Executive Summary

Protecting the Frontline: Good Practices for Supporting Environmental Human Rights Defenders
Across the world, environmental human rights defenders (EHRDs) have been catalysing actions to safeguard a clean, healthy and sustainable environment. Their work has been crucial to the protection and respect of their human rights, the rights of their communities, and, ultimately, of all people. Their work also plays a major role in protecting the planet’s flora, fauna and ecosystems.

By speaking up against activities that directly or indirectly harm the environment, EHRDs often oppose powerful interests, putting themselves, their families, and communities at risk. In addition to violent attacks (such as killings, torture and physical or sexual assaults), EHRDs face increasing trends of criminalisation; intimidation; attacks against their property; forced displacement or, in some cases, disappearances; and non-violent means to silence their work, including repressive laws. These risks are exacerbated by intersecting patterns of marginalisation, discrimination, and violence based on gender, sex, ethnicity, race, age, disability, and socioeconomic status, among other attributes or contexts.

Various stakeholders (such as civil society, multilateral organisations and governments) have established initiatives to support EHRDs, their families and their communities. These initiatives aim to prevent, respond to, and overcome the threats and obstacles EHRDs face in connection with the defence of the environment. Many support efforts start long before the onset of violence. The forthcoming report, “Protecting the frontline: Good practices for supporting environmental human rights defenders” illustrates the various initiatives implemented around the world to support and promote the work of EHRDs. In the context of this report, “support” of EHRDs (including their families and communities) is understood broadly, and includes all practices designed to maintain a safe and enabling space for EHRDs, help them address the various threats to their human rights and work, and maintain their individual and collective wellbeing (including physical, psychosocial and economic).

The report acknowledges that there is no ‘one-size-fits-all’ formula for creating a safe and enabling space for EHRDs. Instead, the best support initiatives are designed according to the EHRDs’ specific contexts and needs, and with the participation of the EHRDs themselves. The active, meaningful and ongoing participation of EHRDs and their communities at all stages of developing and implementing support initiatives is essential.

Accordingly, a key observation stemming from this research is that the most effective sources of support tend to be local and grassroots organisations, as they are able to tailor the initiative to the particular contexts and needs of the relevant EHRDs. Further, the report finds that good practices to support EHRDs change with time in order to adapt to evolving circumstances.

Notwithstanding this, each good practice comes with valuable lessons and knowledge that can inform and strengthen other efforts to assist EHRDs. In summary, there are three main ways in which support strategies overlap in their efforts to contribute to achieving a safe and enabling space for EHRDs, which include:

- a focus on primary prevention, which involves creating conditions which prevent risks to EHRDs before they come into being;
- a focus on secondary prevention, which seeks to address early signs of threats and to rapidly respond to them in order to mitigate their impact and prevent their escalation;
- facilitating access to justice, including effective remedies.

These three objectives are neither consecutive nor mutually exclusive, and support practices may pursue one or more, or wholly separate objectives.
Primary prevention: Creating conditions to prevent risks to the enjoyment of human rights

Primary prevention involves creating conditions which prevent risks to EHRDs before they come into being. This includes creating and strengthening human-rights frameworks and related legislation, regulation and guidelines to maintain an open civic space for the protection of the environment. Examples of good practices to strengthen these frameworks include: institutional recognition of the legitimacy and value of EHRDs’ work; express recognition of environmental human rights; training regarding governments’ obligations to protect EHRDs’ human rights; regulation of the private sector’s activities and responsibilities; as well as facilitating access to information and public-participation processes.

On a State-level, primary prevention involves the creation of specialised governmental bodies, such as environmental prosecutors and courts, and international monitoring mechanisms and watchdog civil society initiatives.

On a more general level, primary prevention involves strengthened existing mechanisms through public participation and access to information. Good practices include establishing institutions by State and non-state actors to facilitate public participation or oversee public participation processes, such as an Ombudsperson. Further, advocacy and lobbying by civil society and public officials may strengthen existing frameworks and mechanisms.

The effective functioning of public participation mechanisms is dependent on access to information. Relevant information includes information regarding the state of the environment, the proposed activity and possible impacts to the environment and livelihoods, as well as information about the public participation process and appeal mechanisms. Information assists EHRDs to understand their rights, establish informed perspectives, develop effective advocacy strategies, and engage with stakeholders, among other things.

To support EHRDs’ access to information, good practices include facilitating the collection and sharing of information, such as research, data collection, investigations, in-depth analyses of case studies, and reporting.

Improving the general public’s understanding of and appreciation for EHRDs’ work helps deter condemnation, stigmatisation, and defamation, among other forms of discrimination that may lead to violence and other human rights violations against EHRDs. Increasing access to information contributes to a safer space for EHRDs by enhancing the general public’s awareness of and capacity to engage in environmental and human rights protection, and their understanding of the importance of EHRDs and their work. Increasing the number of supportive and respectful stakeholders (including the general public) is an essential component of good primary-prevention practices. Specific good practices include education and awareness initiatives addressed to the general public as well as more specific strategies to build capacities in key stakeholders, such as the private sector and conservation actors.
The work of EHRDs tends to conflict with powerful economic and political interests, which often results in threats against EHRDs, their families, and communities. Thus, in all countries, regardless of how open civic spaces are and how robust the rule of law system is, EHRDs face various risks and obstacles that threaten the enjoyment of their rights, wellbeing and work.

