the defenders' communities.

In this regard, the Special Rapporteurs of the UN Human Rights Council (see for example the Joint Allegation Letter sent to the Republic of France concerning the arbitrary arrest and detention of environmental rights defender Maxwell Atuhura, and journalist Federica Mars¹⁶⁷) have played an important role.

At the intergovernmental level, the first specialised rapid response mechanism to secure the protection of EHRDs within a legally binding framework was created in 2021 under the auspices of the Aarhus Convention. The Rapid Response Mechanism is an expert Special Rapporteur tasked to '*provide a rapid response to alleged violations of the obligations under article 3(8) of the Aarhus Convention, and hence secure parties' compliance with their duty to ensure that persons exercising their rights in conformity with the provisions of the Convention shall not be penalized, persecuted or harassed in any way.*' The Special Rapporteur is tasked with taking protective measures in response to communications from the public, parties to the Convention or the Aarhus Secretariat.

¹⁶⁴ See, e.g., Digital Defenders Partnership (n.d.). *Incident Emergency Fund*. <https://www.digitaldefenders.org/funding/incident-emergency-fund/>

¹⁶⁵ See, e.g., Access Now (n.d.). *Digital Security Helpline*. <https://www.accessnow.org/help/>

¹⁶⁶ See, e.g., Front Line Defenders. *Digital Security Resources*. <https://www.frontlinedefenders.org/en/digital-security-resources>

¹⁶⁷ Mandates of the Special Rapporteur on the situation of human rights defenders; from Special Rapporteur on Human Rights Obligations relating to the means to benefit from a safe, clean, healthy and sustainable environment; of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and of expression. AL FRA 6/2021. <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=26492>

Increasing access and outreach¹⁶⁸

The methods of delivering support are just as important as the types of support offered. These methods ensure that the support effectively reaches human rights defenders and addresses their needs and local situations. Based on research conducted by ALLIED, Universal Rights Group and Freedom House,¹⁶⁹ this box outlines best practices for improving the accessibility and reach of recognition and support strategies, ultimately enhancing their effectiveness.

To enhance outreach

1. Actively engage with human rights defenders at both international and national levels to increase awareness of available funding, proposal opportunities, and training options.
2. Foster connections between EHRDs, support organisations, and fellow advocates through meetings, social media campaigns, online resource sharing, and networking activities to facilitate knowledge exchange and peer learning.
3. Customise outreach materials to fit the diverse contexts of EHRDs, employing an intersectional and gender-sensitive approach to reach those who are more marginalised. Use inclusive language that resonates with individuals who may not identify as activists or defenders and provide translations in multiple languages.
4. Share information in formats that are relevant to the local context and distribute it through the networks and platforms of defenders. Collaborate with local grassroots organisations and media to effectively reach isolated EHRDs.

To enhance accessibility

1. Simplify application procedures and make application materials available in multiple languages. Provide flexibility in required documents and shorten application forms. Translate documents into local languages.
2. Adjust eligibility requirements and verification processes to better align with the realities of EHRDs, using an intersectional and gender-sensitive approach to make it easier for youth, Indigenous peoples, and other marginalised defenders to apply.
3. Strengthen networks and coalitions as vital support systems for EHRDs.
4. Support local organisations through funding and capacity building and encourage cross-sectoral collaboration.
5. Expand trust networks to involve a diverse range of organisations as referral sources.
6. Create effective referral pathways for organisations supporting EHRDs to access protection support from mainstream human rights civil society organisations.
7. Invest in capacity building and provide core funding to local grassroots organisations, enabling them to act as intermediaries connecting international supporters with local activists, especially those from Indigenous and rural communities.

¹⁶⁸ ALLIED (2021). *Supporting environmental human rights defenders*. <https://www.universal-rights.org/urg-policy-reports/supporting-environmental-human-rights-defenders-developing-new-guidance-for-donors-and-civil-society-organisations-2/>; and Freedom House and Universal Rights Group (2022). *Understanding and responding to the protection needs of climate activists and movements*. <https://www.universal-rights.org/urg-policy-reports/understanding-and-responding-to-the-protection-needs-of-climate-activists-and-movements-2/>

¹⁶⁹ Ibid.

