

The background is a blue gradient with several overlapping, semi-transparent circular shapes of varying shades of blue, creating a layered effect.

# Environmental Defenders Under Attack



ARTICLE 19

## A Dangerous Shade of Green

Threats to Environmental Human Rights Defenders and Journalists in Europe

2014



ARTICLE 19

## A Deadly Shade of Green: Threats to Environmental Human Rights Defenders in Latin America

2016

# Threats to EHRDs Around the World

- Physical Attacks and Threats
- Limits on Association
- Limits on Protest
- Limits on Free Expression and Access to Information
- Surveillance

# International Human Rights Law Protections

# UN Standards

- International Human Rights law-
  - UDHR/ICCPR/ICESCR standards apply already to all persons
- **UN General Assembly Recognition of Human Rights Defenders**
  - UNGA Resolution 53/144 (1999). Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms
  - UNGA Resolution 68/181 (2014). Promotion of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms: protecting women human rights defenders
  - UNGA Resolution 70/161 (2015). Human rights defenders in the context of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms
    - 9. Reaffirms the urgent need to respect, protect, facilitate and promote the work of those promoting and defending economic, social and cultural rights, as a vital factor contributing towards the realization of those rights, including as they relate to environmental and land issues as well as development;

# UN Human Rights Commission/Council

- **Resolution 2003/71. Human rights and the environment as part of sustainable development**

4. *Reaffirms* that everyone has the right, individually and in association with others, to participate in peaceful activities against violations of human rights and fundamental freedoms and calls upon States to take all necessary measures to protect the legitimate exercise of everyone's human rights when promoting environmental protection and sustainable development;

- **Human Rights Resolution 2005/60. Human rights and the environment as part of sustainable development**

2. *Reaffirms* that peace, security, stability and respect for human rights and fundamental freedoms, including the right to development, as well as respect for cultural diversity are essential for achieving sustainable development and ensuring that sustainable development benefits all, as set forth in the Plan of Implementation of the World Summit on Sustainable Development;

3. *Calls upon* States to take all necessary measures to protect the legitimate exercise of everyone's human rights when promoting environmental protection and sustainable development and reaffirms, in this context, that everyone has the right, individually and in association with others, to participate in peaceful activities against violations of human rights and fundamental freedoms;

- **Resolution 25/21, Human rights and the environment (2014)**

9. *Recognizes* the important role played by individuals, groups and organs of society, including human rights defenders, in the promotion and protection of human rights as they relate to the enjoyment of a safe, clean, healthy and sustainable environment;

# UN HRC

## Resolution 31/8. Human rights and the environment

### 4. Calls upon States:

(e) To promote a safe and enabling environment in which individuals, groups and organs of society, including those working on human rights and environmental issues, can operate free from threats, hindrance and insecurity;

7. Recognizes the important role played by individuals, groups and organs of society, including human rights defenders, in the promotion and protection of human rights as they relate to the enjoyment of a safe, clean, healthy and sustainable environment;

## Resolution 34/20 Human rights and the environment (2017)

# UN HRC

## Resolution 31/32. Protecting human rights defenders, whether individuals, groups or organs of society, addressing economic, social and cultural rights (2016)

Expressing grave concern also at the observations and findings of the Special Rapporteur on the situation of human rights defenders that human rights defenders addressing environmental and land issues and corporate responsibility, those working on governance issues, promoting transparency and accountability, and those exposing discrimination, corruption and violence at the hands of States, business enterprises and other non-State actors, are among those human rights defenders who are most exposed and at risk, and noting with grave concern also the findings of the Working Group on Enforced or Involuntary Disappearance that the practice of enforced disappearance is often used to repress and intimidate human rights defenders and prevent others from claiming and exercising their economic, social and cultural rights,

1. Stresses that the right of everyone, individually and in association with others, to promote and strive for the protection and realization of all human rights and fundamental freedoms, in accordance with the Declaration,<sup>1</sup> without retaliation or fear thereof is an essential element in building and maintaining sustainable, open and democratic societies, and reaffirms the urgent need to respect, protect, promote and facilitate the work of those defending economic, social and cultural rights as a vital factor contributing towards the realization of those rights, including as they relate to environmental and land issues and development;

15. Recognizes the important and legitimate role of individuals, groups and organs of society that are defending human rights in identifying and raising awareness of human rights impacts, the benefits and risks of development projects and business operations, including in relation to workplace health, safety and rights, and natural resource exploitation, environmental, land and development issues, by expressing their views, concerns, support, criticism or dissent regarding government policy or action or business activities, and underlines the need for Governments to take the measures necessary to safeguard space for such public dialogue and its participants;

# Special Rapporteur Human Rights Defenders, Michel Forst

- Functions
  - Annual thematic reports to UNGA and HRC
    - 2016 UNGA Report on EHRDs Full report on challenges faced by EHRDs (A/71/281)
  - Country Visits
  - Respond to allegations



# Other UN Special Procedures Reports

- **Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes (2012) - Extractives**

The Special Rapporteur underlines the importance of upholding the rights of environmental defenders, including their freedom of opinion and right to peaceful assembly, and of addressing impunity. Environment defenders provide critically important oversight on situations of environmental degradation resulting from unsound management and disposal of hazardous substances, which must not be unreasonably controlled or restrained. He expresses concern at the particular vulnerability of women defenders to gender-based violence, particularly in environments that do not encourage the freedom of expression of women, and reminds States of their obligation to protect against such violence.

- **Special Rapporteur on the rights of indigenous peoples (2013) - Extractives**

It is imperative that States adopt the measures necessary to secure the right of indigenous peoples and individuals to peacefully express opposition to extractive projects, as well as to express themselves on other matters, free from any acts of intimidation or violence, or from any form of reprisals.

- **Independent Expert on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment (2014) - Mapping**

40. 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.[32] There can be no doubt that these obligations apply to those exercising their rights in connection with environmental concerns.

- **Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment (2017) - Biodiversity**

Perhaps the most egregious problem, however, is the continuing failure to protect environmental human rights defenders, which has been recently described in detail by the Special Rapporteur on the situation of human rights defenders. As pressures to exploit natural resources grow, those who oppose unsustainable exploitation are increasingly under attack. Sometimes, government actors themselves commit or are complicit in the persecution. Even when they are not directly involved, Governments often fail to respond to threats, investigate violations and arrest those responsible, thereby creating a culture of impunity that encourages further attacks.

# Other European Initiatives

- COE, Declaration of the Committee of Ministers on action to improve the protection of human rights defenders and promote their activities (2008)
- European Union Guidelines on Human Rights Defenders (2004/2008)
- OSCE/ODIHR, Guidelines on the Protection of Human Rights Defenders (2014)
  - Environmental defenders “exposed to heightened risk”