

SUPPORTING ENVIRONMENTAL HUMAN RIGHTS DEFENDERS:

Developing New Guidance for Donors and Civil Society Organisations

INTRODUCTION

Land, Indigenous, and environmental human rights defenders (EHRDs), are individuals, groups, and communities who strive to protect the natural environment and hence the rights of current and future generations that depend upon it. These defenders work at the intersection of human rights and the environment to safeguard the planet from any or all of three interlinked environmental crises—pollution, biodiversity loss, and climate change—by asserting their human rights and political freedoms, including their rights to participation; freedom of expression; a right to a clean, safe, healthy, and sustainable environment; and recognition of their land and territory.

EHRDs' work and its importance is now specifically acknowledged by the UN Human Rights Council Resolution 40/11 recognizing the contribution of environmental human rights defenders to the enjoyment of human rights, environmental protection and sustainable development. Unfortunately, despite the vital contribution EHRDs make to protecting the planet, they are often subjected to high levels of violence as their work frequently brings them into conflict with powerful political and economic interests. According to Front Line Defenders, 2020 was the deadliest year yet for EHRDs.¹ Of the 331 killings of human rights defenders reported in 2020, 69 percent were individuals guarding land and environmental rights and/or Indigenous rights. This amounts to at least 228 EHRDs killed worldwide in 2020, though the real number is likely to be much higher (Front Line Defenders 2021).

Across all countries, EHRDs face similar risks: violent attacks or physical aggression against them, their families, and property; arbitrary detention and enforced disappearances; judicial harassment; police brutality; illegal surveillance; death threats; blackmail; smear campaigns (or, in the Philippines, “red-tagging”); and unwarranted travel restrictions, among many more. Women defenders are particularly at risk of sexual violence. EHRDs rarely work alone, but rather as part of family groups and tribal or local communities: the causes they champion tend to be collective, and therefore, the risks and challenges typically impact entire groups. Perpetrators include companies, organized criminals, governments, and in some cases, security forces.

Violence against EHRDs is often accompanied by stigmatization and smear campaigns that aim to reduce the support EHRDs would otherwise have enjoyed within their communities and countries,² increasing their vulnerability. These smear campaigns could include discourses that equate human rights advocacy and environmental activism with armed insurgencies or “anti-development” attitudes, and in some cases label EHRDs as

“enemies of the state.” Moreover, human rights abuses committed against EHRDs often occur within a climate of impunity, and victims face countless obstacles to accessing justice. Weak protection institutions—often underfunded and/or riddled with corruption—create a vicious cycle that favors and perpetuates attacks against EHRDs.

These risks are further amplified by entrenched patterns of marginalization and discrimination based on gender, ethnicity, class, and race. Inadequate protection systems, unsustainable exploitation of natural resources, the capture of states by powerful interests, land grabbing, illegal economic activities, endemic corruption, and weak rule of law systems further aggravate the situation.

Travel restrictions and lockdowns imposed during the COVID-19 pandemic have further exacerbated the risks faced by EHRDs. Unable to leave home when threatened to seek assistance or assert their rights to association and expression, these defenders became even more isolated and vulnerable to attacks (Business and Human Rights Resource Centre 2021).

In light of this crisis, a wide range of actors, including governments, multilateral institutions, individuals, and non-profit and civil society organisations (CSOs), have designed, institutionalized, and implemented protection support strategies to prevent and respond to attacks against EHRDs (UNEP 2020). Support strategies encompass both emergency and non-emergency support, including assistance in relocating EHRDs, conducting risk assessments, ensuring access to legal advice and accompaniment, enacting digital security strategies, providing psychosocial assistance, and more. Some interventions also seek to address structural patterns of exclusion and discrimination that aggravate EHRDs’ vulnerabilities, especially by politically and financially empowering women and rural communities.

ALLIED’S WORK TO UNDERSTAND SUPPORT RESOURCES, SCOPE, AND DEFICIENCIES

Over the last two years, the Alliance for Land, Indigenous, and Environmental Defenders (ALLIED) worked closely with defenders and local organisations in five countries: Brazil, Colombia, Kenya, Mexico, and the Philippines to examine the effectiveness of support mechanisms. In addition to workshops in each country, ALLIED and local partners interviewed individual defenders and created case studies of their experiences to learn about

- their most pressing support and information needs,
- the obstacles they encounter in accessing protection support, and
- the challenges that organisations typically face in the delivery of effective support to EHRDs.³

Lessons were also drawn from a survey and focus groups aimed at defining best practices to support EHRDs. The research brought to light one clear and concerning trend across all countries: EHRDs are often unaware of the different types of support systems available to them. This includes how and where to apply for and use those systems, and which existing mechanisms could help them address different risks and challenges at both national and international levels.