03

Access to justice and effective remedies

Realising EHRDs' human right to access justice is indispensable to address the underlying causes of violence and other forms of aggression against them, as well as to secure their access to effective remedies and redress. It is essential to end impunity, increase accountability of those who harm EHRDs and the environment, and to ensure the non-repetition of violations to environmental and human rights law. Access to justice measures contribute to the implementation and enforcement of human rights and environmental laws and standards and help consolidate democratic regimes.

Courts and tribunals also help to create a safe and enabling space for EHRDs by securing the implementation of relevant laws. Through their judgements, courts and tribunals have contributed to:

- a. The observance and implementation of environmental protection norms and standards;
- b. Governments' compliance with their obligations to adopt national standards and actions to fulfil their international environmental and human rights obligations, and
- c. Stakeholders' compliance of their duties and responsibilities *vis-à-vis* EHRDs and the environment.

For example, in the Dutch Urgenda case¹⁷⁰ and the French case of the Century,¹⁷¹ the Courts decided that the States concerned had to take steps to fulfil their climate change commitments, including those under the Paris Agreement, as part of their obligation to secure the enjoyment of human rights by present and future generations. The courts required the States to adopt consistent policies with their international obligations. In other similar cases, courts have required businesses to take steps to reduce their environmental impact, including their greenhouse gas emissions.¹⁷²

3.1. Criminal Law

EHRDs confront numerous risks stemming from the unjust application of criminal law. The concerning trend

of criminalising activism, coupled with the prevalence of impunity for attacks on defenders, perpetuates a cycle of violence against them. In this context, a range of good practices has been implemented to support and recognise defenders in relation to criminal law.

As explained in Section 2.2, some strategies aim to assist EHRDs in responding to cases of criminalisation by providing them with pro bono legal assistance, establishing legal defense funds, and engaging experienced lawyers well-versed in criminal law. Financial support through grants, scholarships, and emergency funds is also instrumental in covering associated costs. Equally vital is strengthening the capacity of EHRDs' communities to respond promptly when criminal laws are unjustly wielded against them. This fortifies legal defense capabilities and enhances their ability to navigate the complex legal landscape they often face.

Other notable efforts seek to prevent criminalisation. Adopting a human rights approach to the drafting and implementation of anti-terrorism laws and legislation that might impact the rights to defend human rights, freedom of expression, association, and protest is a valuable practice in this regard. Likewise, as explained in Section 1.3, training judges and prosecutors, including providing human rights education, is a cornerstone for preventing the misuse of criminal law.

Equally important is elevating EHRDs' knowledge and awareness of pertinent criminal laws and regulations. For instance, the Global Climate Legal Defence Network – CLIDEF conducts skills-strengthening webinars before United Nations Framework Convention on Climate Change (UNFCCC) Conferences of the Parties, alerting defenders to existing criminal laws in the host countries that might be used to stifle or retaliate against them and offering guidance on how to proactively address such potential misuse.

¹⁷⁰ The Netherlands, Supreme Court of the Netherlands (2019). *State of the Netherlands v. Urgenda Foundation*, NL: HR:2019:2007. <https://www.urgenda.nl/wp-content/uploads/ENG-Dutch-Supreme-Court-Urgenda-v-Netherlands-20-12-2019.pdf>

¹⁷¹ Climate Change Litigation Databases (2021). *Notre Affaire à Tous and Others v. France*, No. 1904967, 1904968, 1904972, 1904976/4-1 Paris Administrative Court. <https://climatecasechart.com/non-us-case/notre-affaire-a-tous-and-others-v-france/>

¹⁷² Climate Change Litigation Databases (2021). *The Hague District Court, Milieudefensie et al. v Royal Dutch Shell plc*, NL: RBDHA:2021:5339 (the 'Court Decision'). <https://climatecasechart.com/non-us-case/milieudefensie-et-al-v-royal-dutch-shell-plc/>

With a similar aim, UDEFEGUA and Protection International published the *'Guide for Human Rights Defenders on Combatting Criminalisation'*,¹⁷³ which explains what criminalisation is and summarises the best practices and mechanisms for dealing with actions aimed at using criminal law against human rights defenders, their organisations, and communities.

Criminal law, when used judiciously, can also enhance support for defenders. Criminal courts play a crucial role in holding those responsible for causing environmental harm (where environmental crimes are recognised by national law) or perpetrating human rights violations against EHRDs criminally accountable. This is vital for reinforcing the legal protection of environmental defenders. Combating impunity for attacks on EHRDs is essential to ensuring that criminal law is used to create a safe and enabling environment for defenders.

