



EHRD Resource Paper: What are my rights?

The rights of environmental human rights defenders (EHRD)

I. What rights to EHRD's have?

People who work to defend environmental and land rights are environmental human rights defenders.

Like everyone, they have the right to express their opinions, alone or in association with others, about environmental issues. The rights of freedom of expression and association are recognized in [the Universal Declaration of Human Rights](#) (arts. 19, 20) and [the International Covenant on Civil and Political Rights](#) (arts. 19, 22), as well as regional human rights agreements in [Africa](#), the [Americas](#), and [Europe](#).

More specifically, the United Nations General Assembly has adopted a [Declaration on the Rights of Human Rights Defenders](#), which recognizes that everyone has the following rights:

- To seek the protection of human rights at the national and international levels.
- To form associations and to meet or assemble peacefully.
- To criticise the government and to make complaints or proposals concerning government policies.
- To provide legal and other assistance in defence of human rights.
- To attend public hearings, proceedings and trials in order to assess the government's compliance with national law and international human rights obligations.
- To solicit, receive, and utilise funds and other assistance for the purpose of promoting and protecting human rights through peaceful means.

II. What duties do governments have to protect environmental defenders?

Governments have obligations to respect and protect these rights. Specifically, under the [Declaration on the Rights of Human Rights Defenders](#), governments must:

- Take all necessary measures to ensure the protection of everyone against any violence, threats, retaliation, adverse discrimination, pressure, or any other arbitrary action as a consequence of their legitimate exercise of their rights.
- Effectively protect the right of everyone to oppose, through peaceful means, violations by States of human rights, as well as human rights abuses by non-State actors.
- Conduct prompt and impartial investigations of alleged violations of human rights.
- Provide an effective remedy for persons who claim to have been victim of a human rights violation.

These obligations apply to those exercising their rights to protect human rights from environmental harm. States have obligations not only to refrain from violating the rights of free expression and association directly, but also to protect the life, liberty and security of individuals exercising those rights, including from threats and actions by non-State actors.

The [United Nations Human Rights Council](#), the principal human rights body in the United Nations, has emphasised that [States have obligations to prevent and stop policies and legislation that restrict, hinder or limit the activities of human rights defenders](#) in contravention of relevant provisions of international human rights law, and judicial harassment or threat thereof against human rights defenders, including those addressing economic, social and cultural rights.

The Council has called upon all States to take [all measures necessary to ensure the rights and safety of human rights defenders](#), including those working towards the realization of economic, social and cultural rights and who, in so doing, exercise other human rights, such as the rights to freedom of opinion, expression, peaceful assembly and association, to participate in public affairs, and to seek an effective remedy.

The Council has also called upon all [States to combat impunity by investigating and pursuing accountability for all attacks and threats by State and non-State actors](#) against any individual, group or organ of society that is defending human rights, including against family members,

associates and legal representatives, and by condemning publically all cases of violence, discrimination, intimidation and reprisals against them.

[The Inter-American Court of Human Rights](#), which has jurisdiction over countries in Latin America and the Caribbean, has held that [States have obligations to protect human rights defenders, including environmental human rights defenders](#), by:

- Providing the necessary means for human rights defenders to conduct their activities freely.
- Protecting them when they are subject to threats in order to ward off any attempt on their life or safety.
- Refraining from placing restrictions that would hinder the performance of their work.
- Conducting serious and effective investigations of any violations against them, thus preventing impunity.

Therefore, States have obligations not only to refrain from violating the rights of free expression and association directly, but also to protect the life, liberty and security of individuals exercising those rights. There can be no doubt that these obligations apply to those exercising their rights in connection with environmental concerns. Many other human rights authorities have underlined these obligations, including:

- The [Special Rapporteur on the situation of human rights defenders](#) (paras. 16, 30)
- The [Special Rapporteur on the rights of indigenous peoples](#) (para. 21), and
- The [Committee on Economic, Social and Cultural Rights](#) (pp. 30-31).