In response to that specific concern, this report summarizes key findings of the interviews, focus groups, and anonymized case studies from the two-year project in order to inform concrete steps to increase the impact of existing and future strategies to enhance EHRD protection. Following the case studies, the report presents recommendations for donors and CSOs working to better respond to the urgent needs of EHRDs around the world.

Brazil: Defending Indigenous territorial rights

AB is an internationally respected Indigenous leader from the Brazilian Amazon. Since 2015, AB has fought for the demarcation of Indigenous lands. AB has dedicated significant time denouncing illegal mining, timber extraction, and government-sponsored megaprojects that impact Indigenous land and protected territories. AB has led Indigenous associations and won awards as a voice of Indigenous resistance, calling attention to the multiple threats to the community’s territories and lives. Those threats include land invasions by illegal miners and megaprojects such as hydroelectric dams and railroad, and the resulting harmful impacts on the environment and river local to the community. Significant risks have been identified from illegal mining in the area, including mercury in AB’s river.

Indigenous territorial rights have been increasingly under threat in recent years. The Federal Bill 191/2020 proposes to open up Indigenous territories for mining activities, and Indigenous land demarcation entails a long and complex federal administrative process. AB has publicly denounced new government projects and helped coordinate the development of coalitions, and AB’s people have received support from foundations and



Jardín, Colombia;
Pedro Szekely; Taken June 19,
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both national and international CSOs to carry out territorial monitoring expeditions to strengthen their claims. Due in great part to these efforts, AB has become a target of land invaders and corrupt companies. In addition to ongoing verbal threats, AB's house has been broken into and electronic devices stolen, and AB is constantly under surveillance by unknown people parked outside of their house. Advocating against government-sponsored development projects has spurred further such intimidation tactics. AB is currently receiving legal support from a firm specializing in defender security. However, local organisations lack legal and communications capacity to support AB's advocacy, and public sector corruption undermining existing government protection measures remains a seemingly insurmountable challenge.

Colombia: Empowering vulnerable communities to protect vital water sources

CD is a grassroots organisation in Colombia. It was funded by a group of human rights defenders who sought to address poverty, inequality, violence, and injustice and to strengthen democracy in their region by securing access to justice and participation in environmental matters.

The region where CD is located is rich in water sources, on which poor peasants and local communities depend. However, these water sources have been increasingly polluted and privatized by multinational and local corporations, leading to loss of biodiversity, degradation of ecosystems, and violations of the rights to health and food of local communities. CD works to defend human rights and the environment, particularly the right to water, by supporting local initiatives such as community-run aqueducts and small-scale sustainable farms. CD also supports social leaders that defend their territories from megaprojects and extractive industries.

To this end, CD focuses on empowering vulnerable communities and providing open spaces for public participation, providing environmental and human rights education and communications support. CD also conducts research and maps places of environmental conflict.

CD reports existing environmental conflicts, land tenure and distribution, and human rights violations in its region. Defending local water sources, food security and sovereignty has made CD the target of attacks by those who defend and develop mining projects, large-scale agriculture, fracking, and water-intensive crops and industries. The members of CD have received death threats and been the subjects of assassination and kidnapping attempts, smear campaigns, stigmatisation, and criminalisation. The intensity of these threats increases when CD organizes national demonstrations through marches or other movements. Members of CD have also been the target of digital assaults, a tactic that increased during the COVID-19 pandemic. This includes data thefts, hacks to their accounts and devices, malware attacks, and the shutoff of internet services. The perpetrators of these assaults, however, remain unknown and unprosecuted.

The largest obstacles to the protection of CD are local capacity and corruption. The defenders lack the financial resources

needed to develop further their advocacy and increase personal and digital security, while corrupt authorities continuously seek to silence them.

CD has implemented some self-protection measures, but in an ad hoc manner: when it was able to secure sufficient financial resources, the organisation hired consultants to provide self-protection training. Members have also designed other protection and prevention strategies themselves, based on capacity-building workshops and training received from international civil society organisations. Nonetheless, CD urgently needs further support to revise and strengthen its physical security measures and implement robust digital security strategies. Although CD acknowledges and is grateful for the support it has received thus far, representatives expressed concern at how difficult it has been for the organisation to get technical assistance and financial resources. Securing funds and support to facilitate the implementation of holistic protection and prevention measures has been a very difficult mission that has yielded minimal results.

Kenya: Defending Indigenous community land rights and their way of living

An EHRD from the marginalized Indigenous Ogiek community, EF resides in the Mau Forest of Kenya. EF focuses on advocating for the land and human rights of the Indigenous Ogiek people and the protection of the Mau Forest ecosystem, the ancestral home of the Ogiek. This EHRD also advocates for the education of the Ogiek people, the empowerment of Ogiek women and youths, and the recognition of Mau Forest as their ancestral land.