Non-government stakeholders typically contribute to ensuring accountability by documenting and publicising attacks, advocating for investigations, and drawing international attention to relevant trials. The endorsement of international organisations and governments in holding perpetrators accountable has proven to be instrumental.

An example of success in ensuring accountability that involved criminal courts and non-government actors is the DESA conviction case for Berta Cáceres' murder, referenced in Section 2 above.

As mentioned earlier, raising awareness about the criminal-law related challenges that environmental defenders face through media and public outreach is pivotal. This can galvanise public support and exert pressure on governments to shield defenders, ultimately diminishing the likelihood of criminalisation. Tangible examples are the efforts of civil society organisations and activists to reform laws that criminalise peaceful protests or that could be misused as anti-terrorism laws against defenders, and solidarity campaigns for criminalised defenders, such as the Stand with Bach campaign.¹⁷⁴ These reforms may encompass legislative changes, greater transparency, and the protection of the right to protest within the bounds of international human rights norms.

Leveraging international platforms, such as the United Nations and regional bodies, is another effective practice for raising awareness of the role that criminal law plays in the protection of EHRDs and their work. For instance, ELAW and Earth Rights International are working to ensure that criminalisation is officially recognised and addressed as a human rights issue by the UN and other international human rights bodies.

3.2. Specialised Courts and Authorities

Access to justice is also protected by governments through mechanisms that allow individuals and groups to demand the observance of human rights and environmental laws and standards, including corporate accountability legislation.¹⁷⁵ Specialised Courts and Authorities are a good practice in this regard.

i. Environmental Courts

According to the 2021 UNEP's guide for policy makers in Environmental Courts and Tribunals (ECTs) there were 2,115 operational ECTs in 67 countries across the world by 2021.

Environmental Courts facilitate access to justice because they can help to lower the barriers that EHRDs face when trying to access justice (see below) as these may be cheaper and physically more accessible and the times needed to adopt final decisions may be shorter, as compared to general courts.¹⁷⁶ These courts, moreover, may allow individuals or groups to bring claims in the public interest, hence allowing supporting actors to act on behalf of affected defenders and communities that are not able to file the relevant lawsuits themselves.

By increasing compliance with environmental norms, ECTs have contributed to the protection of EHRDs' human rights that depend on the environment.

¹⁷³ Protection International (2009). *Guide for Human Rights Defenders on Combatting Criminalisation*. <https://www.protectioninternational.org/protection-manuals/guide-for-human-rights-defenders-against-the-criminalization/>

¹⁷⁴ Stand with Bach Coalition (n.d.) *Stand with Bach*. <https://www.standwithbach.org/>

¹⁷⁵ See, e.g., Global Witness (n.d.). *Holding Corporates to Account*. <https://www.globalwitness.org/en/campaigns/holding-corporates-account/>; and López, C. (2018). *Human Rights Defenders and Corporate Accountability. Is there a Place for Them in a Treaty on Business & Human Rights?* <https://www.business-humanrights.org/en/blog/human-rights-defenders-and-corporate-accountability-is-there-a-place-for-them-in-a-treaty-on-business-human-rights/>

¹⁷⁶ United Nations Environment Programme (2021). *Environmental Courts and Tribunals – 2021: A Guide for Policy Makers*. <https://wedocs.unep.org/handle/20.500.11822/40309>

For example, the Kenyan Environment and Lands Court decided a class action lawsuit in which grassroots defenders challenged six state agencies and two corporations for heavy lead metal contamination of an informal urban settlement of over 3,000 residents. The Kenyan Environment and Lands Court pronounced decisively on the role of government and non-government actors with regards to the right to a clean, healthy and sustainable environment, procedural environmental rights and other human rights, including the right to life. In its final decision in 2020, the Kenyan Environment and Lands Court ruled in favor of the community, ordering the government and the non-State actors to pay compensation to the victims and to clean the environment.¹⁷⁷

In cases of non-compliance, government and non-government actors may be subjected to fines, under the applicable regulation. In some countries, like Mexico and Colombia, the legal representatives of the relevant entities may be sanctioned with prison if they do not comply with the rulings resulting from the amparo actions through which EHRDs' human rights are protected.

ii. Specialised authorities and enforcement agencies

In addition to courts, States have created specialised bodies mandated to oversee the implementation of human rights and environmental standards, including by granting them the capacity to demand redress and impose sanctions upon breaches.