Secondary prevention practices attempt to address situations that are impacting or may imminently impact EHRDs' human rights. The report categorises these strategies into three streams: those that provide emergency support; those that support the recovery from human rights violations; and those that seek to empower EHRDs to prevent human rights violations.

In many cases, the risks faced by EHRDs jeopardise their fundamental human rights, such as the rights to life, food, water and to be free from torture. In response, EHRDs and supporting actors have put in place emergency or rapid-response strategies with the purpose of safeguarding EHRDs' lives and integrity (and those of their families and communities) and avoiding irreparable damage. These practices may include 24/7 services through which EHRDs can access information, legal advice, financial support, and other forms of immediate assistance.

Ongoing support after EHRDs' human rights violations is important. Good practices to support EHRDs in such scenarios involve building resilience so affected individuals, families and communities can recover their health and security, and are able to continue enjoying their human rights and conducting advocacy. Specific strategies include reactive monitoring of threats, strengthening or implementing physical security schemes, sharing EHRDs' stories, countering misinformation, safeguarding EHRDs' mental health, and fostering stakeholders’ action.

Additionally, good practices may focus on empowering and building resilience in EHRDs. These practices help EHRDs develop their work despite the power imbalance that most of them face. One example is facilitating access to resources that raise awareness about risks and how to prevent and respond to them. Another example is facilitating security of EHRDs to avoid the materialisation or escalation of attacks against EHRDs. Security is understood to include digital, physical and financial security, among other forms of security identified by particular EHRDs. These may focus on the overall safety of EHRDs or on particular threats.

Further, good secondary prevention practices commonly focus on reducing EHRDs' vulnerabilities as well as strengthening their capacities. Strengthening capabilities involves addressing intersecting patterns of exclusion, discrimination, and marginalisation. Moreover, supporting initiatives in this regard include the facilitation of access to resources to strengthen technical and professional skills, capacity to engage in political processes, and financial resources to cover costs related to EHRD’s legitimate activities.
Access to justice involves facilitating the accessibility of justice systems, such as courts, tribunals, review bodies, and integrity and oversight bodies. Supporting EHRDs to access justice systems is identified as a key strategy to address the underlying causes of violence and other forms of aggression against EHRDs. It is also a strategy that aims to secure the realization of their human rights and support their ability to do their advocacy work to protect the environment. Access to justice is essential to increase accountability of those who harm the environment and violate the rights of EHRDs, and to ensure the non-repetition of violations to environmental and human rights law.

Justice systems may be inaccessible due to, amongst others, language, geography, and cultural practices. Particular groups of EHRDs, such as women, indigenous peoples, racial minorities, children, the elderly, and EHRDs living with disabilities, may have difficulty accessing justice mechanisms.

Support practices can assist to remove these barriers by creating enabling frameworks that allow all citizens to demand the observance of environmental laws and standards, including corporate accountability legislation and by raising awareness of discriminatory operation of justice systems. Further, independent, impartial, and efficient criminal investigations by the competent authorities are also instrumental to secure citizens access to justice.

Finally, an important practice to support EHRDs, and their work, is allowing them to access effective remedies that are tailored and consistent with their specific social and environmental contexts and identities (including gender, age, disability, race, ethnicity or others) and secure the observance of just rulings through, inter alia, fines and other sanctions to breaching actors.

The forthcoming report offers an overview of diverse support practices and summarises the key learnings that emerge from them, with the objective of inspiring individuals and organisations worldwide to take action to support EHRDs. It provides information about the different efforts that have worked to support EHRDs and illustrates the various steps that stakeholders can take to build or maintain a safe and enabling space for them. In doing so, this report aims to strengthen and foster the replication and permanence of such support strategies worldwide. The overarching objective of this work is to contribute to maintaining an open civic space for environmental protection across the world, to promote a positive narrative of EHRDs, and to recognise their contributions to addressing the triple planetary crises.

The forthcoming report, and the database that underpins it, have been built with the active participation of EHRDs and organisations that support them. To identify good practices across the world, the United Nations Environment Programme (UNEP) and the Universal Rights Group, with the support of the United Nations Office of the High Commissioner for Human Rights (OHCHR) undertook a series of regional consultations in Africa, Asia-Pacific and Latin America and the Caribbean; convened a global consultation; launched a global survey, that was made available in English, French and Spanish; held individual and focus groups meetings with EHRDs, experts and support organisations from across the world; and conducted desk-research to substantiate the report’s findings.

The full report will be released during October 2022.