EF defends the Mau Forest ecosystem not only due to its importance as a biological hotspot, but also because it is the ancestral home of the Ogiek. The Ogiek are an Indigenous minority, forest-dependent people of Kenya, and arguably the only remaining hunter-gatherer community besides the Hadzabe of Tanzania. The Mau Forest Complex is their traditional ancestral land and the conservation of that land guarantees their livelihood: destruction of the Mau Forest is a threat to their culture, traditions, and ways of life. The ecosystem is also significant in its own right, and the United Nations (UN) Environment Programme has called the Mau Forest “the single most important watershed in the Rift Valley and western Kenya” (UNEP 2021).

The Ogiek EHRD has played a crucial role in pursuing Ogiek land rights litigation processes against the Kenyan government. As a community, the Ogiek have achieved two landmark rulings recognizing their land rights: one at the Kenyan High Court in 2014, and a second at the Arusha-based African Court on Human and Peoples' Rights in 2017.⁴ EF also supported the 2016 filing of a legal petition against the Independent Electoral and Boundaries Commission of Kenya and the Attorney General for failure to jointly implement legislative, policy, and other measures that effectively safeguard the election of a member of the Ogiek community in elective public bodies at any level of representation, as per the Articles 10, 27, and 56 of the Constitution of the Republic of Kenya. Currently, EF and other community members are advocating for the implementation of the two successful

rulings, while the 2016 petition is still pending in court and has stalled due to limited resources to pay legal fees.

The protection of the Mau Forest has been a contentious issue in the country and powerful economic interests are affected by the work of this Ogiek EHRD. As a result, EF has received several death threats, has been intimidated, and has faced criminal charges. EF's family has also been threatened. According to EF and other EHRDs in the field, the threats typically come from individuals who have benefitted from the land grabs that cleared the forest for human settlement and farming activities. The police have also been implicated in some of these threats, and EF reported instances of police harassment and intimidation.

These ongoing threats have greatly affected EF's work and exposed both EF and EF's family to serious security risks. The risks are further exacerbated by the fact that EF comes from a minority community with little political and economic power in Kenya.

EF received an emergency grant from a national NGO to ensure the family's security by temporarily relocating from the forest. EF's organisation has also developed security protocols to respond to threats. Although the EHRD has attended several security training sessions to enhance their knowledge of both physical and digital security, without further assistance from expert organisations that guide or fund these efforts, protocols have been developed in an ad hoc manner.

Indeed, insufficient financial resources is one of EF's greatest obstacles. The organisation that EF works in does not have any funding at the moment and EF struggles to maintain a decent income. Consequently, EF has not been able to continue with the reforestation activities of degraded sections of the Mau Forest.

To be able to operate efficiently and in a safe environment, EF requires a security grant that will ensure their family a stable and secure location free from threats, harassment, and intimidation, alongside additional resources to consistently develop advocacy efforts. The EHRD has also expressed the need for support in engaging local and international media to highlight the issues surrounding Mau Forest conservation efforts, as finding supporters has been a colossal challenge.

Mexico: Preserving green areas and public spaces amidst urban growth

Since 2019, GH has been defending the right to a healthy environment in the urban and peri-urban areas of Mexico, through the protection, preservation, and conservation of green areas and public spaces for recreation and leisure.

As the population and urban sprawl continue to grow in Mexico, they have accelerated climate change, air pollution, and other negative impacts like deficiencies in vegetation cover and depletion of groundwater. For instance, in one case, 10,000 square meters (m²) of vegetation cover were to be removed from a park for military activities. There was no previous public consultation and environmental protection standards were not considered during the project's planning and approval. As a result, GH argued that these activities were developed in contravention

of individual rights to a healthy environment, access to public information, participation in public affairs, and other fundamental rights recognized by the Mexican constitution.

In this context, GH and others worked together to protect the park's forested areas and ecosystems. The collective peacefully blocked access to the park and organized demonstrations. They also filed formal requests to the City Council, filed legal actions to prevent the deforestation of the park, and sought a dialogue with municipal authorities.

Though these actions have successfully defended the park, they have also spurred persecution, stigmatization, intimidation, arrests, and criminalisation of the EHRDs involved. The municipality, the leading promoter of the project, consistently intimidated activists and undermined their work, and aggressions have escalated over time, both in severity and frequency.

GH has been a primary target of these aggressions, and has been threatened with violent attacks, illegally surveilled by local police force members, and threatened by municipal authorities.

Many EHRDs in Mexico face serious risks for their work and violence has affected all members of the collective, even outside of their efforts in defence of the park. In November 2019, for instance, two members of the collective were detained and bludgeoned during a sporting event, then imprisoned for 11 hours. They were released without ever having received information of their legal situation or the crimes they had been accused of.

In response to the violence against them, GH and the collective have turned to different institutions and organisations for support. Mexico's National Human Rights Commission has provided legal assistance in several cases and issued precautionary measures in favor of the defenders and requested that the municipality cease aggressions. A human rights centre also helped guarantee individual protection measures for GH and others by facilitating their inclusion in the national Protection Mechanism for Human Rights Defenders and Journalists.

