



ENVIRONMENTAL HUMAN RIGHTS DEFENDERS AND THE RIGHT TO A HEALTHY ENVIRONMENT

SUBMISSION TO THE UN SPECIAL RAPPORTEUR - HRC64

OCTOBER 2026

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The International Service for Human Rights (ISHR) is an independent non-governmental organisation dedicated to the promotion and protection of human rights. We do this by supporting human rights defenders, strengthening human rights protection systems, and leading and participating in coalitions for human rights change.

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INTRODUCTION

This submission is based on the experience of the International Service for Human Rights (ISHR) working with environmental human rights defenders (EHRDs) and in developing the [Declaration +25](#).¹ To mark the 25th anniversary of the UN Declaration on human rights defenders, 18 human rights organisations consulted 700 human rights defenders from various regions, working on diverse issues and with diverse identities — which included EHRDs and Indigenous Peoples — to discuss the challenges and risks currently faced by defenders to identify areas of the UN Declaration that could be further elaborated to ensure their protection. The resulting document was the Declaration +25, a landmark global document that supplemented and expanded upon the 1998 UN Declaration. It takes into account international jurisprudence over the last 25 years, the evolutions of movements and activism as well as defenders' lived experiences, and has since been referenced in several resolutions of the Human Rights Council.²

For the purposes of this submission, the term EHRDs encompasses individuals or groups who act to promote, protect, or strive for the protection of the right to a clean, healthy and sustainable environment (R2HE). This submission also builds on the principle — reflected in growing jurisprudence — that threats and attacks against human rights defenders may amount to violations of the very rights for which they advocate³; applied to EHRDs, this means such threats and attacks may amount to a violation of the R2HE.

1 Declaration +25, <https://ishr.ch/toolbox/resources/declaration-25/>

2 A/HRC/RES/61/22, A/HRC/RES/59/10, A/HRC/RES/58/23

3 'Human rights defenders are the lifeblood of the Universal Declaration of Human Rights' <https://ishr.ch/latest-updates/human-rights-defenders-are-the-lifeblood-of-the-universal-declaration-of-human-rights/>



SITUATION OF ENVIRONMENTAL HUMAN RIGHTS DEFENDERS

On **specific risks** faced by EHRDs, the triple planetary crisis has compounded repression they face, deepening the importance and urgency of their work — even as that advocacy exposes them to greater risk. The Declaration +25 urges States to take all necessary measures to enable human rights defenders to conduct their work or activities free from stigmatisation and criminalisation.⁴ Despite this, EHRDs face stigmatisation and delegitimisation. In response to their critical work, States and non-State actors, including transnational and national corporations, form and spread negative narratives that strengthen stigma against EHRDs, often framing them as being 'against development', 'anti-government', 'terrorists', 'eco-terrorists', 'traitors', or even 'uncivilised' and 'savage'. These bad-faith narratives, coupled with hate speech, disinformation and misinformation, create a foundation for State and non-State actors to justify unlawful actions against EHRDs, including restrictive legislation and criminalisation of advocacy for the protection of the R2HE.

4 Declaration +25, article 5

EHRDs are often subject to **reprisals for cooperating with the UN**. Since 2010, the UN Secretary-General's annual reports highlight reprisal cases against EHRDs engaging with UN human rights bodies and other platforms, including the United Nations Framework Convention on Climate Change's Conference of the Parties (COP) meetings, and the UN Forum on Indigenous Issues. Between 2010 and 2025, 25 cases of reprisals against EHRDs were reported in the Secretary General's annual report on reprisals,⁵ the majority committed against individuals. A fifth were perpetrated by India. Ten were in response to engagement with Special Procedures specifically. The majority of reprisals suffered were threats and intimidation (14 cases) and surveillance (8 cases), while a number also suffered defamation, investigations and prosecutions, online harassment, and physical attacks. Bear in mind these cases only represent the tip of the iceberg and do not include cases not submitted to the Secretary-General, nor those not reported on generally. Reprisals violate States' obligations — articulated in the Declaration +25 — to ensure a safe and enabling environment, including ensuring that all persons have free, safe and unhindered access to international human rights bodies, mechanisms and processes.⁶

