



INTERNATIONAL  
RIGHTS OF NATURE  

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TRIBUNAL

## **INTERNATIONAL TRIBUNAL OF THE RIGHTS OF NATURE POLICY ON DEFENDERS OF MOTHER EARTH AND TERRITORIES**

May 2025

*There is an undeniable relationship between protecting nature and the realization of other human rights, because to defend nature is to defend the human and defend the human being is to defend nature[1]*

*International Tribunal on the Rights of Nature, Lima 2004*

In the course of its activities and initiatives, the International Tribunal on the Rights of Nature has often been called to consider the intrinsic relationship between the rights of Nature and those of its guardians, mostly Indigenous Peoples, as well as Afro-descendant and peasants' communities. As a matter of fact, there exists a close connection between ecosystems under threat and Indigenous Peoples, as well as vulnerable communities that protect them, ensuring their balances and capacity to regenerate and resist pressure from economic and political interests that seek to transform Nature into commercial or economic value. Not only are these guardians actors of positive action in terms of protecting the rights of the ecosystems that they inhabit from immemorial times, but they are also those that bring them to the attention of the Tribunal, hence playing a dual role, that of guardians and representatives of those ecosystems. It should be pointed out here that their livelihoods, Indigenous identity, the identity of local communities be they ethnic or of other makeup and survival depend on the integrity of the latter.

The consideration of this intrinsic connection had led the Tribunal to consider the need to develop a policy on Indigenous Peoples and defenders of Mother Earth, or otherwise said, of guardians or to paraphrase the mainstream lingo that defines them as environmental rights defenders, Nature rights' defenders and Indigenous rights and responsibilities defenders. The newly adopted Convention of the Tribunal, building on some precedents whereas witnesses or judges suffered from threats, or harassment and in one case, that of Jose Tendetza Antun, killing before giving a testimony in front of the Tribunal in 2004, redefines the mandate of the Tribunal underlining that it will be called to judge and rule also on cases of "co-violations" of the human rights of guardians of the Earth. This important development in the scope of the Tribunal's activities, together with the growing volume of violations of the right of communities and individuals to defend Nature, makes this policy even more needed.

It should be recalled here, that while the Tribunal does not have inhouse capacity or tools at disposal to address directly those threats or harassment , it is still its responsibility to ensure that all those actors, communities or individuals that participate in the Tribunal's activities do not suffer from threats, menace, or harassment. Likewise, and on grounds of its institutional mandate, the Tribunal would be called not only to prevent harm, but also to collaborate and contribute to the defense and protection of guardians of Mother Earth and Indigenous Peoples in all phases of the Tribunal process, from data collection, to the hearings and the implementation of its judgements. In order to do so, it should develop alliances and collaboration with communities, organizations and networks that focus on indigenous and environmental defenders. This brings about different strategies and actions. On the one hand the elaboration and implementation of methods and processes that would protect or prevent threat to those that participate in the Tribunal activities. On the other, to develop the capacity to offer advice and follow-up to communities in case its judgments deal with their rights to protect Nature, and the inherent relationships of Indigenous Peoples with lands and waters and air, and with eventual violations of the same, proposing corrective or precautionary measures.

Taking these factors into account, this document contains both a policy and some concrete measures to be put in place throughout the Tribunal process from the initial phases to the actual hearings to the implementation of its judgements. It comes at a time when the Tribunal celebrates its first 10 years of activity and the UN the 25th anniversary of the adoption of its Declaration on Human Rights Defenders, and the 18th anniversary on the Declaration on the Rights of Indigenous Peoples, and is also meant to offer an opportunity to redefine concepts such as human rights defenders, or environmental rights defenders, or Indigenous rights defenders taking into account the need to move away from an anthropocentric approach to ecocentric and pluriversal approaches to rights, its collective and not exclusively individual dimension, its connection to territories and ecosystems,

These elements are the qualifying elements that characterize those actors, (Indigenous Peoples, local communities at large) that defend and protect Nature and by doing so contribute to uphold its rights. Finally, and not to get lost in translation, it should be underlined that the first and foremost defender of Mother Earth is Mother Earth itself. This implies a restructuring of the relations between humans and non-human worlds, a new pact among the different forms of living, founded on local and global processes of resistance, and on radical practices of care and reparation of damage done to Mother Earth and to those peoples that suffer the consequences of the dominant extractivist monoculture.

This paper is dedicated to Nature, its ecosystems and those that defend and protect them, to Nature defending itself.

## **THE INTERNATIONAL TRIBUNAL ON RIGHTS OF NATURE AND DEFENDERS OF MOTHER EARTH**

The first time that the International Tribunal on the Rights of Nature explicitly considered the issue of defenders and the threat they suffer was at its Session in Lima, 2004 in occasion of the UNFCCC Conference of the Parties on Climate Changes. At that time, Indigenous Peoples in Peru had suffered unprecedented repression in Bagua, others were criminalized for opposing the Conga mine, and one of the invited witnesses from Ecuador, Shuar leader Jose Tendetza Antun was killed on its way to Lima in an attempt to stifle Indigenous resistance against mining in the Cordillera del Condor. [2] Other cases denounced by the Tribunal involved defenders opposing the Belo Monte dam in Brazil, the Yasunidos in Ecuador, and in the Four River basin in Peru.