For example, Trinidad and Tobago's Environmental Management Act,¹⁷⁸ allows citizens to report, sue, and seek redress for breaches to the country's environmental regulation before the Environmental Management Authority (EMA).

Specialised prosecutors can help to increase State's capacity to conduct effective investigations (See Section 3.4 below). In the Republic of Colombia, the environmental prosecutor office has investigated and detained perpetrators of environmental degradation on its own accord and upon claims filed by individuals, reducing impunity for environmental harm.¹⁷⁹

3.3. Oversight and non-judicial mechanisms

Civil society actors and ombudspersons (i.e., organisations, defenders, and others) have also taken

steps to monitor compliance of human rights and environmental protection laws. For instance, in June 2019, the Business and Human Rights Resource Centre, CCFD-Terre Solidaire and Sherpa, with the help of Dataactivist, set up the Duty of Vigilance Radar¹⁸⁰ to monitor compliance with the French Due Diligence Law, with a view to building social and political pressure and eventually move companies into observing their national due diligence obligations.¹⁸¹

In the Republic of Costa Rica, the Office of the Ombudsperson has, in response to complaints by the public, issued multiple decisions and recommendations calling on State entities to observe and fulfill their environmental and human rights obligations.¹⁸²

In Australia, the Victorian Ombudsman has the competence to start own-motion investigations to oversee compliance by local authorities with human rights and environmental protection laws. Recently, this entity initiated an investigation to determine the adequacy of decision-making processes by the Environment Protection Authority, particularly, the approval of Environment Management Plans. The Victorian Ombudsman found that the Environment Protection Authority had failed to respect communities' right to participation in public affairs. It presented a series of recommendations to remedy this situation, all of which were accepted by the Environment Protection Authority.¹⁸³

Non-judicial mechanisms may also be created by private entities. The Inter-American Development Bank (IDB) created an independent accountability mechanism to manage complaints regarding social and environmental harm caused by IDB-financed projects.¹⁸⁴ AIDA has been representing EHRDs before this independent accountability mechanism¹⁸⁵ in an effort to get justice for the communities that have been affected by the Hidroituango Project and to request an investigation on whether or not the IDB breached its own social and environmental standards by investing in it.

3.4. Independent, impartial and effective investigations

Independent, impartial,¹⁸⁶ and efficient investigations by the competent authorities are also instrumental to secure citizens access to justice.¹⁸⁷

¹⁷⁷ Business and Human Rights Resource Center (n.d.). *Metal Refinery (EPZ) lawsuit (re lead pollution in Kenya)*. <https://www.business-humanrights.org/en/latest-news/metal-refinery-epz-lawsuit-re-lead-pollution-in-kenya/>

¹⁷⁸ The law creates spaces for the participation of affected communities in the design and implementation of environmental policies and projects, and a specialised environmental court, the Environmental Commission. See, e.g., United Nations Environment Programme and Universal Rights Group (n.d.). *Good Practices to Support Environmental Defenders*. Supra note 38.

¹⁷⁹ Colombia, Fiscalía General de la Nación (2014). *Fiscalía investiga presunta responsabilidad por acción u omisión en el departamento del Casanare por daño ambiental*. <https://www.fiscalia.gov.co/colombia/noticias/fiscalia-investiga-presunta-responsabilidad-por-accion-u-omision-en-el-departamento-del-casanare-por-dano-ambiental>

¹⁸⁰ See, e.g., Duty of Vigilance Radar, <https://vigilance-plan.org/>

¹⁸¹ See, e.g., United Nations Environment Programme and Universal Rights Group (n.d.). *Good Practices to Support Environmental Defenders*. Supra note 38.