Two recent cases of reprisals connected to the COP include the arbitrary arrest, detention and criminal prosecution of Daria Egereva, a Russian Indigenous human rights defender advocating for the Selkup people of Siberia, after participating at COP30.⁷ Her detention created a chilling effect for Indigenous human rights advocacy in Russia. The second is Anar Mammadli who faced repeated attacks and was eventually arrested in Azerbaijan in April 2024, in the lead up to COP29.⁸

On **legal measures to restrict, limit, or obstruct the work of EHRDs**, a number of States have adopted regressive laws that facilitate violations against them, including laws that enable land-grabbing,⁹ surveillance of EHRDs, and the use of emergency measures to suppress protest or fast track extractive projects, as well as those that de-regulate or dismantle environmental protections. In many cases, the adoption of such laws and policies contributes to the weakening of civil society space, placing additional obstacles on the work and activities of EHRDs. In 2025, the Ecuadorian government merged the Ministry of the Environment, Water, and Ecological Transition (MAATE) with the Ministry of Energy and Mines. The Ministry then issued a request for information to 300 social organisations, demanding the submission of financial and activity reports to the executive branch within 48 hours, including detailed information on funding sources.¹⁰ In November 2025, Bolivia's new government dissolved the Ministry of the Environment and Water.¹¹ In late 2025, Argentinian president Javier Milei sent a bill to the Congress to reform the country's Glacier Protection Law to allow mining and oil or gas exploration in periglacial zones.¹² In Chile, days after taking office in March 2026, the government

5 Annual reports on reprisals for cooperation with the UN <https://www.ohchr.org/en/reprisals/annual-reports-reprisals-cooperation-un>.

6 Declaration +25, article 4(l)

7 <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=30871>

8 Amnesty International, 'Azerbaijan: Human rights and climate justice advocate arrested ahead of COP29' <https://www.amnesty.org/en/latest/news/2024/04/azerbaijan-human-rights-and-climate-justice-advocate-arrested-ahead-of-cop29/>

9 For example, in the Philippines, the Republic Act No. 11252 permits foreign entities to lease land for up to 99 years, violating constitutional safeguards and enabling land dispossession.

10 Mongabay, [Ecuador: tras la anunciada fusión de los ministerios de Ambiente y Energía y Minas, expertos advierten sobre la crisis en los controles ambientales](#)

11 Mongabay, [Balance ambiental de Bolivia 2025: la minería ilegal se expande, se eliminó el Ministerio de Medio Ambiente y la deforestación sigue adelante](#)

12 Buenos Aires Times, 'Milei sends Glacier Protection Law reform bill to Congress' <https://www.batimes.com.ar/news/argentina/milei-sends-glacier-protection-law-reform-bill-to-congress.phtml> and <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=30813>

suspended more than 40 environmental decrees that regulated environmental matters.¹³ In early 2026, the Venezuelan National Assembly unanimously approved the new Organic Mining Law, allowing foreign and private-sector investment in strategic minerals.¹⁴ This is exacerbated by existing conflicts in some regions, particularly in the Gran Sabana municipality and in the Arco Minero region, as well as by legal and illegal mining activities.¹⁵



States have also adopted laws intended to limit civic space which restrict the activities and advocacy of EHRDs. For example, in August of 2025,¹⁶ Ecuador began enforcing the Organic Law on Social Transparency, conditioning civil society's ability to associate organisationally on invasive and onerous reporting and funding disclosure requirements, which was promptly challenged at the Ecuadorian Constitutional Court.¹⁷ Such measures place unreasonable requirements on civil society which tend to have the most adverse consequences on already marginalised individuals and defenders, including Indigenous defenders and those on the front lines of environmental protection. In Uganda, the government passed the 'Protection of Sovereignty Act', which limits freedom of expression and criminalises legitimate civil society

13 <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=30919>

14 [Venezuela: expertos cuestionan laxitud de nueva ley de minas mientras la minería ilegal avanza sin control](#)

15 See <https://www.ohchr.org/es/hr-bodies/hrc/ffmv/report-ffmv-september2022>

16 See <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=30708>

17 ISHR, "ISHR urges Ecuador's top court to strike down law undermining civil society freedoms," <https://ishr.ch/latest-updates/ishr-urges-ecuadors-top-court-to-strike-down-law-undermining-civil-society-freedoms/>.

