



A tool for Diplomats Diplomatic Support for Environmental Human Rights Defenders

WHO ARE

ENVIRONMENTAL HUMAN RIGHTS DEFENDERS (EHRDs)?

The term ‘environmental human rights defenders’ refers to individuals or groups who, in their personal or professional capacity, act, and strive **to protect and promote human rights relating to the environment (including water, air, land, territory, a healthy climate, or flora and fauna).**

There are some common characteristics of EHRDs:

- Many EHRDs are **ordinary people living in remote villages, mountains or isolated forests.** Most of them engage in their activities due to sheer necessity since they rely on their land for food, shelter and cultural identity. Thus often they do not self-identify as HRDs.
- In many cases, they are **representatives of indigenous peoples and traditional communities** who depend on the natural environment for subsistence and the maintenance of traditional cultural activities, and **whose ancestral lands, healthy living environments, traditional livelihoods are often threatened by large businesses or development projects** such as dams, logging, mining, natural resource extraction, or luxury hotels. But they may also be journalists, lawyers or NGO staff who expose or oppose environmental destruction, land grabbing or corruption in these sectors.

In its 2019 resolution, the UN Human Rights Council has recognised the important contribution of EHRDs to human rights, environmental protection and sustainable development, explored the international obligations of States and business in this regard, and made specific recommendations for their protection.

This document is part of a series of ‘action sheets’ designed for human rights defenders (HRDs) and diplomatic representatives, with the purpose of enhancing the impact of diplomatic support to HRDs.

See the full series and sources at www.ishr.ch/diplomatic-support

WHAT ARE

THE PARTICULAR VIOLATIONS FACED BY EHRDs?

- **Serious attacks on life or bodily integrity** – such as death threats, enforced disappearances, sexual assault, kidnapping and killings, in particular against those who challenge big corporations, as a direct response to their human rights work;

Many sources have reported a drastic increase in attacks and acts of violence against EHRDs, particularly those arising in the context of large-scale projects involving extractive industries, agribusiness, infrastructure, hydroelectric dams and logging. On average, four

- environmental and land defenders are killed every week somewhere in the world.
- **Widespread smear campaigns designed to stigmatise HRDs** – in order to discredit them as opponents of progress and the development of their countries, and to inhibit or delegitimise their human rights work, or to discourage others from associating with them or taking on similar agendas.

Protests about the unsustainable nature of growth and/or resource exploitation are often portrayed as a public nuisance or even as a threat to the ‘national interest’ in particular if the county pursues a socio-economic advancement. Consequently, EHRDs are increasingly being branded and discredited as ‘anti-government’, ‘against development’, ‘manipulators’ and even ‘enemies of the State’ or ‘unpatriotic’.

WHO ARE THE PERPETRATORS OF THOSE VIOLATIONS?



EHRDs often challenge powerful economic interests and their efforts often intersect negatively with both State and corporate activities, which makes them vulnerable to abuses by multiple actors. They face threats and attacks by **State actors** including **law enforcement personnel and security forces.** Similarly, **non-State actors, including paramilitaries, armed militias, private security agencies, corporations, private groups guarding sites, individuals linked to organised crime and large-scale landowners, poachers, settlers, loggers or other communities** who support the ‘development’ projects are often contributing to or linked to these threats. It is important to note that it is often difficult to know precisely who is attacking EHRDs, who is ordering those attacks or who is benefiting from their insecurity due to collusion of multiple actors.

- **Criminalisation and protracted judicial harassment** - including criminal charges, civil lawsuits with huge potential financial penalties, or administrative proceedings through accusations ranging from violations of protest laws, NGO laws or public order to entirely fabricated charges of terrorism, subversion or crimes against the security of the State, often in order to legitimise attacks against them and foster impunity. Environmental activism in favour of indigenous peoples' rights, the right to land, or the right to a healthy/safe environment often result in the excessive use of force against activists, coupled with stigmatisation, repression or judicial harassment.

- **Institutionalised and systematic racism and discrimination**, especially in relation to indigenous peoples rights defenders, often compounds the violations experienced by EHRDs.

- **Forced eviction/displacement and land confiscation** – the expropriation of indigenous and local communities' land by private, business or State actors, forces these communities into forced displacement and condemns them to landlessness.

WHY ARE

EHRDs MORE AT RISK?

There is a worsening trend of violence and repression against EHRDs, due to a number of factors:

- **Growing demand for the extraction and exploitation of natural resources**

Economic growth coupled with global inequality have triggered an increase in the demand for energy and raw materials, and thus intensified the competition for natural resources. As natural resources become more and more valuable, those actors often try to avoid or violate legal constraints on their exploitation by for example displacing and disempowering those who live in affected areas or by silencing any voices raised in opposition.