GH and members of the collective have faced huge challenges in accessing other types of support. Though they are aware of the different types of support that exist, they have not been able to access funding or more systematic legal support. They have struggled to present successful applications, mainly due to a lack of information on the submission process.

The Philippines: Countering the harmful impact of commercial fishing in community waters

A group of subsistence fishers has been working for over three decades to counter commercial fishing within their municipal waters. Toward that end, they have created an association—and are officially recognized as such by the local government—in hopes of strengthening their activities and amplifying their voices through collective efforts. This group, which has asked to remain anonymous due to security concerns, fundamentally advocates for the protection of the seas, coasts, and uplands, and

for the improvement in the living conditions of its members. As marine resources provide their livelihood, preservation of those resources is vital.

With the approval of the local government and foreign donor support, the association established a training centre on the shore of a newly created marine sanctuary. Local authorities also appointed association members as “fish guardians” (*bantay dagat*), confirming them as leaders of maritime protection in the area. Official recognition allowed the group to increase its outreach, gain more supporters, and access official information on the use of the sea and costs.

This official recognition also allowed the group to engage in different activities in coordination with various government agencies. For instance, the association has initiated programs to help improve the livelihoods of its members, and in the early 2000s, the group coordinated with the relevant government agencies to allow its members to acquire their own fishing boats on credit.

Simultaneously, the association implemented public outreach and education campaigns to increase environmental awareness in the local community.

However, the group’s activities often oppose the interests of wealthy private individuals and organisations who stand to profit from the exploitation of natural resources in the area. Those involved in illegal fishing, who have been limited by the work of these “fish guardians,” are also opposed to the association’s work.

Private actors have claimed ownership of the lands where association members lived, seeking to increase their influence by threatening to evict those who support the group. As a result, active membership with the association has dwindled. More recently, the group was evicted from its training centre because a private individual claimed ownership of the land where it was built. Such evictions and threats of eviction are the primary obstacles impeding the group’s efforts to protect the marine and coastal ecosystems.

In addition to these, association members have received death threats and are being criminalised. The threats have silenced a number of members and pushed others to leave the group for fear of their own safety and for their families.

To address such risks, the group has built networks with NGOs and with other fisherfolk organisations in neighboring communities, helping to build their protection capacities. Though the association is greatly in need of legal support to stop and hold accountable environmental law offenders, it has been unable to access this kind of support at no cost and cannot afford a private lawyer.

Group members frequently report threats to the local police authorities and government agencies. These threats are reported and documented, and law enforcement agents are then able to offer protection. Local communities have also played a key role in securing the protection of the group and its members: whenever they receive death threats, these are shared with the local communities, who then implement self-protection measures. These mechanisms have proved to be effective for the group.

PROTECTION THAT WORKS: HOW TO DELIVER EFFECTIVE SUPPORT TO EHRDS

This section presents relevant findings for approaches and strategies to increase support for EHRDs. It summarizes key conclusions of discussions with EHRDs and support organisations at the local level in the five priority countries.

1. Focus on defenders as agents of change.

Most defenders recommend a clear recognition that EHRDs must be agents of their own protection, and thus require the knowledge, tools, and skills to understand their own support needs and how to access that support. This recognition goes hand-in-hand with acknowledging that protection must be tailored and that—even within communities, organisations, and movements—EHRDs represent a diverse group. EHRDs that participated in this project expressed that support tends to be one-off and they are thereafter left on their own; when facing changing circumstances, EHRDs thus struggle to update their protection strategies.

EHRDs frequently reported that a key source of learning is listening to what other communities have done to address existing threats and vulnerabilities. There are multiple ways in which



this peer learning can be advanced, and all of these must be context-specific. For example, in one of the meetings organized for this project, EHRDs suggested the creation of exchange programs, under which EHRDs could visit communities with similar contexts to directly witness, hear, and learn about the implementation of successful protection and prevention strategies. Empowering EHRDs is key to securing long-term, sustainable protection strategies.

2. Bolster specific support for and acknowledgement of women defenders.

Women must be acknowledged and empowered as EHRDs. Women's roles in protecting the environment tends to go unrecognized and, in some cases, even punished, as women face intersecting discrimination based on gender and their role as human rights defenders. Violence and discrimination come not only from outside their communities but also from within, including their own homes. Many women refrain from seeking support, either unaware of the options or afraid to recognize their role as environmental defenders. In all five countries included in this research, women EHRDs need greater recognition as agents of change in their communities and acknowledgment of their contributions. Strengthening the linkage between women's rights organisations and women EHRDs is one important step to exploit potential synergies for increased outreach. There is also a need to review the approach, methodologies and mechanisms that support organisations used to address the needs of women EHRDs.

