

Compiling good practices to support
environmental human rights defenders (EHRDs)
and their local communities

Concept note

Every year since 2015, the world has experienced a tragic new record: namely, the highest numbers of attacks against and killings of individuals working alone or as part of a community or NGO to protect their natural environment and the human rights that depend upon that environment. These individuals are known as 'environmental human rights defenders' (EHRDs). What is more, the spike in the number of killings is just 'the tip of the iceberg' in terms of the vulnerable and perilous situation of EHRDs. For every individual killed, many more face a range of other human rights violations. Their work is criminalised; they are threatened; their property attacked; they suffer physical and sexual assault; they are forcibly displaced or, in some cases, disappeared; and they are excluded from decision-making on issues of vital importance to themselves, their families and communities, and their livelihoods.

The particular vulnerabilities faced by, and risks associated with the work of, EHRDs, is exacerbated by their frequent marginalisation from the main population centres, decision-making and justice systems, human rights NGOs and lawyers, and quality educational institutions (where they might receive, for example, human rights education). As part of this marginalisation, they often face discrimination in social service provision and law enforcement – and this tends to be on top of existing discriminations based on, for example, gender, race and ethnic origin. Marginalisation also means the situation of individual EHRDs is often not picked up by the media, meaning their struggle becomes a silent one, or in the worst cases, that media itself demonises EHRDs, further increasing their risks and vulnerabilities. This, in turn, allows governments and businesses to portray them as 'anti-development.' All this means EHRDs often feel alone and isolated and work at great risk to themselves and their families.

In response to this crisis, the United Nations, along with a number of States, development agencies and civil society actors, have put in place a wide range of initiatives to support EHRDs, their communities and their work. Without this support, EHRDs would be considerably more vulnerable to attacks, including killings, torture and enforced disappearances.

One method of addressing the EHRDs crisis is to understand and disseminate existing good practices designed to support EHRDs and their communities, as well as to encourage their

implementation and replication. Similarly, it is necessary to empower and train EHRDs and other stakeholders in order to allow them to better respect, protect and fulfil the human rights of EHRDs, including the right to a safe, clean, healthy and sustainable environment by, *inter alia*, allowing them to understand the various mechanisms and strategies that are, or could be available, to achieve these ends.

At the same time as empowering EHRDs, it is also necessary to inform and educate the general public about the vital work and particular vulnerabilities of EHRDs. Moreover, it is important to inform, educate and strengthen the capacities of key stakeholders, including the United Nations (UN), government officials, national and regional media, law enforcement agents and National Human Rights Institutions (NHRIs), to support EHRDs, including by addressing violence, discrimination, criminalisation, and debunking misconceptions that EHRDs are ‘anti-development’.

In addition, a key entity that must be capacitated to support states to effectively address issues affecting EHRDs is the UN system. The UN has an important role in supporting states to strengthen and expand civic space and to promote and protect EHRDs in exercising their human rights to participation, access to information and access to justice in environmental matters. Opportunities exist for the UN system to work with states to build on existing protection mechanisms, engage more effectively with civil society organisations, children, indigenous peoples, and local communities’ networks, bolster advocacy, and support participatory and programming approaches, including existing UN Guidance, such as the UN Guidance Note on Civic Space (December 2020). One way to assist the UN in its support to states and their role and obligations in relation to EHRDs could be to develop a system-wide approach to support EHRDs (protection, prevention and promotion) and increase capacity for their protection both globally and at country-level (especially in high-risk countries). This system-wide approach will also respond to activities being conducted by the United Nations Environment Programme (UNEP) and the Office of the High Commissioner for Human Rights (OHCHR) as co-leads of the UN Secretary General’s Call to Action, and other participating agencies, on the action track on EHRDs.

With the above in mind, the Universal Rights Group (URG), UNEP and OHCHR, with the support of Special Rapporteur on Human Rights and the Environment, Professor David Boyd, will develop this project, which aims to address the crisis faced by EHRDs across the world. The project will do so by:

- promoting a positive narrative and creating awareness of EHRDs vital work and their contributions for sustainable development;

- fostering the sharing of good practices and experiences regarding the protection and prevention of attacks against EHRDs;
- ensuring that the tools, information, and access to support networks, some of which have already been developed by URG (and are available through the environment-rights.org website) are made available to, and are used by, a wider range of EHRDs and stakeholders around the world; and
- offering practical guidance to the United Nations, its programmes and agencies, on how to better support EHRDs and respond to the crisis they are currently facing.

Particularly, the project seeks to identify good practices implemented at the international, regional and national levels, with a view to, *inter alia*, empower EHRDs and their communities; strengthen capacities and awareness of key legal stakeholders; ensure that the tools, information, and access to support networks are made available to, and are used by, a wider range of EHRDs and stakeholders around the world; and, finally, develop new tools and resources.

For the purposes of this project, the term practice is defined broadly to include actions taken at the standard-setting and implementation levels, including any legislation (policies, laws, regulations and norms), case-law, soft-law (i.e., custom and informal conventions) as well as all specific projects, actions or measures. Practices may be implemented by State-actors such as governments at all levels, National Human Rights Institutions (NHRIs), the judiciary; civil society actors, including communities, organisations, academic bodies, individuals or social movements; or private entities, including companies and financial institutions.

A practice is deemed to be a 'good practice' when it seeks and, to the best extent possible, achieves to, create a safe and enabling environment for EHRDs, including during the COVID-19 pandemic. As such, good practices are those that effectively contribute to the promotion, protection and respect of EHRDs' human rights while protecting a safe and healthy environment, preferably exceeding minimum standards. The practice should be exemplary from the perspective of environmental and human rights protection, promotion and implementation, and there should be evidence that the practice is achieving or working towards achieving its desired objectives and outcomes, which must be focused on supporting or protecting EHRDs, their work or communities.

Examples of good practices include, among others, national laws that seek to implement and domesticate international treaties or conventions (i.e., national efforts to implement the Escazú Agreement or Aarhus Convention); case-law upholding the rights of EHRDs or their communities; prevention and protection measures; legal and policy frameworks that uphold the rights of participation and decision-making of EHRDs and their communities; mechanisms to guarantee

the rights to freedom of expression and opinion of EHRDs; legal provisions to guarantee the rights to freedom of association and peaceful assembly; initiatives to fight stigmatisation and discrimination of EHRDs; programmes to guarantee the safety and livelihoods of EHRDs during the COVID-19 lockdown and other restrictions associated with this pandemic; human rights education and training programmes that target EHRDs and their communities; programmes to grant EHRDs and their communities access to technologies; projects to protect the right of EHRDs to access formal education or training; efforts by the media to promote a positive narrative of EHRDs; multi-stakeholder (i.e., businesses, State and EHRDs) spaces for dialogue, participation and cooperation; among others.

To identify good practices, the URG, UNEP and OHCHR are holding a series of regional consultations in addition to conducting a global [survey](#).

The responses to the survey, along with the information shared during the regional consultations, will inform a compilation of good practices (available through a report and an online interactive tool, accessible via www.environment-rights.org and UNEP's [environmental rights](#) website) and a report analysing gaps in existing UN guidance and presenting practical recommendations to the United Nations, UN Resident Coordinators and UN Country Teams for a UN System response to the support (prevention, protection and promotion) needs of EHRDs.