¹⁸² Costa Rica, Office of the Ombudsperson (2022). *Costa Rican Ombudsperson's Environmental Actions*. Environmental-Rights.org. <https://goodpractices.environment-rights.org/goodpractice/costa-rican-ombudspersons-environmental-actions>; and Australia, Office of the Ombudsperson (n.d.). *Victorian Ombudsman's examination on the importance of public participation and information sharing in environmental decision-making*. Environmental-Rights.org. <https://goodpractices.environment-rights.org/goodpractice/victorian-ombudsman>

¹⁸³ Australia, Office of the Ombudsperson (2022). *Investigation into Environment Protection Authority decisions on West Gate Tunnel Project spoil disposal*. https://assets.ombudsman.vic.gov.au/assets/Final_26.05.22_VO-PARLIAMENTARY-REPORT_EPA_May-2022-1.pdf

¹⁸⁴ Inter American Development Bank (n.d.). *The Independent Consultation and Investigation Mechanism: About Us*. <https://www.iadb.org/en/who-we-are/about-idb>

¹⁸⁵ AIDA Americas/Proyecto Bram Ebus (n.d.). *Buscando Justicia para las comunidades Afectadas por la Represa Hidroituango*. <https://aida-americas.org/es/buscando-justicia-para-las-comunidades-afectadas-por-la-represa-hidroituango>

¹⁸⁶ United Nations Development Programme (2004). *Access to Justice: Practice Note*. <https://www.undp.org/publications/access-justice-practice-note#:~:text=The%20Access%20to%20Justice%20Practice,processes%20of%20Access%20to%20Justice>

¹⁸⁷ Rass-Masson, N. and Rouas, V. (2017). *Effective Access to Justice: Study*. [https://www.europarl.europa.eu/RegData/etudes/STUD/2017/596818/IPOL_STU\(2017\)596818_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2017/596818/IPOL_STU(2017)596818_EN.pdf)



A good practice regarding criminal investigations is to consider and investigate as perpetrators not only the individuals who committed the crimes against the defenders, but also to identify and condemn masterminds or conspirators of those crimes, including high-level entrepreneurs and officials. These practices counter impunity, which is considered an underlying cause of ongoing violence against EHRDs.¹⁸⁸

Practices that seek to contribute to effective and transparent investigations include strategies to build national capacities, as United Nations Office on Drugs and Crime has been doing within the framework of the United Nations Convention against Corruption.¹⁸⁹

3.5. Removing Access Barriers

In addition to these enforcing mechanisms, a good practice to secure EHRDs' access to justice is to remove the barriers faced by EHRDs to access justice.

Barriers include a lack of information, financial resources, language, location, and more. Concrete activities to overcome these include increasing EHRDs' awareness of the existing avenues to request remedies and redress, allowing EHRDs to access justice using local languages, removing formal and cumbersome requirements for accessing justice systems, and reducing the costs of justice such as expertise and bureaucratic costs.

Effective justice systems counter discriminatory biases that affect defenders in situation of vulnerability, such as women, Indigenous Peoples, racial minorities, children, elderly, and defenders living with disabilities. These justice systems have safeguards to prevent direct and indirect discrimination against EHRDs both during the relevant justice-seeking processes and in the relevant outcomes.

Concrete strategies to secure the accessibility and inclusivity of justice systems varies depending on the specific context, but a shared effort is the adoption of standards and mechanisms to secure that these justice-seeking processes and outcomes take into account the way in which intertwining identities and factors affect EHRDs' ability to access and participate in the relevant processes, and the ways on which the resulting outcomes would affect them. For example, by actively addressing gender-biases, or guaranteeing interpretation and other forms of special assistance to Indigenous defenders, among others.

Facilitating access to legal representation and assistance, as mentioned in Section 2.2 of this report, are fundamental

to securing EHRDs' access to justice. Governments can contribute to improving access to legal representation through independent, robust, well-financed public defenders' offices and legal aid financial support.

3.6. Context appropriate remedies and redress

Securing EHRDs' access to effective and adequate remedies and redress is also an important aspect of practices that seek to enhance justice and counter impunity. Effective remedies are those that are tailored and consistent with the specific social and environmental context and identities (including gender, age, disability, race, ethnicity or other) of EHRDs and secure the observance of just rulings through, *inter alia*, fines and other sanctions to breaching actors.