3. Help mainstream and implement collective protection strategies.

EHRDs in most of the countries recognize that there is a need to strengthen and further implement collective protection strategies—strategies that protect individual EHRDs and the communities or groups they are a part of in order to create a stronger enabling environment for the defence of the natural world.

Collective protection seeks to build resilience and capacities in EHRDs' communities and organisations, taking into account their context, traditions, and practices, and acknowledging their agency in designing and implementing protection schemes. These strategies are rooted in a bottom-up methodology and adopt racial, ethnic, and gender approaches that are sensitive to the particularities of all individuals within a relevant group. They should be holistic and address the social, economic, political, digital, physical, emotional, and territorial dimensions of protection.

At the core of collective strategies is the recognition that protection is relational. Hence, these approaches have a strong focus on creating resilience and strengthening the social tissue of local communities and groups. By doing so, collective protection strategies play a crucial role in preventing attacks against EHRDs.

Collective protection strategies recognize that attacks against EHRDs target entire movements, not solely individuals who embody the joint struggles. Thus, at the core of collective protection is the recognition that violence affects entire groups

(communities, families, and organisations) and that security strategies should stem from the causes of the attacks, not only from their “symptoms” and ultimate impacts.

Collective protection considers the context of EHRDs and is mindful and respectful of the community-based processes that motivate and underpin the defence of the land, territory, and environment. Furthermore, it acknowledges the power asymmetry that characterizes the struggles of EHRDs against companies and governments and aims at strengthening the social fabric to thereby increase EHRDs' strength and capacities to respond to violence and other threats.

Failing to put in place collective protection strategies can harm individual protection measures. For example, Indigenous leaders that participated in this project expressed that before receiving in-kind or financial contributions, they knew they were risking distrust from some members of their communities, but there was no alternative for receiving the resources they so urgently needed for their protection. Likewise, many EHRDs and support organisations have illustrated how projects to empower women financially can increase the risk of gender-based violence if men are not properly trained or engaged. To avoid such unintended consequences, it is essential to listen to the beneficiaries and take into account existing research.

However, across countries, most support has been directed to individual or physical protection measures. EHRDs struggle to find allies who can assist them in designing, revising, or strengthening collective protection strategies. Local organisations that offer funding and capacity building in this regard tend to find themselves overburdened and incapable of responding to the myriad support requests they receive.

4. Create and strengthen EHRD networks.

A vital support system for EHRDs, their communities, and organisations is the solidarity offered by networks and coalitions. From the grassroots to the international level, EHRDs and their communities often find guidance, training, accompaniment, information, solidarity, and even funding by joining alliances and creating partnerships. Thus, these networks or coalitions can play an important role in deterring attacks against EHRDs.

In many cases, at the local level, networks take the form of an association, including farmers' associations, women's associations, youth associations, fishers' associations, Indigenous associations, and so on. For example, some of the EHRDs who participated in this project work through a local cacao association that aims to protect sustainable crops from illegal deforestation.

The relationship between EHRDs and local and intermediary support organisations is typically based on trust. For EHRDs, this means sharing their needs and concerns with an organisation only if they find it transparent, reliable, and a potential ally; for organisations, this means supporting only those individuals or communities who are included in their trusted networks. In fact, most capacity-building and legal assistance organisations that participated in this research reported that they generally work with defenders that have been referred or recommended to them.

This referral-based selection process is an essential part of the trust-based relationship between support organisations and EHRDs. However, at the same time, it closes the door to many isolated EHRDs. Defenders who are not part of these existing networks have even fewer possibilities of accessing support. Strengthening existing networks and alliances and increasing their outreach to isolated defenders is, therefore, a key step towards reaching the most vulnerable EHRDs.

Networks and alliances also help identify opportunities for collaboration and cooperation between organisations. This function fills capacity gaps, avoids duplication of efforts, and, as a result, works towards more effectively supporting EHRDs. In the countries that were part of the project, local support organisations and EHRDs alike constantly expressed the difficulties that the former face in trying to respond to increasing calls and requests from individual defenders.

All participants in this project agreed that the number of EHRDs in need of assistance far surpasses the current capacity of existing support organisations. Local organisations, especially those offering emergency protection, often find themselves at the limit of their capacity. Working through a network is an effective way of addressing these capacity challenges.

5. Facilitate access to safe spaces, both digital and physical.

Given the collective efforts behind the defence of the natural world, it is vital that EHRDs have a safe place to meet, plan activities, conduct training courses and workshops, and develop community activities. Several EHRDs interviewed for this project agreed that having fully equipped community centres and workspaces facilitates communication among community members and the possibility of building and revising environmental defence initiatives, collective protection strategies, work plans, and other social and cultural activities that may strengthen the social fabric and build solidarity.

Moreover, when third parties—including government agents—try to undermine and divide a community or collective, having a gathering space enables EHRDs to nurture resilience and marshal support and resources.