activities by imposing vague and disproportionate restrictions, including broadly framing advocacy, policy engagement and civic mobilisation as threats to sovereignty.¹⁸ Ugandan human rights, environmental, and climate justice civil society organisations (CSOs) could be classified as foreign agents and persecuted under the Act.¹⁹ This law was passed in the context of civil society mobilisation and peaceful protests against the East African Crude Oil Pipeline (EACOP). Since 2022 there have been more than 25 criminal cases brought against protesters²⁰ and reports of widespread threats, harassment and violence, including gender-based violence, by private and State security forces.²¹

Other States have issued executive decrees and modified legislation to disproportionately monitor international funding of CSOs. In March 2025, the Congress of Peru adopted amendments to the law governing the Peruvian Agency for International Cooperation (APCI). The amendments classify the use of international cooperation funds to provide legal advice, assistance or financial support for judicial, administrative or other actions against the Peruvian State as 'very serious' offences. In addition, the law prohibits NGOs from engaging in activities – including regional and international human rights mechanisms – related to the country's 'internal politics', a broadly defined concept that could encompass monitoring public policies, supporting civic mobilisation, or documenting human rights violations and environmental matters. Penalties for non-compliance include substantial fines, suspension of benefits, cancellation of registration and possible judicial dissolution.²²

The work of EHRDs is also obstructed by the **use of criminal laws and proceedings** and direct attacks against them. This particularly affects Indigenous defenders and their communities. [Bernardo Caal Xol](#), an Indigenous EHRD from Guatemala served more than four years in prison on fabricated charges as punishment for his advocacy against extractive projects polluting the water and environment of the Cahabón river basin.²³ After the Guatemalan government issued two arrest warrants against him for his work in defence of the river and the communities it sustains, Bernardo was fired from his job as a schoolteacher and subjected to defamation and slander. During his detention, the proceedings were suspended more than 60 times in clear violation of his right to due process. In the Philippines, the 2020 Anti-Terrorism Act and the 2012 Terrorism Financing Prevention and Suppression Act are weaponised against Indigenous defenders, particularly in cases when they oppose destructive development. At the same time the 1995 Philippine Mining Act is used to displace Indigenous communities and destroy ecosystems.²⁴ [Cressida Kuala](#), a woman Indigenous defender, has been subjected to threats and assaults in response to her advocacy against decades of mining projects in the Porgera district of Papua New Guinea.²⁵ She has highlighted that traditional knowledge is essential for protecting her community's land and biodiversity and demanded the respect of her community's right to

18 Monitor, 'CSOs petition EACJ over implementation of Sovereignty Act', <https://www.monitor.co.ug/uganda/news/national/csos-petition-eacj-over-implementation-of-sovereignty-act-5554612>

19 [Uganda's Sovereignty Act challenged due to conflicts with East Africa's Community Treaty](#)

20 [Fair Trial Violations in Uganda's Crackdown on Environmental and Climate Activism](#)

21 UN Special Rapporteur on environmental defenders under the Aarhus Convention, 'Urgent call: TotalEnergies and its shareholders must take immediate action to protect environmental defenders in Uganda in the context of the Tilenga/Kingfisher and EACOP projects',

22 See on Peru <https://ishr.ch/wp-content/uploads/2026/05/20260611-G-ISHRReprisalsReport2026-web.pdf>, p. 99

23 ISHR, Human rights defender's story: Bernardo Caal Xol from Guatemala, <https://ishr.ch/defender-stories/human-rights-defenders-story-bernardo-caal-xol-from-guatemala/> (23 April 2024).

24 See [25th Meeting — 60th Session of Human Rights Council | UN Web TV](#)

25 ISHR, Human rights defender's story: Cressida Kuala from Papua New Guinea, <https://ishr.ch/defender-stories/human-rights-defenders-story-cressida-kuala-from-papua-new-guinea/> (21 November 2025).

Free, Prior and Informed Consent.²⁶ When Indigenous defenders are criminalised or harassed, this is not only an attack against the individual, but also an attack against their communities and their families. In addition to the chilling effect, communities must then redirect time and resources to defending those criminalised, diverting the attention from their cause.