- **Isolation and the lack of political power**

The extent to which HRDs are connected, recognised, respected and knowledgeable affects their access to and enjoyment of protection initiatives and impacts their capacity to ensure their own security. The disparity in power, resources and information available to business enterprises put EHRDs at a disadvantage when negotiating or opposing powerful companies. They often have less knowledge about the available judicial or non-judicial avenues for redress and are more exposed to pressure from family, the authorities and society without the support of networks. EHRDs have tended to receive far less attention than other HRDs because the economic, social and cultural rights that they seek to protect are less well-understood in international and domestic law, or less protected and valued by the home States of multinational companies. Lack of formal status or statelessness may render certain groups of EHRDs even more vulnerable.

- **Absence or weakness of the rule of law coupled with widespread corruption**

Many of the attacks and violations against EHRDs happen in a context of weak State institutions and high levels of corruption as well as a lack of transparency and accountability for threats and attacks against EHRDs. In such contexts, State officials or representatives are often directly involved in violence against EHRDs, or/and the governments fail to investigate and punish perpetrators and to provide remedy to victims.

- **Systematic collusion among perpetrators and beneficiaries of insecure EHRDs**

Many of the business projects which threaten ancestral lands, healthy living environments, and traditional livelihoods of EHRDs are implemented by State-owned enterprises or private multinational corporations, supported by both home and host States and backed by international financial institutions. The UN Special Rapporteur speaks of 'systematic collusion among these different kinds of actors designed to block reports by the defenders that throw light on acts of corruption and human rights violations.'

- **Multiple and intersecting forms of discrimination and violence**

EHRDs can face multiple forms of oppression on the basis of their intersecting identities, for instance for being women, indigenous, rural, isolate or marginalised, poor, stateless among others.

RECOMMENDATIONS FOR DIPLOMATS

The following recommendations should be read in conjunction with 'A Tool for Diplomats: Protecting Human Rights Defenders as Essential Partners' and the respective national guidelines.

Promote respect for EHRDs and the rights they promote, by advocating for a more enabling environment for EHRDs to do their work at the local and national levels free from fear, threats, harassment or violence - in dialogue with national authorities, third countries, corporations and in multilateral fora such as the Human Rights Council and the Universal Periodic Review (UPR).

Publicly reaffirm and recognise the important work that EHRDs do and the role they play in protecting land and the environment and contributing to sustainable development, including the heightened risk posed to EHRDs, and denounce all attacks, against EHRDs in the host country.

Promote the critical role of the rule of law, transparency and effective accountability mechanisms in environmental matters, including by entering into dialogue with national authorities who ultimately are responsible for upholding the rule of law in the host country.

Encourage the host government to promote the responsible management of natural resources, production and consumption patterns, including in protected areas, through strong institutions, effective law enforcement, and environmental rule of law.

Ensure economic diplomacy strengthens the protection of EHRDs, including by:

a. Sensitising businesses, particularly those headquartered in your own country, to the specific threats, attacks and restrictions faced by EHRDs

b. Requiring that businesses include the situation of EHRDs in their human rights impact assessments and due diligence processes, and in high-risk contexts insist on businesses developing a specific policy to respect, consult with and support EHRDs.

c. Proactively engaging with your capital and economic ministries to ensure that decisions on export credit guarantees, trade missions of the negotiation of trade agreements are sensitive to the risks of economic activity to EHRDs and their rights.

d. Ensuring development finance institutions on which your State has an influence carry out thorough due diligence processes taking into account the situation of HRDs.

Encourage and support efforts to establish networks of EHRDs - including helping to create safe and collaborative platforms where EHRDs from different regions can meet, share information, strategies, good practices and work together to jointly build capacity.

Include EHRDs, including those not self-identifying as such, in opportunities for capacity-building and training for HRDs, in order to empower this particular category of defenders.

Facilitate access to emergency support, including emergency grants and, as appropriate, assistance with relocation. However always bear in mind that putting the emphasis on individuals may contribute to increasing risks for communities and hindering their collective effort, e.g. emergency relocation of the leader of a given community in many instances is exactly what the perpetrators of threats want.

Provide easy access to useful information and contacts such as lists of organisations and initiatives that can help EHRDs; legal resources, including access to networks of lawyers with relevant expertise; document templates such as sample legal documents or petitions to UN Special Procedures; contact information for other EHRDs and relevant associations in each region etc.

Account for the fact that particularly local, rural and grassroots EHRDs are less aware of the diplomatic support as an advocacy and/or protection tool. Accordingly, ensure active outreach and dissemination to build awareness of the guidelines and the support available among this group of HRDs.