Context-specific forms of remedy include, for example, rebuilding houses, offering medical assistance, rebuilding stolen data or information, offering financial and psychological assistance to the families or communities of defenders who have died, offering support to women which recognises that multiple and intersecting forms of gender-based discrimination exist- for example in terms of difficulties in claiming compensation and the unequal recognition of the legal capacity of women; implementing community-led adaptation measures, offering a source of income for those who are forced to leave their work; among many more.¹⁹⁰

For instance, in Bangladesh, following years of litigation by the Bangladesh Environmental Lawyers Association, national courts ordered tanneries, among others, to implement pollution control devices, relocate facilities, and manage chemical runoff to protect the health of waterways. Moreover, 'The court directed authorities to close the tanneries at Hazaribagh that had not relocated, even requiring that their utility connections be severed.'¹⁹¹

Raising the visibility of the negative human rights impact faced by EHRDs is also a good practice to counter the harm caused by smear and stigmatisation campaigns and to increase the political costs of attacks against EHRDs. Public statements and judicial judgments condemning attacks, can, *inter alia*, foster individual and systemic accountability and catalyse support. The Inter-American Court of Human Rights, for instance, ordered the State of Honduras to 'carry out, within a period of one year, a public act of acknowledgment of international responsibility,'¹⁹² as part of the reparations owed to the victims in the *Kawas Fernández Vs. Honduras* case.¹⁹³

¹⁸⁸ Global Witness (2021). *Last Line of Defense*. <https://www.globalwitness.org/en/campaigns/environmental-activists/last-line-defence>

¹⁸⁹ United Nations Office on Drugs and Crime (n.d.). *Judicial Integrity*. <https://www.unodc.org/unodc/en/corruption/judicial-integrity.html>

¹⁹⁰ As explained here in detail:

'8. Ensure gender-responsive access to justice and accountability for environmental harms'

'Under the ICCPR, States are required to guarantee non-discrimination in the access of all persons, regardless of gender, to justice and to legal remedies for human rights violations. CEDAW article 15 affirms the equal rights of women and girls before the law and in legal proceedings. Regional agreements including the Aarhus Convention and the Escazú Agreement specifically address access to justice in environmental matters. A number of multilateral environmental agreements also include provisions related to access to justice. Across the world, women have been leaders in using legal mechanisms to seek environmental justice. However, barriers such as difficulty in claiming compensation and unequal recognition of the legal capacity of women impede this pursuit. Effective, accessible, and gender-responsive accountability mechanisms are essential to addressing the human rights consequences of environmental harms. States should remove barriers to access to justice in environmental matters, including by protecting women from reprisals and ensuring affordable or, where appropriate, free access to legal services, aid, and documents. They should facilitate cooperation between States and non-State actors including non-governmental and grassroots organizations that play key roles in assisting women in accessing justice.' Key messages, *supra* note 70.

¹⁹¹ ELAW (n.d.). *Bangladesh. Protecting People and the World's Largest Delta*. <https://www.elaw.org/celebratingvictories-bangladesh>

¹⁹² Inter American Court of Human Rights (2009). *Case of Kawas-Fernández v. Honduras*. https://www.corteidh.or.cr/docs/casos/articulos/seriec_196_ing.pdf

¹⁹³ *Ibid*.

Conclusion

EHRDs are guardians of our planet, working, often at great personal risk, to ensure a clean, healthy, and sustainable environment while defending the rights of communities and individuals around the world. They play an indispensable role in confronting the three major (and interconnected) environmental crises – pollution, climate change, and biodiversity loss - and other environmental challenges.

To address these urgent issues, we must not only acknowledge the critical role EHRDs play for people and planet, but also support and amplify their efforts. It is imperative for stakeholders (including States, CSOs, business enterprises, multilateral organizations, and the public in general) to actively listen to and integrate their context-specific solutions, as the voices of those most affected by climate change, pollution, and biodiversity loss are often ignored in relevant decision-making processes. Empowering and protecting EHRDs is a key step in securing sustainable solutions and helping realise the Sustainable Development Goals leaving no one behind.

Unfortunately, in many parts of the world, the daily reality for EHRDs is one of threats and violence. They face aggression, criminalisation, intimidation, and silencing tactics often driven by powerful economic and political interests. Such disregard for their safety and well-being not only infringes upon their human rights but also hampers compliance with environmental standards and jeopardizes the lives and rights of all human beings, everywhere.

To reverse these troubling trends, we must strive to create a safe and enabling space for EHRDs. Tailored support initiatives that consider the unique contexts and needs of defenders are essential. The active involvement of EHRDs themselves, at every stage of the design, implementation, and assessment of such initiatives, helps guarantee their effectiveness and sustainability.

The best path to increasing support for and the protection of EHRDs, and fostering an environment conducive to their work, lies in multi-stakeholder collaboration. Fostering coordination among all actors – government entities, civil society organisations, and the private sector – and embracing a bottom-up approach, that secures defenders a central role in defining their support needs, is vital for the roll-out of effective strategies. Additionally, an emphasis on prevention, coupled with appropriate responsive actions, are essential to preclude threats and safeguard EHRDs from harm.