Some specific risks faced by EHRDs come in the form of **Strategic Lawsuits Against Public Participation (SLAPPs)**, frequently leveraged against those calling for phasing out fossil fuels or advocating around extraction of critical minerals. EarthRights identified at least 152 SLAPP cases by the fossil fuel industry in the United States between 2012 and 2022.²⁷ In March 2025, in a well-known case, a North Dakota jury ruled in favour of ordering Greenpeace to pay over \$660 million for alleged defamation and related claims linked to its opposition to the Dakota Access pipeline project.²⁸ The Declaration +25 calls on States to prohibit the use, including by non-State actors, of SLAPPs and related activities, to restrict or otherwise impair activities for the promotion, protection, and effective realisation of human rights and fundamental freedoms, including by passing anti-SLAPP legislation.

Persecution against environmental lawyers and those defending EHRDs poses additional barriers. A recent example is Karina Riquelme, the lawyer for the family of disappeared indigenous EHRD Julia Chuñil in Chile. Karina has faced surveillance, intimidation, and threats for her legal work.²⁹ In other cases, there have been threats to file complaints against lawyers to national Bar Associations arguing that they have contravened the legal profession or ethical standards.³⁰

During the consultations that resulted in the Declaration +25, **mental health issues, depression, stress, fear, helplessness and burnout** were identified as particular risks that EHRDs suffer, all of which are exacerbated by the ever-present risks of stigma, harassment, and criminalisation. Youth and children also expressed 'climate anxiety'³¹ and distress, often facing parental, or guardians' restrictions limiting their activism in order to 'protect' them.

EHRDs face significant, intersecting barriers when seeking to **engage in international environmental and climate fora** such as with **the Conference of the Parties to the UN Framework Convention on Climate Change** (UNFCCC), as well as when seeking accreditation at the **ECOSOC Committee on NGOs**. Financial constraints are often the first obstacle, as travel, accreditation, and accommodation costs are prohibitive for grassroots defenders, particularly those from the Global South and Indigenous communities, who frequently lack institutional backing enjoyed by large NGOs or corporate actors. Procedural and bureaucratic

26 [HRC60: Defender calls for genuine partnership in development projects in Papua New Guinea | ISHR](#)

27 See EarthRights, "As Climate Crisis Intensifies, Fossil Fuel Companies Seek to Silence their Critics," https://earthrights.org/media_release/as-climate-crisis-intensifies-fossil-fuel-companies-seek-to-silence-their-critics/.

28 The New York Times, "Jury Orders Greenpeace to Pay Pipeline Company More Than \$660 Million," <https://www.nytimes.com/2025/03/19/climate/greenpeace-energy-transfer-dakota-access-verdict.html>.

29 La Izquierda Diario, 'Declaración pública. Alto a la persecución contra defensora de derechos humanos Karina Riquelme' in <https://www.laizquierdadiario.cl/Alto-a-la-persecucion-contra-defensora-de-derechos-humanos-Karina-Riquelme> (21 August 2026); Interferencia, 'Denuncian seguimientos y persecución judicial a reconocida abogada de causas sociales' in <https://interferencia.cl/articulos/denuncian-seguimientos-y-persecucion-judicial-reconocida-abogada-de-causas-sociales> (21 August 2026)

30 See for example, in Sweden: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=26162>. On other acts of intimidation and harassment against environmental lawyers, see 'Access to environmental justice under threat -The Role, Risks, and Rights of Environmental Lawyers' <https://www.lawyersforlawyers.org/wp-content/uploads/2025/06/Access-to-Environmental-Justice-under-Threat-Lawyer-for-Lawyers-single-pages.pdf>

31 UNICEF, 'Climate anxiety- Mental health experts' advice on coping with worries about climate change'

hurdles compound this - accreditation processes for UN consultative status [can take years](#), are often opaque, and can be blocked by member [States hostile to scrutiny](#). In addition to this, in other environmental conferences and fora, registration deadlines, complex procedural rules and limited working languages complicate those processes. Even when defenders have the ability to attend UN sessions and conferences, meaningful participation is limited by the closed-door nature of many negotiations, where civil society is relegated to organising side events or observing without substantive input into decision-making on outcomes related to climate and environmental governance. Digital divides further exclude EHRDs in remote or under-resourced areas from hybrid or virtual participation modalities that expanded during and after the COVID-19 pandemic. Obtaining visas to attend international environmental fora is increasingly challenging, coupled with decisions to host these conferences in countries with closed civil society space or without guarantees for safe and inclusive participation. Other challenges remain in related spaces where decisions impacting the communities are taken, for example on climate financing.³² Corporate capture and the disproportionate influence of industry lobbyists in spaces like climate negotiations³³ can dilute or marginalise the voices of those most directly affected by environmental harm, which affects EHRDs' right to safe and meaningful participation and access to information.