The Tribunal therefore affirmed that: *“that all persons, groups and individual peoples have not only the right but the responsibility for protecting the rights of nature and condemns all these intimidating practices by companies and by the States, and stands in solidarity with all those affected.”* Furthermore, that *“States must refrain from intimidating defenders of human rights and nature and, instead, are obliged to effectively protect [defenders] by conducting prompt and impartial investigations into allegations and prosecuting those responsible for these violations”*. [3]

Tribunal members themselves experienced, directly or indirectly, the effects of intimidation and harassment. In 2018, two judges were temporarily kidnapped by members of a community hostile to the Tribunal's verdict that instructed a field mission to gather further evidence on the TIPNIS case in Bolivia. In 2023 in occasion of a field trip and in various occasions during the hearing on the Tren Maya in Mexico when the Tribunal delegation was monitored by police in an intimidating manner and prevented from exercising its investigative function when due to threats by the army members of a community in the town

of Señor did not appear at a public meeting called to hear witnesses. Other witnesses preferred not to appear in public but give confidential testimonies in private in fear of retaliation.

## **THE INTERNATIONAL RIGHTS OF NATURE TRIBUNAL'S CONVENTION**

In the light of the above the Judges' Assembly of the Tribunal, while reviewing its Convention in 2024, decided to expand its scope to include violations of human rights of "Earth's guardians"

Article 2 relating to the Purpose of Tribunal now reads as follows:

*"The Tribunal is established for the following purposes:*

- (a) to investigate, hear, and decide cases involving alleged violations of the Declaration as well as co-violations of human rights of Earth defenders ;*
- (b) to further develop Earth jurisprudence by drafting and disseminating Judgments that interpret the Declaration as well as the human rights of Earth's guardians (defenders), and apply those rights and obligations to to the specific facts of the cases presented;"*

## **THE TRIBUNAL'S TOOLKIT (2024)**

In the revised version of its "toolkit" – the handbook for the preparation of hearings before the Tribunal - the indication of carrying out a prior risk assessment for defenders was introduced, Such initial assessments would be shared with the Secretariat of the Tribunal to inform, if deemed necessary, actions to be undertaken in collaboration with the Tribunal convenors and organizers, to mitigate or anticipate risks or threats to Tribunal participants (witnesses, judges, organizers, the public at large, communities, defenders) .

## WHO ARE THE DEFENDERS OF MOTHER EARTH

The Tribunal decided to adopt the definition “Earth defenders”, but this does not imply that other definitions might be legitimate, depending on how defenders define themselves (defenders of territories, of Nature, or Nature rights’ defenders) or according to the specific circumstances. It should also be pointed out that in the specific case of Indigenous Peoples, these enjoy inherent, distinct, collective rights and legal and political status.

As a matter of fact, there is no official definition of Environmental Rights Defenders, other than the general definition of Human Rights Defenders (HRD) contained in the United Nations Declaration on Human Rights Defenders (1998), according to which human rights defenders are those who: *« work individually or together with others, to promote and protect human rights, in a non-violent way»* and *"Those who oppose dictatorial regimes, those who fight against discrimination and injustice, those who document human rights abuses, those who defend the environment"*. However, it should be mentioned that art. 9 of the Escazù agreement states that environmental defenders are those *“individuals that defend human rights in environmental matters”*. As the UN Special Rapporteur underlined in his 2016 report, environmental defenders are *“Individuals and groups who, in a personal or professional capacity and peacefully, strive to protect and promote human rights related to the environment, including water, air, land, flora and fauna. “Land and environmental rights are interrelated and often inseparable.”* UN Special Rapporteurs have defined environmental human rights defenders as *“defenders carrying out a vast range of activities related to land and environmental rights, including those working on issues related to extractive industries, and construction and development projects”*.<sup>[4]</sup>

For the purpose of this policy, while retaining the adopted definition “*Earth defenders*” the existing international standards and instruments related to environmental rights or human rights defenders will apply, even if these are still anchored on an anthropocentric view of rights whereas human rights are considered as separate from rights of nature, and not related in terms of “co-violations”.

The standard definition of environmental rights defenders (EHRDs) groups together different subjects thereby blurring the distinct situations and possible asymmetries, in terms of access to decision-making, policy-making, media attention and international solidarity. As a matter of fact, EHRDs can be indistinctly environmental activists, or public officials dealing with environmental protection, journalists and researchers who expose environmental issues, environmental organizations and associations, representatives of local indigenous communities protecting their lands from the negative impact of economic or extractive activities or collective subjects, communities and Indigenous Peoples who are at risk due to their commitment to the protection of the environment and the land, among others. Nevertheless, existing protection mechanisms apply to individual defenders and only rarely to collectives or communities as a whole. This exclusive focus falls short of encapsulating the

different nature of collective rights as those enjoyed by Indigenous Peoples such as the right to self-determination, free prior and informed consent, connection to the land, traditional knowledge, inherent and distinct collective rights and their legal and political status, (protecting the land is fighting for one's own survival). Furthermore, the persistence of patriarchal power structures further aggravates the situation of women defenders, and this is all the most relevant in case of indigenous women protecting land and territories. These are at the center of a vicious mix of effects brought about by the conjunction of patriarchal and colonial power structures.

The intrinsic connection between guardians of the Earth, their territories and ecosystems, and the recognition of the rights of both, as well as evidence of data showing a prevalence of Indigenous Peoples as the main “victims” of repression and harassment provide further justification for the Tribunal to develop and adopt a policy on defenders mostly tailored to the specific conditions of Indigenous Peoples. [5] This does not mean that also other categories of defenders would be ruled out but rather that any initiative undertaken by the Tribunal on defenders would need to take these different conditions in due account, in particular as regards key issues such as free prior and informed consent, and culturally appropriate approaches when Indigenous Peoples are involved. .