The mobility and gathering restrictions imposed during the COVID-19 pandemic and specific threats to the security of some EHRDs have underscored the importance of safe digital spaces as an alternative when in-person meetings are not feasible.

While digital meetings cannot fully replace in-person gatherings, they play an essential role in maintaining active communication and strategy planning within and between communities and their supporters. Digital communications further help address challenges such as isolation and lack of physical infrastructure for travelling and congregating. They are, however, hard to implement in the contexts of many EHRDs, particularly Indigenous peoples, given the lack of technological infrastructure.

6. Address the hidden costs of environmental defence.

There is a vast misconception that EHRDs devote most of their time to carrying out strategies to defend the natural environment, when in fact the daily work of defenders is often spent struggling to address the challenges, threats, and pressures

that result from defending the natural world. Unseen efforts frequently go into daily tasks and responsibilities to keep their organisations and communities afloat, including addressing living and administrative expenses and securing human resources.

The psychological impact of these daily undertakings often results in burnout, depression, anxiety, other mental health concerns, and internal conflicts that may disrupt the communities' and organisations' social fabric. Yet, with a few notable exceptions, support for these hidden costs is scarce.

Defenders agree that their work dynamic, wellbeing, and effectiveness are substantially improved by having sufficient funds to hire support (including lawyers and accountants), maintain their own salary, develop sustainable livelihood projects, and pay taxes and other indirect costs like legal and bank fees, utility bills, cell phones and internet services, working space rent, and more. Most defenders interviewed for this project were concerned about not being able to access support to cover these costs.

Further, even when funding is available, EHRDs sometimes lack the knowledge and capacity to effectively manage and address some of the administrative and financial procedures that running an organisation or association requires. In addition to funding, support to address these hidden costs should include technical and administrative training, such as financial and business administration, accounting, taxes, and reporting. These skills are also essential for the implementation of far-reaching, long-term environmental defence and EHRDs' protection strategies, yet capacity building in these areas is almost non-existent. For example, though all 30 EHRDs who participated in a nationwide consultation in Colombia as part of this project acknowledged the need for training in these areas, none of them had ever accessed or heard of where to find this kind of support.

7. Share information and facilitate communication.

Often, EHRDs' work takes place in remote, isolated areas with limited connectivity. Far from the main population centres, EHRDs may struggle to know their rights, the mechanisms available to assert them, and the diverse range of support strategies that exist, including good security practices and how and where to report human rights violations and abuses.

Support organisations play a crucial role in helping secure access to information, including human rights information and protection strategies. Stable, secure communication channels are essential for responding to emergencies and preventing attacks against EHRDs, their families, and local communities.

EHRDs have utilized essential technological goods—such as cell phones, tablets, and laptops—to increase their access to information, including by more efficiently communicating with support organisations, leveraging social networks to raise the visibility of their causes and situations, and even consolidating elements of proof for legal matters. For example, Indigenous peoples find it useful to reach out to support organisations through instant messaging, but they acknowledge that not all members within a community will be able to do it. They propose, in consultation with each community, to designate “leaders of technology”

who can assist other community members. By securing access to information and facilitating communications, technology has shown to be instrumental for protection, advocacy, and campaigning.

8. Place a stronger focus on prevention.

While collective protection strategies address prevention and an increasing number of courses, workshops, and manuals aim to building EHRD capacities in addressing and mitigating risks, it is still necessary to strengthen the preventative approach of all support strategies.

Prevention includes addressing the vulnerabilities that increase the risks of defenders, including lack of economic resources, education, inadequate or in-existent public services, and closing civic space, among others. Addressing and preventing impunity and corruption within the public and private sectors is crucial to effectively preventing violence against EHRDs. Toward this end, it is essential to enhance focus on building solid national institutions and creating resilient local communities.

Prevention strategies can also include doing proper documentation of cases and submitting them to national human rights institutions and to relevant UN bodies and mechanisms to ensure there are no serious/grave human rights violations such as killings. Prevention can also be supported by raising public awareness, solidarity and support through public petition letters, and publishing joint statements of support for EHRDs. However, the effectiveness of these strategies depends on the political situation, the nature of risks faced by defenders and other specific considerations. It thereby requires an assessment of these possible actions together with the defenders and their families and or organizations.

Prevention also takes the form of effective early warning and response systems, and addressing threats before they escalate, which is one of the most urgent calls from EHRDs.

9. Raise visibility and portray a positive narrative of EHRDs and their work.

Visibility can play a vital role in deterring attacks, as it can create political pressure on perpetrators, reduce the risks of impunity, and facilitate solidarity. When EHRDs are visible, it is naturally easier for global and regional organisations to reach them and know with a certain amount of clarity who they are, what they are defending, and, therefore, that they need and warrant support.