Other barriers that limit capabilities, opportunities and support for EHRDs, especially for newer, smaller or grassroots movements includes

- a) lack of legal assistance when criminalised;
- b) lack of internet connections, access, adequate equipment, tools and technology;
- c) lack of sustainable funding and financial resources; and
- d) language barriers for Indigenous defenders and those working in rural and remote areas.

Inadequate responses to harm against EHRDs likewise fail to acknowledge or address the root causes of these harms, in turn delaying accountability and enabling continued degradation of the environment and the R2HE. EHRDs should not be portrayed solely in terms of risks they face, but also the contributions made to advance the R2HE.³⁴ This is consistent with the Declaration +25, which establishes that States should take all necessary measures to promote public knowledge and awareness of the right to defend human rights and recognise and publicly acknowledge the right to promote, defend, and protect human rights and fundamental freedoms and those who exercise this right³⁵.

32 ISHR, HRC62: Human rights, enabling defenders must be central to climate financing, <https://ishr.ch/latest-updates/hrc62-human-rights-and-enabling-environment-for-defenders-should-be-at-the-centre-of-climate-financing/> (22 June 2026).

33 See for example, 'Fossil Fuel Bulletin: COP29 Edition' <https://influencemap.org/briefing/Fossil-Fuel-Climate-Advocacy-Update-COP29-Edition-30366>

34 On effective narratives, [Effective Narratives | A seat at the table | ISHR](#)

35 See Declaration +25, article 3.



POLICIES, LEGISLATION AND OTHER EXISTING MEASURES OF STATE AND NON-STATE ACTORS FOR THE PROTECTION OF EHRDS

In 2019, the UN Human Rights Council recognised the vital work of EHRDs and their essential role in protecting the environment, highlighting the threats, attacks, and reprisals many of them experience³⁶. This resolution explicitly references States' obligation, as articulated in the Declaration +25,³⁷ to ensure that EHRDs can work in a safe and enabling environment. In 2023, the UN General Assembly reaffirmed the critical role of environmental defenders.³⁸

In 2022, Michel Forst was appointed as the first **Special Rapporteur on environmental defenders** by the State Parties to the UNECE Convention on Access to Information, Public

36 [A/HRC/RES/40/11](#)

37 See Declaration +25, article 4

38 A/RES/78/216

Participation in Decision-Making and Access to Justice in Environmental Matters (Aarhus Convention). This is the first mechanism specifically safeguarding EHRDs established within a legally binding framework under the United Nations system or other intergovernmental structures, and marks an important step in advancing practical measures to uphold the R2HE. The Special Rapporteur's role is to take measures to protect any person experiencing or at imminent threat of penalisation, persecution, or harassment for seeking to exercise their rights under the Aarhus Convention. Recently, in October 2025 Forst prepared Guidelines on the Right to Peaceful Environmental Protest and Civil Disobedience, which draw on the Aarhus Convention and international human rights standards. The Guidelines aim to assist Convention Parties and other interested UN member states to implement or apply article 3(8) of the Aarhus Convention, in synergy with other relevant international obligations, to ensure those organising or participating in peaceful protests regarding their right to live in an environment adequate to their health and well-being are not disproportionately penalised, persecuted or harassed for their involvement.³⁹

The **Escazú Agreement**, a landmark regional development, is the first legally binding international instrument explicitly addressing EHRDs. The Escazú Agreement is also the first environmental treaty adopted in Latin America and the Caribbean. As EHRD [Bárbara Astudillo](#) explained, in Chile, the instrument helped to broaden access to information, increase public participation and support capacity building.⁴⁰ Its regional specificity is particularly crucial because Latin America has consistently been documented as one of the deadliest regions for EHRDs. The treaty also establishes a Rapid Response Mechanism that can order a State party to take measures to protect EHRDs, including family members and members of the public when their life or security could be at risk.