## **DATA AND STATISTICS**

In its latest report, Global Witness[6] denounced the killing of as many as 196 defenders in 2023. Most of them were related to defenders targeting mining and the extractive sector (25) followed by fishing , logging (5 each), agribusiness and roads/infrastructure (4 each), hydropower (2). Almost half of the defenders’ killings were Afrodescendent or Indigenous Peoples (43% Ips) . The most dangerous countries for defenders in 2023 were Colombia, Brazil, Honduras, Mexico, the Philippines and Nicaragua. As many as 2,106 defenders have been killed between 2012 and 2023. 461 (Colombia), 401 (Brazil), 298 /(The Philippines) 203 (Mexico) . 50% of mining-related killings were in Latin America, 40% in Asia. Judicial harassment was the most prominent threat to defenders in Asia with as many as 1033 cases registered between 2021 and 2022.

According to the Global Analysis by Frontline Defenders (2025), [7] 324 human rights defenders were killed in 2023, of which 1/5 were indigenous, land rights, civil rights or Indigenous Peoples rights defenders. In total, indigenous and land and environmental defenders accounted for 15% of the total. The most reported violations against HRDs were: a) arbitrary arrests/detentions (22.4%), b) legal actions (20.8%), death threats (7.2%), surveillance (8.0%) threats (13.6%).

These data offer only a partial view of the situation of environmental defenders worldwide, and mostly in the Global South and relate to cases of killings, while in fact the range of threats to defenders is multiple, and in many cases non-lethal threats are the precursor of killing. An interesting report by ALLIED published in October 2024 has documented non-lethal attacks against Indigenous, land and environmental defenders from across 46 countries. The findings confirm the prevalence of defenders of land and territories as the most targeted by non-lethal violence as well: 64.8% of all attacks against defenders were against those defending land and territories. One in every four attacks were against Indigenous Peoples, while 64% of the attacks were against opponents to industrial agriculture and mining. [8]

What has traditionally been considered as a situation confined to the Global South is now being increasingly experienced in the so-called Global North as well. From the military repression of protests against pipelines in Standing Rock in the USA to the use of brutal force and criminalization tactics against the Wet Su-we ten people protesting against the Coastal Gaslink project in Canada, the silent war against defenders has crossed the ocean to expand also in the Old Continent. In more recent years Europe has experienced a dramatic surge of repression and harassment against environmental rights defenders and communities protecting their territories from destructive projects as well as advocating for environmental and climate justice. In a report published in March 2023, the UN Special Rapporteur on Environmental Defenders under the Aarhus Convention, Michel Forst, denounced multiple methods of repression or intimidation ranging from delegitimization or defamation in the press or by politicians, to the use of anti-terrorism legislation or ad hoc laws recorded in Germany, Spain, Denmark and England, abuses and indiscriminate arrests by the police forces (France, Spain, Denmark, Portugal Italy), police brutality and abuses by the authorities during protests (Portugal, Poland, Spain, France, Germany, Austria, Finland, Holland), abuse of activists in custody (Poland, Germany, Portugal, Spain, Denmark, Finland), tightening of sentences (Spain, Denmark, France, Germany, Italy, Poland, Sweden), criminalization of movements such as Letzte Generation (Austria, Germany) or Soulevements de la Terre (France), preventive detention and disproportionate sentences.[9]

Data gathered until September 2019 by the Environmental Justice Atlas show that of the 2,803 cases of documented environmental conflicts, 86 refer to land grabbing and 901 are related to resource extraction or use intensive and predatory of the land. According to the EJA authors, one in four of the 649 recorded cases of conflicts over energy resources have suffered cancellations or delays due to protests and promotional campaigns. 1/3 of the cases involve violations or threats to human rights defenders. The sectors at "risk" are: biomass, oil pipelines, hydroelectric, coal mining. 160 cases have been registered in 46 countries of mobilization against the extraction, refining or liquefaction of gas and oil[10].

The connection between the expansion of the extractive frontier worldwide and stepped up repression of defenders is also evident from recent data gathered by the Business and Human Rights Resource Center, that is monitoring cases of attacks to defenders connected to private sector activities. [11] More than 4700 attacks to defenders were recorded between January 2015 and March 2023,  $\frac{3}{4}$  of which were against climate, land and environmental defenders and 23% against Indigenous defenders. Again, most of them are related to mining, oil gas and coal and agribusiness. [12]

## **PROTECTION OF DEFENDERS OF NATURE AND TERRITORIES IN TRIBUNAL'S ACTIVITIES**

A closer analysis of categories of defenders that are involved in Tribunal activities substantiates the need for differentiated approaches, shaped around individual or collective protection or a combination of both. As a matter of fact, defenders in Tribunal activities range from Indigenous Peoples meant as a collective subject whose key enabler for protection is the protection and security of their territories, activists, judges, witnesses, experts and organizers, whose key enabler for protection would be the guarantee of individual security. Therefore, some distinct elements can be outlined as regards Tribunal activities to prevent threats, provide support to defenders at individual and collective levels and enable alliances and accompaniment in the follow-up to Tribunal judgments.

First of all, those activities would aim at preventing any kind of retaliation against those who access the Tribunal throughout the distinct phases of its activities so that these would not contribute to increased risk for defenders. These would range for practical steps to protect defenders when providing testimonies in hearings to solidarity actions during or after the conclusion of the same. In determining precautionary actions or follow-up solidarity initiatives the importance of the security of territory and of collective and community measures or processes should be taken into due account, as well as knowledge, practices, local prevention and defense measures of territories and communities. In parallel to measures to be put in place by Tribunal organizers and conveners throughout the Tribunal process from the preparation to the actual hearing, The Tribunal should be able - in case of need - to trigger additional processes that help address risk or threat situations in prior and continuous consultation with the actors involved.