Funding for work on building positive narratives needs continued investment both for short term impact but also to influence narratives sensitive to local contexts over the long haul. Additionally, EHRDs agree that building relationships with journalists has been an effective strategy to bring their struggles and victories to light. The media can play an essential role in moving from a negative narrative about EHRDs and their work to a more positive, supportive narrative. This includes fighting stigmatisation and placing the focus on good practices to support them.

Visibility should always be evaluated case-by-case, as increased exposure can also increase the risks faced by EHRDs. It may also create risks for journalists and organisations who are seen as

EHRD allies. An appropriate assessment, conducted alongside EHRDs and other protection experts, may be needed depending on the risks faced by each EHRD.

10. Help EHRDs claim their rights, including justice, reparation, and non-repetition.

One of the most pressing support needs of EHRDs is legal assistance to claim their rights, including but not exclusively in cases of criminalisation. Legal support is needed to ensure respect for their lands, territories, and human rights. It may also be the only way to stop projects or compel government officials to enforce physical protection measures. This need comprises legal assistance and financial support to cover the corresponding associated costs, where applicable. But frequently, legal CSOs are overburdened and financial support does not cover the full cost of hiring private lawyers.

Legal support is required at both national and international levels. While most legal struggles take place at the local level, where enforcement measures are more likely to exist, EHRDs agree that going to international human rights mechanisms and multilateral organisations is very fruitful in the pursuit of justice and accountability. This includes, for instance, the UN Office of the High Commissioner for Human Rights (OHCHR), UN Special Rapporteurs, the International Labour Organization, the African Commission on Human and Peoples' Rights, and the Inter-American Commission on Human Rights.

11. Foster flexible and more user-friendly processes for accessing support.

Putting in place support strategies is not enough. Making support accessible to EHRDs most in need is as essential as offering it. EHRDs regularly face numerous obstacles in trying to identify and access support.

EHRDs often struggle to learn who offers support in their regions or communities. Their most obvious allies are government actors, such as national human rights institutions (NHRIs) and attorney generals. Oftentimes, the work and support offered by international CSOs is invisible for the most isolated defenders. Support is often advertised in languages different from the EHRDs' native language or on official websites that EHRDs rarely have knowledge of. As a result, the ways in which support is offered are complicated for defenders and incompatible with their local contexts.

Although some types of support, such as emergency response and short-term financial aid, are evident to most EHRDs and local organisations, the existence of others is not known to many, especially those in remote places. This includes, for instance, support for putting forward amicus curiae briefs, funding for small-scale productive projects to build livelihood support, and security and self-protection training. Consequently, EHRDs rarely seek these types of support, despite a clear need.

Even when information about the existing types of support is more readily available, it can be hard for EHRDs and local organisations to understand where their needs fit, given the frequent use of very technical or vague language. Organisations offering financial aid also often make requirements that are difficult for EHRDs to fulfill, particularly those coming from Indigenous and rural communities.



Irrigating a farm using solar-powered water pump, Kenya; IWMI/Jeffery M Walcott /IWMI; Taken on January 2, 2021. License CC BY-NC 2.0

Recommendations for Donors and International and National Civil Society Organisations

Based on the above findings, the following section outlines specific recommendations for donors and support organisations.

1. Focus on defenders as agents of change.

- i. Open up opportunities for the effective participation of EHRDs during the design, implementation, and evaluation of all support strategies.
- ii. Mainstream support for EHRDs in the design of broad, donor-supported strategies - e.g. on forest, economic livelihood, democracy, and more.

2. Bolster specific support for and acknowledgement of women defenders.

- i. Invite women's rights organisations to join existing networks of EHRDs, and coordinate action with them to deliver effective support to women EHRDs.
- ii. Further work to empower women to identify themselves as EHRDs. Not acknowledging themselves as such is an obstacle to seeking support.
- iii. Invest in reviewing the structure, approach and mechanisms that mainstream defender protection groups have developed in attending to women EHRDs requests.
- iv. Increase visibility by support organisations in actively articulating and supporting WHRDs.

3. Help mainstream and implement collective protection strategies.

- i. Mainstream collective protection as a complementary approach to individual protection mechanisms to guarantee the safety and security of EHRDs. This means prioritizing financing or support for the implementation of collective protection strategies and reaching out to and strengthening local organisations that provide relevant technical assistance and capacity building to local communities, while ensuring mutual care and wellbeing of individual defenders.

4. Create and strengthen EHRD networks.

- i. Ensure that local networks of EHRDs have sufficient funding and technical capacities to respond to support requests, including in cases of emergency.
- ii. Create effective referral pathways within existing networks and coalitions and encourage outreach to local and grassroots organisations and to the most isolated and at-risk EHRDs. Make sure that when one entity alone is not able to provide a holistic response due to, for example, resource constraints, it can coordinate action with other support actors to offer more robust and complete assistance. Appoint coordinators or intermediaries that help route EHRDs' requests to secure a response to support needs.