This report is a call to inspire individuals and organisations worldwide to take action in support of EHRDs and the preservation of an open civic space for environmental protection. By shining a light on the wide range of efforts that can be taken to increase awareness of the role of, and support and protection for, EHRDs, the authors of this report aim to contribute to address two pressing emergencies afflicting our world: threats and violence against environmental defenders and their communities, and the intricate web of environmental crises encompassing biodiversity loss, pollution, and climate change.

The most effective way to protect our planet, is to respect, promote, protect, and amplify the work of EHRDs.

Supporting these courageous individuals is essential for the future of our planet, for the enjoyment of human rights around the world, and for the lives and rights of present generations and the generations yet to come.

Examples of how stakeholders can support EHRDs (illustrative non-exhaustive list)

Governments and local authorities

- Adopt enabling frameworks for the protection of human rights and the environment, with specific provisions to maintain an open civic space and uphold the human rights to expression, assembly, and association; environmental procedural rights (information, participation, access to justice, and effective remedies, irrespective of sex or socio-economic status) and substantive rights, especially the right to a clean, healthy and sustainable environment.
- Secure the implementation and realisation of those rights by:
 - Training and educating government officials, including law enforcement, agencies on their obligations and duties with regard to EHRDs, as well as on the rights of these defenders and how to secure their fulfilment and avoid curtailing their exercise;
 - Lower barriers to enjoy and exercise human rights, including to participation and access to justice; and
 - Adopting enforcing mechanisms – i.e., ensuring the implementation of all provisions that regulate and allow the protection and defence of human rights and the environment.
- Proactively address existing and historic patterns of exclusion, discrimination, and association, including issues pertaining to gender, age, disability, race, ethnicity and others.
- Engage and raise awareness of the private sector on their role and responsibilities vis-à-vis environmental defenders and develop appropriate legislation to ensure private sector compliance with their responsibilities.
- Promote the adoption of legally binding due diligence¹⁹⁴ and access to remedy procedures that observe the effective participation of all EHRDs, paired with relevant legal safeguards.

¹⁹⁴ Such procedures should guarantee the right to **meaningful** and **effective** participation of EHRDs and their communities; guide staff, contractors, directors, and owners on the rights of EHRDs (including collective rights); include guidelines to identify, address, track, and report environmental human rights impacts and violations, with specific reference to groups in situation of vulnerability such as Indigenous peoples, rural communities, women, children, and young defenders; condemn and establish accountability procedures for, intimidation or retaliation, and emphasize human rights training and accountability in all security-related activities, including external contracts.

UN Entities

- Facilitate EHRDs' participation in the decisions that may affect them including:
 - Secure their inclusive, free, and equal access to information; bearing in mind the specific needs of defenders based on their varying intersecting identities.
 - Adopt or provide the necessary safeguards to secure EHRDs' protection and prevent retaliation;
 - Create and open relevant spaces for their engagement;
 - Procure the full observance of FPIC; and
- Strengthen the protection of EHRDs:
 - Create or strengthen existing networks and build synergies to mobilize and strengthen support for EHRDs;
 - Demonstrate support to particular EHRDs/communities to prevent and respond to attacks and help secure accountability;
 - Support transparency and anti-corruption efforts in the public and private sectors
 - Support governments in creating or strengthening environmental and human rights early-warning systems;
 - Help EHRDs respond to threats by connecting them with existing protection strategies, offering tailored support and building capacities in EHRDs to identify, manage, and mitigate risks; and
 - Observe legal and judicial proceedings and visit EHRDs in detention centres.

Academia

- Empower EHRDs and address existing patterns of exclusion, discrimination, and marginalisation by facilitating their access to information, education – at all levels – and, where possible, work for and promote the inclusion and participation of women and girls.
- Facilitate EHRDs' access to legal, medical, and psychosocial assistance.
- Inform EHRDs' strategies with scientific data.
- Raise awareness on the role and situation of EHRDs by portraying a positive image of these defenders, educating students and the public on environmental protection, and educating professionals that are supportive of EHRDs and the protection of the environment.
- Contribute to increasing accountability and transparency on the side of those whose activities result in environmental or social impact and the government's fulfilment of its human rights and environmental obligations.
- Engage in collaborative and defender-led research on matters and questions identified by and important to defenders.
- Ensure research is impactful by making methodologies and findings accessible to defenders.
- Create scholarships and access programmes for defenders to enable defenders to undertake higher education.
- Recognise the expertise and knowledge of defenders by recognising their contribution to research, by using their cases and stories (with consent) in teaching, and by inviting them to present, lecture and participate in academic activities.
- Build defender-researcher networks that allow for greater sharing and collaboration between academia and defenders.
- In law schools, create legal clinics that can provide legal support and assistance to defenders while at the same time training future lawyers.