In the initial phase of case presentation to the Tribunal, and in accordance to what is indicated in the Toolkit, the existence of possible threats to Peoples and communities that appeal to the Tribunal as well as to the organizers of the hearing, and the organizations and movements that convene it should be assessed. Depending on the seriousness of the situation and existing or potential threats, a more thorough risk assessment should be carried out on the basis of local experiences or strategies - if these exist - and/or using specialized manuals and handbooks[13] or seek advice from organizations working on the issue. [14]

If time allows and funds are available, online training sessions with expert organizations could be proposed. Similarly, a preliminary meeting (in person or online) might be organized by the Tribunal secretariat to acquire a general picture of the situation of defenders, types of threats, existence of protection strategies, and early warning systems. These data will be kept confidential and would be used to develop prevention or protection measures during the activities of the Tribunal and/or in the accompaniment phase in the implementation of the judgment. In case of the assessed presence of high-risk for conveners or Tribunal members, the decision could be made to hold the hearing online rather than in situ.

As to the phase of carrying out the hearing, if the case requires it, a defender protection specialist could be included in the Tribunal's list of experts [15] to accompany the judges in the course of the activities and to provide technical advice and support to witnesses and appellant communities. Furthermore, international institutions and organizations working on defenders, Indigenous Peoples, human rights and the environment, freedom of assembly would be notified in advance to possibly alert them in case of threats or harassment or any other kind of act of intimidation or violence occurring throughout the hearing. [16] These measures and those above related to prior risk assessment would also apply in the preparation and carrying out of fact-finding missions by judges of the Tribunal. As to the protection of witnesses and experts that would testify in front of the Tribunal, measures will be undertaken to protect their anonymity if required by the same, exerting caution in ensuring it also in video recording and online transmissions of the hearings. Additional risk assessment would be required if the defendants (state, company) agree to appear before the Tribunal, and their presence represents a risk to witnesses that should be informed in due time and consulted on whether and how they want to participate in presence or prefer to give a testimony to judges privately.

As regards the follow-up phase, the Tribunal after consultation and agreement with conveners might commit to offer advice and assist in networking initiatives in case of threats, harassment, which may arise for communities, witnesses, experts or convening organizations, after the activity of the Tribunal or in relation to the cases analyzed and judged when they are related to their activities in defense and protection of territories and Nature. The Tribunal could facilitate access to international organizations or institutions by defenders if that is considered necessary as part of the strategy for follow-up to the adopted judgments. In order to facilitate this process, a judge who participated in the hearing on the case in question may be appointed to act as a "bridge" between the Tribunal and the appellants and allied organizations in the follow-up phase. The Judges' Assembly can also consider the possibility of issuing urgent actions or communications in support of defenders, and propose precautionary measures.

## **A policy of the International Rights of Nature Tribunal on defenders of Mother Earth and territories**

### The International Tribunal on the Rights of Nature

- recognizes and supports the central role of Indigenous Peoples, communities and defenders of territories and ecosystems and their right to defend the integrity of their territory and the rights of Nature;
- reaffirms the right and responsibility to protect nature by condemning practices of intimidation and repression carried out by states and companies and its solidarity with the victims of the same;
- reaffirms the right of Peoples, communities, defenders of the territories and nature to access the services and activities of the Tribunal without risk of threat, harassment, repression, integrity of life or limitation of their own freedom as consequence of the decision to collaborate with the Tribunal or contribute to its activities and initiatives;
- undertakes to commit to a policy of zero tolerance against attacks or threats to defenders of nature and territories; and to investigate and judge cases of co-violations of the rights of nature, and the rights of its guardians, and propose actions and/or precautionary measures;
- recognizes the collective and territorial dimension of the defense of the guardians of the Earth and the need to diversify holistic security, accompaniment and support strategies tailored to the specific conditions of the communities and organizations that request support from the Tribunal
- will offer its assistance to defenders (at individual, collective, or organizational level) to accompany; support or contribute to strengthening their capacity to prevent, anticipate or address any threat to their rights to defend their territories and Mother Earth;
- in relation to the various phases of the Tribunal hearing:
  - a) *will instruct organizers and conveners of Tribunal hearings or other public activities to carry out a preliminary assessment of potential risks of threat or harassment to judges, witnesses, experts and communities involved and if needed a more thorough analysis of the situation and implement related measures of prevention and protection*
  - b) *will ensure the safety and prevent any risk of threat or harassment of witnesses judges and conveners throughout the Tribunal hearings or Tribunal fact-finding missions*

- c) *will accompany, provide advice and carry out networking activities in support of the implementation of the verdicts or in case of threats, harassment, which may arise after the activity of the Tribunal or in relation to the cases analyzed and judged when they are related to the defense and protection of territories and nature.*
- shall alert, in consultation and agreement with the convening organizations, organizations and networks that work on the issue of defenders of human, Indigenous or environmental rights as well as relevant international organizations so that they can accompany and - if necessary - intervene in the most appropriate manner in case of harassment, threats or other forms of repression or intimidation which may arise in the course of Tribunal activities and follow-up actions;
  - will develop strategic alliances and keep a roster of experts and organizations working on and with defenders to be readily accessible to the Tribunal and its partners;
  - will keep an updated file with risk assessment training and capacity-building handbooks, to be shared with Tribunal conveners/organizers in case of need
  - will consider possible joint initiatives on the situation of defenders of Earth, in collaboration with the Permanent Peoples' Tribunal and international organizations and allies working on and with defenders

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## **ANNEX 1. International, regional and national bodies in charge of Human Rights Defenders, Environmental Rights Defenders, Indigenous Peoples' Rights Defenders**

Mechanisms that can be accessed by defenders to denounce their situation of threat or harassment are varied, and range from national, to regional and international levels.