5. Facilitate access to safe spaces, both digital and physical.

- i. Facilitate access to safe spaces, including by covering transport and accommodation costs of defender organisations.
- ii. Build digital communications and digital security capacities in EHRDs and their communities in a manner that addresses the digital divide. This may entail facilitating access to equipment, connectivity, and technological literacy. Reinforcing digital protection for defenders is also critical in countering unwarranted surveillance that can expose the EHRDs to higher levels of risk.

6. Address the hidden costs of environmental defence.

- i. Facilitate access to funds and build local capacities to design and implement sustainable livelihood projects that secure a regular and decent income for EHRDs and their local communities.
- ii. Ensure environmental defence is not siloed from broader donors' work on livelihoods, forestry, and climate change.
- iii. Offer psychological, administrative, financial, and legal support to help EHRDs address the hidden costs. Building these technical and transferrable skills will further help EHRDs broaden their income opportunities.

7. Share information and facilitate communication.

- i. Disseminate information about support resources and the mechanisms to access them in context- and language-appropriate formats. Local and grassroots media are effective channels for informing the most isolated EHRDs.
- ii. Encourage the exchange of information on prevention and protection measures and associated good practices within and between EHRDs and their communities, including by offering regular in-person and digital meeting spaces.
- iii. Support the establishment of connections between communications firms with international, regional and national civil society organizations, to design robust global social justice communications to alter narratives on EHRDs. With the participation of EHRDs, put in place early-warning systems and coordinate action with other support organisations to guarantee a prompt response to threats, preventing their escalation.

8. Place a stronger focus on prevention.

- i. Provide funding and a focused approach to ensure the implementation of UN Human Rights Council Resolution 40/11.

9. Raise visibility and portray a positive narrative of EHRDs and their work connecting EHRDs groups with groups working on conflict or early warning mechanisms to learn and deploy new practices.

- i. Alongside EHRDs and minding the risks that increased visibility may have, increase the positive profile of EHRDs' work, including through social networks and media campaigns, as a means to counter the orchestrated smear campaigns and stigmatisation that many defenders face.
- ii. Support efforts to bring EHRD cases to international human rights courts using the relevant mechanisms. International rulings or precautionary measures are, for EHRDs, among the most significant achievements. Although states often fail to implement these measures, international rulings and decisions help raise the visibility of the causes and create political pressure that may dissuade perpetrators and open the door for more and different kinds of support.

10. Help EHRDs claim their rights, including justice, reparation, and non-repetition.

- i. Bolster legal capacities in EHRDs and their communities, including by offering training and scholarships.
- ii. Work with universities, civil society organisations, and the private sector to explore opportunities for increasing legal support for EHRDs.

11. Foster flexible and more user-friendly processes for accessing support, including sharing knowledge on the requirements for legal insurance to offset legal costs and claims.

- i. Simplify application procedures for accessing support.
- ii. Explain and describe the support offered in simple terms, local languages, and context-appropriate formats.

METHODOLOGY

EHRDs who contributed to this project were chosen based on the criteria set out below, which were developed, inter alia, in light of the constraints imposed by the COVID-19 pandemic.

- i. **Operational feasibility:** The possibility of working directly with EHRDs, meeting them, and understanding their context. Local partners conducted national consultations and bilateral meetings, among other discussions.
- ii. **Track record:** The impact of/results achieved by the individual's or collective's activism in their chosen field over a defined period of time.
- iii. **Representativeness:** Balance between different kinds of EHRDs (including both individuals and organisations, women, youth, Indigenous persons, and geographic sub-regions) and between diverse focus areas, such as water, territory, and ecosystems.
- iv. **Vulnerabilities:** Underlying patterns of exclusion and marginalisation that exacerbate the risks faced by EHRDs.
- v. **Risks:** The level of threat to an individual or group, actually or apparently associated with their work or advocacy.

Due to the inherent sensitivity of these issues and data collected, it was decided to only provide a generalised account of the subjects' experiences.

ENDNOTES

- 1 The HRD Memorial is a joint initiative by a network of national and international human rights organisations who are committed to working together to gather and verify information on the killing of human rights defenders whose deaths are perceived to be connected to their human rights activities. For more information: www.hrdmemorial.org
- 2 For further information and examples, see Front Line Defenders “#Smear Campaign,” available at <https://www.frontlinedefenders.org/en/violation/smea-campaign>.
- 3 For further information, see the methodology section.
- 4 For further information on the 2014 judgement, see <http://kenyalaw.org/caselaw/cases/view/95729>; for 2017, see https://www.escri-net.org/sites/default/files/caselaw/ogiek_case_full_judgment.pdf and additional sources at <https://www.escri-net.org/caselaw/2017/african-commission-human-and-peoples-rights-v-republic-kenya-acth-pr-application-no>.

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