Civil society organisations¹⁹⁵

- Advocate for the adoption and implementation of strong frameworks for the protection of human rights and the environment with the recognition that gender-based discrimination remains an impediment to environmental sustainability.
- Continue to provide holistic and preventative support.
- Increase emergency support, especially in terms of outreach.
- Portray a positive image of EHRDs.
- Mainstream support to EHRDs as a cross-cutting theme of all social justice, human rights, environmental and climate areas.
- Support defender and community-based organisations through internships, jobs, and training.

¹⁹⁵ UNEP MTS 2022-2025: ‘**17. Gender equality and a rights-based approach are key to ending all forms of discrimination and ensuring progress towards environmental sustainability (World Economic Forum, 2019).** Climate change and the population crisis are not gender-neutral; a high and uneven burden is carried by women, who constitute 80 per cent of those displaced by climate change (Habtezion, 2016). [...]’

Private sector and IFIs

- Strive to secure the implementation of the UN Guiding Principles in all activities involving business enterprises.
- Avoid entering into agreements or alliances with entities that caused or contributed to adverse human rights impacts and include clauses that allow for the early termination of contracts upon evidence of adverse human rights or environmental impacts by the parties or in connection with the contract’s activities.
- Help increase transparency and accountability across value chains by helping businesses increase the flow of information through the use of technology, mandatory policies, and periodic external audits.
- Promote how human rights and environmentally-friendly business models can increase the financial or market-share value by sharing good practices and experiences.
- Conduct thorough environmental and social impact assessments in relation to all operations and activities and ensure ongoing monitoring of impacts throughout and beyond the life of any operations.
- Ensure the meaningful, free, prior and informed participation of defenders and their communities in all business plans and decisions that affect them.

Broader international community

- Provide public pressure to ensure that crimes against EHRDs are investigated and prosecuted.
- Monitor court proceedings to ensure that they are fair and impartial.

All actors can:

- Position a positive narrative about EHRDs and help legitimize their work and raise awareness on the human rights and environment nexus and promote a positive narrative of EHRDs amongst business enterprises.
- Publicly recognize and promote (issue press releases, official communications, social media posts, articles, and reports and work with the media, including mainstream media outlets) the contribution of EHRDs to sustainable development, peace and stability, and the enjoyment of human rights – debunking misconceptions and stereotypes.
- Recognize non-traditional groups of defenders, such as children, when they raise awareness on the importance of such recognition for their security and empowerment.
- Recognise the significance of gender and women's rights and apply an intersectional approach to all key aspects relating to the protection of EHRDs.¹⁹⁶

¹⁹⁶ As indicated on pages 7-8 of this publication, the former Special Rapporteur, Professor Michel Forst, articulated seven principles on good practices to protect of human rights defenders. Principle 3 should be taken into consideration here as well: 'Principle 3: They should **recognise the significance of gender in the protection of defenders and apply an intersectionality approach to the assessment of risks and the design of protection initiatives**. They should also recognise that some defenders are at greater risk than others because of who they are and what they do.'

Report by the United Nations Special Rapporteur on the situation of human rights defenders. Forst, M. A/HRC/31/55, supra note 6.

And as per the UN SG's report: 'Our Common Agenda - Report of the Secretary-General' Supra note 116, which defines key proposals across the **12 commitments** which are designed to accelerate the achievement of the SDGs.

Commitment 5 is to 'Place women and girls at the centre' and specific actions include:

Repeal of gender-discriminatory laws

Promote gender parity, including through quotas and **special measures**

Facilitate women's economic inclusion, including investment in the care economy and support for women entrepreneurs

Include voices of **younger women**

Eradication of violence against women and girls, including through an **emergency response plan**

Page 6. Our Common Agenda - Report of the Secretary-General, supra note 116.

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