At the **national level**, defenders in countries that have established Independent Human Rights Institutions (or Defensoria del Pueblo) can - as a first step- contact their national authorities to denounce their situation and seek protection or precautionary measures. In some countries national HRD programs exist that can also be accessed.

For a list of countries with national mechanisms please see:

<https://www.focus-obs.org>

At the **regional level** some regional organizations such as the European Union have set up dedicated programs for defenders such as ProtectDefenders, and adopted guidelines for Human Rights Defenders that should be followed by EU representations as well as EU Member states embassies.

EU guidelines for HRDs

[https://www.eeas.europa.eu/sites/default/files/02\\_hr\\_guidelines\\_defenders\\_en\\_0.pdf](https://www.eeas.europa.eu/sites/default/files/02_hr_guidelines_defenders_en_0.pdf)

ProtectDefenders.eu to provide support to defenders, offer emergency grants or temporary relocation opportunities in case the defender needs to leave the country for a limited period of time

<https://protectdefenders.eu>

Some European countries have their own guidelines for defenders that are applied by their national representations abroad. The embassies of those countries can also be approached in case of need. Usually they coordinate their initiatives and if they are EU members do so with the EU representation in the country.

Switzerland

<https://www.eda.admin.ch/eda/en/fdfa/fdfa/publikationen/alle-publikationen.html/content/publikationen/en/eda/menschenrechte-humanitaeres-migration/Leitlinien-zum-Schutz-von-HRD>

Norway

<https://www.regjeringen.no/no/dokumenter/norwegian-guidelines-for-support-to-human-rights-defenders/id2992011/>

Ireland

<https://www.focus-obs.org/documents/ireland-foreign-policy-guidelines-for-hrds/>

Finland

<https://ishr.ch/latest-updates/finland-new-guidelines-will-strengthen-protection-of-human-rights-defenders/>

Furthermore, Justice and Peace Netherlands runs a Shelter Cities program for defenders that need temporary relocation: <https://sheltercity.org>

In other EU countries specific programs in support of defenders are in place: In France for instance the city of Lyon has a Shelter city program dedicated to environmental defenders <https://sheltercity.org/shelter-cities/lyon/>

In the Basque Country and Catalunya other programs in support of defenders can be accessed:

[https://www.euskadi.eus/contenidos/informacion/defensores\\_derechos\\_humanos/es\\_def/adjudtos/Publicacion-programa-defensores-cast.pdf](https://www.euskadi.eus/contenidos/informacion/defensores_derechos_humanos/es_def/adjudtos/Publicacion-programa-defensores-cast.pdf)

<https://www.icip.cat/es/ciudades-defensoras-de-los-derechos-humanos/>

At **Latin American** level, the countries that are members of CELAC have adopted a specific protocol for the protection of environmental defenders within the Escazù agreement. While this Agreement does not envisage a dedicated body to address violations or threats to defenders, signatory states are expected to adopt national action plans for human rights defenders that might provide additional avenues for defenders.

#### *Artículo 9*

##### *Defensores de los derechos humanos en asuntos ambientales*

- 1. Cada Parte garantizará un entorno seguro y propicio en el que las personas, grupos y organizaciones que promueven y defienden los derechos humanos en asuntos ambientales puedan actuar sin amenazas, restricciones e inseguridad.*
- 2. Cada Parte tomará las medidas adecuadas y efectivas para reconocer, proteger y promover todos los derechos de los defensores de los derechos humanos en asuntos ambientales, incluidos su derecho a la vida, integridad personal, libertad de opinión y expresión, derecho de reunión y asociación pacíficas y derecho a circular libremente, así como su capacidad para ejercer los derechos de acceso, teniendo en cuenta las obligaciones internacionales de dicha Parte en el ámbito de los derechos humanos, sus principios constitucionales y los elementos básicos de su sistema jurídico.*
- 3. Cada Parte tomará medidas apropiadas, efectivas y oportunas para prevenir, investigar y sancionar ataques, amenazas o intimidaciones que los defensores de los derechos humanos en asuntos ambientales puedan sufrir en el ejercicio de los derechos contemplados en el presente Acuerdo.*

<https://acuerdodeescazu.org/personas-defensoras-del-ambiente/>

At **International** Level (United Nations) Special Mandate holders (Rapporteurs) can consider petitions and complaints from defenders, <https://spsubmission.ohchr.org> , issue statements and communications (<https://www.ohchr.org/en/special-procedures-human-rights-council/what-are-communications>) and write to national authorities to express concern or recommend specific actions. The Rapporteur also reports directly to the UN Human Rights Council and can organize country missions to gather information on the situation of defenders and formulate recommendations. Note that these missions should be approved by the government of the country in question in case of an official mission, while for academic missions the SR can be invited directly. Also note that any correspondence between the SR and the relevant government on a specific complaint would not be made public until the government formulates its reply. Also note that the complaint can be filed by the defender, or by an organization on his/her behalf and that it will remain confidential.

The following are the SRs that can be contacted In case of threat, violence, intimidation or harassment to environmental and/or indigenous peoples' rights defenders

- a) The Special Rapporteur on Human Rights Defenders (Ms. Mary Lawlor)

<https://www.ohchr.org/en/special-procedures/sr-human-rights-defenders>

contact: [defenders@ohchr.org](mailto:defenders@ohchr.org).

- b) The Special Rapporteur on the Human Right to a clean, healthy and sustainable Environment (Ms. Astrid Puentes Riaño)

<https://www.ohchr.org/en/special-procedures/sr-environment/ms-astrid-puentes-riano>

contact: [rc-sr-development@un.org](mailto:rc-sr-development@un.org)

- c) The Special Rapporteur on the Right to Development (Mr. Surya Deva)

<https://www.ohchr.org/en/special-procedures/sr-development>

contact: [rc-sr-development@un.org](mailto:rc-sr-development@un.org)

- d) The Special Rapporteur on Indigenous Peoples (Dr. Albert K. Barume)

<https://www.ohchr.org/en/special-procedures/sr-indigenous-peoples>

contact: [Hrc-indigenous@un.org](mailto:Hrc-indigenous@un.org)

- e) The Special Rapporteur on Right to peaceful assembly and association (Ms. Gina Paula Romero Rodriguez)

<https://www.ohchr.org/en/special-procedures/sr-freedom-of-assembly-and-association>

contact: [freeassembly@ohchr.org](mailto:freeassembly@ohchr.org)

- f) The Special Rapporteur on Right to Freedom of opinion or expression (Ms. Irene Khan)

<https://www.ohchr.org/en/special-procedures/sr-freedom-of-opinion-and-expression>

contact: [freedex@ohchr.org](mailto:freedex@ohchr.org)

- g) A special rapporteur on Environmental Rights Defenders has been established under the Aarhus Convention and is in charge of addressing potential threats or violations of rights of environmental defenders in UN\_ECE member states. The mandate includes also cases where environmental defenders are harassed, threatened or put at risk as a consequence of their work on activities and operations of companies based in Europe in their own country. The SR can therefore address also those cases expanding the geographical scope of his mandate.

Current Special Rapporteur is Mr. Michel Forst.

For further information on mandate and functions of the Special Rapporteur on

Environmental Rights Defenders please see <https://unece.org/env/pp/aarhus-convention/special-rapporteur>

In order to file a complaint or contact the Special Rapporteur,

<https://unece.org/environmental-policy/public-participation/how-make-complaint-special-rapporteur>

email: [aarhus-envdefenders@un.org](mailto:aarhus-envdefenders@un.org)

An additional option, in case a private company is directly or indirectly involved, other than addressing the Special Rapporteurs, would be to address directly the UN Working Group on Business and Human Rights. As a matter of fact the WG has adopted a guidance on private sector and human rights defenders that can be used as reference. The WG as well as Special Rapporteurs can decide to contact the company in question to express concern or seek clarifications on the complaint by defenders.

For further information

<https://www.ohchr.org/en/special-procedures/wg-business/human-rights-defenders-business-and-human-rights>

<https://www.ohchr.org/en/documents/thematic-reports/ahrc4739add2-guiding-principles-business-and-human-rights-guidance>

contact: [hrc-wg-business@un.org](mailto:hrc-wg-business@un.org)

It should also be noted that various companies have adopted policies against threats or harassment to defenders that can be used to expose inconsistencies in case these directly or indirectly are responsible for attacks or threats or intimidation against defenders. For a list of companies please see:

<https://www.business-humanrights.org/en/from-us/human-rights-defenders-policy-tracker/>

## **ANNEX 2. ORGANIZATIONS AND NETWORKS WORKING ON AND WITH DEFENDERS**

### **a) Zero Tolerance Initiative (ZTI)**

The Zero Tolerance Initiative is a global coalition led by Indigenous Peoples, local community representatives and supportive NGOs working collectively to address the root causes of killings and violence against human rights defenders linked to global supply chains. The initiative works to support communities in enhancing their capacity to defend themselves and to hold companies and investors to account. It supports them to engage meaningfully with States, businesses and investors to seek verifiable and effective zero tolerance commitments against the reprisals of environmental human rights defenders, and the implementation of policies which realise those commitments. ZTI has also launched a portal with resources and handbooks on community-led strategies for collective protection and violence prevention: <https://collective-protection.info>  
[www.zerotoleranceinitiative.org](http://www.zerotoleranceinitiative.org)

### **b) Indigenous Peoples Rights International (IPRI)**

The **Indigenous Peoples Rights International (IPRI)** is a legally registered, non-profit global Indigenous Peoples organization that works to protect Indigenous Peoples' Rights, and unite and amplify the call for justice to victims of criminalization and impunity.

<https://iprights.org>

### **c) Indigenous Environmental Network (IEN)**

IEN is an alliance of Indigenous Peoples whose shared mission is to protect the Sacredness of Earth Mother from contamination & exploitation by respecting and adhering to Indigenous Knowledge and Natural Law

[www.ienearth.org](http://www.ienearth.org)

### **d) International Indian Treaty Council (IITC)**

The International Indian Treaty Council (IITC) is an organization of Indigenous Peoples from North, Central, South America, the Arctic, Caribbean and Pacific working for the sovereignty and self-determination of Indigenous Peoples and the recognition and protection of Indigenous rights, Treaties, traditional cultures and sacred lands

<https://www.iitc.org/>

**e) ALLIED**

A global network of **civil society actors** that drives multi-stakeholder action and systemic change in the recognition, support, and protection of Indigenous, Land, and Environmental Defenders (ILEDs). As a network, **ALLIED** is rooted in the recognition and importance of collective power as the main way to address violence against ILEDs. Power imbalances, corruption and discriminatory practices are at the heart of attacks against ILEDs. Networks that bring together community leaders, activists, lawyers, and funders in a trusted and secure way can help to counter these power imbalances.

<https://allied-global.org>

**f) FrontLine Defenders (FLD)**

FLD works to improve the security and protection of human rights defenders and organisations around the world at risk for their peaceful and legitimate human rights work. As identified by human rights defenders themselves, FLD responds to protection and security needs by providing support through grants, capacity building, visibility, networking, and advocacy, at the international, regional and local levels.

Front Line Defenders provides rapid and practical support to human rights defenders at risk through:

- international advocacy on behalf of human rights defenders at risk, including emergency support for those in immediate danger;
- grants and support for the practical security needs of human rights defenders; including temporary relocation of human rights defenders.
- capacity building and resource materials on wholistic security and protection, including digital security;
- Wellbeing opportunities such as the “Rest and Respite” program for human rights defenders dealing with extreme stress as a result of their work;
- Support for visibility needs including media outreach, campaign support, the FLD Award, production of visibility materials, and capacity building training on visibility, aimed at protection.

- opportunities for networking and exchange between human rights defenders, including at the biennial Dublin Platform;
- Emergency and crisis response through an emergency 24-hour phone line operating in Arabic, English, French, Russian and Spanish; as well as rapid crisis support as needed

[www.frontlinedefenders.org](http://www.frontlinedefenders.org)

#### **g) Global Witness**

Global Witness documents and researches cases of threat harassment of environmental defenders, publishing reports, carrying out advocacy activities and fact-finding investigations.

<https://www.globalwitness.org/en/campaigns/environmental-activists/>

#### **h) International Service on Human Rights**

ISHR provides human rights defenders with strategic and tailored advice on how to best use the international and regional human rights mechanisms available to them. ISHR provides comprehensive training, information products and advocacy support, ranging from narrative advice to legal advice. ISHR plays an influential role on the ground to ensure the implementation of international standards and resolutions in relation with human rights defenders through extensive expertise and strong partnerships with national human rights organisations and networks. ISHR provides training and advocacy advice to defenders both online and offline. An online advocacy toolbox offers advice and leads on how to approach protection mechanisms and carry out advocacy at UN level: [https://academy.ishr.ch/advocacy\\_roadmap](https://academy.ishr.ch/advocacy_roadmap)

[www.ishr.ch](http://www.ishr.ch)

#### **i) Protection International**

Protection International works on the preventative protection of human rights defenders by focusing on the following thematic areas: Public policies, Collective Protection, Criminalization, Business and Human Rights. They organize trainings on collective protection for communities both online

<https://e-learning.protectioninternational.org/?lang=en> and in person and publish various handbooks and guides.

[www.protectioninternational.org](http://www.protectioninternational.org)

#### **j) Red Mesoamericana Mujeres Defensoras**

A regional initiative in support of women defenders in Mesoamerica through a feminist approach

<https://im-defensoras.org>

**k) EarthRightsInternational (ERI)**

Supports frontline communities in their resistance against fossil-fuel projects and with environmental defenders to protect the rights, resources and livelihoods of their communities.

<https://earthrights.org/trainings-and-networks/resources-for-defenders/>

<https://earthrightsdefenders.org>

**l) Business and Human Rights Resource Center**

BHRC works to advance human rights in business and stop corporate abuses, by researching, working with communities and communicating with private sector and governments. BHRC supports communities and NGOs to pressure companies to address human rights concerns, and approach companies directly in case of abuses.

<https://www.business-humanrights.org/en/big-issues/human-rights-defenders-civic-freedom/land-environment-defenders/>

**m) Coalition on Human Rights and Development**

The Coalition runs a program on Defenders that supports human rights defenders at risk that for their work on Development and Finance Institutions projects through their Security Working Group, comprised of staff of international organizations that can offer different types of assistance (emergency grants, legal support, advocacy, security training, etc). A list of organizations that can offer support and their contacts can be accessed at this link:

[https://rightsindevelopment.org/srv/htdocs/wp-content/uploads/2020/07/2020.06\\_DiD-SWG-tools-and-resources-ENG.pdf](https://rightsindevelopment.org/srv/htdocs/wp-content/uploads/2020/07/2020.06_DiD-SWG-tools-and-resources-ENG.pdf)

<https://rightsindevelopment.org/collective-work/did/>

**n) Asia-Pacific Network for Environmental Defenders (APNED)**

APNED is a regional network in support of environmental defenders. It monitors cases of human rights violations among environmental defenders in the Asia-Pacific Region, provides support and solidarity to individuals and organizations under threat, carry out campaigns raising awareness on struggles of environmental defenders.

<https://apned.net/tag/defendthedefenders/>

<https://apned.net/support-services-for-environmental-defenders/>

**o) UNEP**

As part of its environmental defenders program,  
<https://www.unep.org/topics/environmental-law-and-governance/who-are-environmental-defenders> UNEP has established an online database of organizations offering legal support to environmental defenders at risk

<https://environmentallegalprotection.informeia.org>

## ANNEX 3) LIST OF HANDBOOKS AND OTHER TOOLS FOR PROTECTION AND RISK PREVENTION

[https://www.frontlinedefenders.org/sites/default/files/flds\\_workbook.pdf](https://www.frontlinedefenders.org/sites/default/files/flds_workbook.pdf)

<https://www.frontlinedefenders.org/en/facilitation-manual-risk-analysis-protection-planning-human-rights-defenders#facilitators-protection>

<https://www.earthdefenderstoolkit.com>

<https://www.earthdefenderstoolkit.com/kit-de-herramientas/guia-personal-y-seguridad-fisica-para-personas-defensoras/?lang=es>

<https://holistic-security.tacticaltech.org/index.html>

<https://rightsindevelopment.org/collective-work/did/#key-resources-HRDs>

<https://www.protectioninternational.org/wp-content/uploads/2022/11/Taking-care-of-us-Spanish.pdf>

<https://www.protectioninternational.org/wp-content/uploads/2022/12/Manual-para-prevenir-la-criminalizacion-de-los-defensores-del-derecho-a-la-tierra-y-el-territorio-2016.pdf>

<https://earthrights.org/wp-content/uploads/Security-Protection-of-Earth-Rights-Defenders-Facilitation-Toolkit-EN.pdf>

[https://rightsindevelopment.org/tools\\_guides/a-booklet-for-defenders-2022/](https://rightsindevelopment.org/tools_guides/a-booklet-for-defenders-2022/)

<https://www.earthdefenderstoolkit.com/wp-content/uploads/2021/08/About-Earth-Defenders-Toolkit-EN-June-2021.pdf>

<https://apned.net/environmental-human-rights-defenders-toolkit/>

<https://www.frontlinedefenders.org/es/manual-sobre-seguridad>

<https://www.protectioninternational.org/protection-manuals/2009-protection-manual-for-human-rights-defenders/0>

<https://e-learning.protectioninternational.org/?lang=en>

[https://www.protectioninternational.org/wp-content/uploads/2022/12/Online-NO2\\_SURVEILLANCE-AND-COUNTER-SURVEILLANCE-FOR-HUMAN-RIGHTS-DEFENDERS-AND-THEIR-ORGANISATION-310315.pdf](https://www.protectioninternational.org/wp-content/uploads/2022/12/Online-NO2_SURVEILLANCE-AND-COUNTER-SURVEILLANCE-FOR-HUMAN-RIGHTS-DEFENDERS-AND-THEIR-ORGANISATION-310315.pdf)

<https://www.protectioninternational.org/researchpublications/collective-protection-of-human-rights-defenders/>

<https://www.protectioninternational.org/tools/protection-manuals/>

<https://collective-protection.info>

[https://www.peacebrigades.org/fileadmin/user\\_files/groups/germany/Dateien/Handbuch\\_EnriqueEguren.pdf](https://www.peacebrigades.org/fileadmin/user_files/groups/germany/Dateien/Handbuch_EnriqueEguren.pdf)

[https://academy.ishr.ch/upload/resources\\_and\\_tools/ishr\\_reprisals2018\\_en.pdf](https://academy.ishr.ch/upload/resources_and_tools/ishr_reprisals2018_en.pdf)

<https://collective-protection.info/collective-protection-resources-and-mechanisms-for-the-defense-of-human-rights-in-indigenous-communities-in-paraguay-spanish-only/>

<https://collective-protection.info/human-rights-defenders-toolbox/>

<https://collective-protection.info/new-protection-manual-for-human-rights-defenders/>

<https://collective-protection.info/security-risk-management-a-basic-guide-for-smaller-ngos/>

<https://openbriefing.gitbook.io/defenders-protocol>

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[1] <https://www.rightsofnaturetribunal.org/wp-content/uploads/2018/04/final-veredict-lima-tribunal.pdf>

[2] <https://www.rightsofnaturetribunal.org/cases/condor-mirador-mine-case/>

[3] <https://www.rightsofnaturetribunal.org/cases/defenders-of-nature-and-mother-earth/>

[4] [https://wedocs.unep.org/bitstream/handle/20.500.11822/22769/UN%20Environment%20Policy%20on%20Environmental%20Defenders\\_08.02.18Clean.pdf?sequence=1&isAllowed=y](https://wedocs.unep.org/bitstream/handle/20.500.11822/22769/UN%20Environment%20Policy%20on%20Environmental%20Defenders_08.02.18Clean.pdf?sequence=1&isAllowed=y)

[5] For a more detailed analysis of patterns of threat to indigenous peoples see:

<https://iprights.org/images/articles/resources/Annual%20Criminalization%20Report%202022/IPRI%20Annual%20Criminalization%20Report%202022.pdf>

[6] Missing voices. The violent erasure of land and environmental defenders” September 2024 <https://www.globalwitness.org/en/campaigns/environmental-activists/missing-voices/>

[7] [https://www.frontlinedefenders.org/sites/default/files/1609\\_fld\\_ga24-5\\_output.pdf](https://www.frontlinedefenders.org/sites/default/files/1609_fld_ga24-5_output.pdf)

[8] <https://learn.landcoalition.org/en/resources/uncovering-hidden-iceberg-2024/>

[9]

[https://unece.org/sites/default/files/2024-02/UNSR\\_EnvDefenders\\_Aarhus\\_Position\\_Paper\\_Civil\\_Disobedience\\_EN.pdf](https://unece.org/sites/default/files/2024-02/UNSR_EnvDefenders_Aarhus_Position_Paper_Civil_Disobedience_EN.pdf)

See

also

<https://www.coe.int/az/web/commissioner/-/crackdowns-on-peaceful-environmental-protests-should-stop-and-give-way-to-more-social-dialogue>

[10] *Movements shaping climate futures: A systematic mapping of protests against fossil fuel and low-carbon energy projects* Leah Temper, Sofia Avila, Daniela Del Bene, Jennifer Gobby, Nicolas Kosoy, Philippe Le Billon, Joan Martinez-Alier, Patricia Perkins, Brototi Roy, Arnim Scheidel, *Environmental Research Letters*, 15 (2020) 123004  
<https://doi.org/10.1088/1748-9326/abc197>

[11] <https://www.business-humanrights.org/en/from-us/human-rights-defenders-database/>

[12]

<https://www.business-humanrights.org/en/from-us/briefings/hrds-2023/people-power-under-pressure-human-rights-defenders-business-in-2023/>

[13] See annex 3 for a list of handbooks and manuals for risk assessment and prevention

[14] See annex 2 for a list of organizations and networks working on the issue

[15] See annex 2 for a list of organizations that can be contacted for that purpose

[16] See annex 1 for international organizations that can be contacted