In response to a request supported by ISHR, the Escazú Agreement's Committee to Support Implementation and Compliance recognised the urgent need to protect the relatives of the Chilean Indigenous environmental defender [Julia Chuñil](#), who had repeatedly expressed concerns for their safety since her disappearance. This marked the first time the treaty urged a signatory State to take protective action.⁴¹

In Latin America, there is **increasing jurisprudence by the Inter-American Court** recognising that States are obliged to protect human rights defenders, arising from the general obligation to protect.⁴² In the *Baraona Bray v. Chile* case, the Court said that 'respecting and guaranteeing the rights of human rights defenders in environmental matters, in addition to being a commitment acquired by the States party to the American Convention, insofar as they are persons under their jurisdiction, is of special importance because they perform work that is fundamental to the strengthening of democracy and the rule of law'.⁴³

39 See also 'State repression of civil disobedience on environment 'a major threat' to human rights', <https://ishr.ch/latest-updates/state-repression-of-civil-disobedience-on-environment-a-major-threat-to-human-rights/>

40 "Human rights defender's story: Bárbara Astudillo, from Chile," <https://ishr.ch/defender-stories/human-rights-defenders-story-barbara-astudillo-from-chile/> (31 July 2024).

41 See 'Escazú Agreement rapid response triggered for first time to protect relatives of Julia Chuñil', <https://ishr.ch/latest-updates/esazu-agreement-rapid-response-mechanism-triggered-for-first-time-to-protect-relatives-of-julia-chunil/>

42 Inter-American Court of Human Rights, Human rights defender case et. al. v. Guatemala, Preliminary Objections, Merits, Reparations and Costs, Judgment of August 28, 2014;

43 Inter-American Court of Human Rights, Baraona Bray V. Chile, Preliminary objections, Merits, Reparations and Costs, November 24, 2022

'Respecting and guaranteeing the rights of human rights defenders in environmental matters [...] is of special importance because they perform work that is fundamental to the strengthening of democracy and the rule of law.'

Inter-American Court of Human Rights, *Baraona Bray v. Chile*

More recently, in its Advisory Opinion on the climate emergency and human rights, the Inter-American Court reaffirmed the autonomous nature of the right to defend rights, including in environmental matters, as well as the essential role EHRDs play in combating the climate emergency. It explicitly recognised the role and differentiated impact that certain EHRDs face, including Indigenous Peoples, youth, women and LGBTI activists; and held that the Escazú Agreement standards should be the regional standard to access information, participation, access to justice in environmental matters and the protection of EHRDs.⁴⁴

Some countries have created **national protection mechanisms for defenders** and adopted national policies and guidelines for the protection of HRDs that would apply also to EHRDs.⁴⁵ Most of these mechanisms were created as a result of national civil society demands, however, challenges remain to adequately protect defenders. Some of those challenges were shared with ISHR in a cross regional consultation held in Colombia in 2024:

- Mechanisms often have a mandate with limited protection measures, often with an individual approach (without recognising collective measures), focusing on physical protection over comprehensive protection.⁴⁶ Collective protection is particularly important in the context of the R2HE. In most cases, EHRDs do not act in isolation and work as networks, movements, or as part of a community, Indigenous group or constituency. Article 4(i) of the Declaration +25 calls on States to ensure their protective actions are adapted to the needs of collectives of human rights defenders. These actions could include legislation and public policies that integrate both individual and collective approaches.
- They lack investigative and enforcement capabilities necessary to address violations, which can contribute to impunity.
- When defenders are criminalised, the protection provided can be hindered and actions to condemn such criminalisation are seen as 'obstructing justice'.

44 See 'Inter-American Court of Human Rights reaffirms right to defend the environment' <https://ishr.ch/latest-updates/inter-american-court-of-human-rights-reaffirms-right-to-defend-the-environment/>

45 See 'Protection Instruments', <https://ishr.ch/toolbox/national-protection/>

46 Article 7 of the Declaration +25 States shall take all necessary measures to ensure the comprehensive protection of human rights defenders and their communities and enable them to continue their work or activities, whether individually or collectively.

- Lack of trust in the mechanisms by HRDs, particularly in contexts of corporate capture and corruption.
- Centralisation of the mechanisms that complicates accessing and contacting defenders in remote areas or where the mechanism is less present.
- Limited capacity, in terms of personnel, material and financial resources.
- Focus on responsive instead of preventive measures.

With the emergence of international, regional and national mechanisms for the protection of EHRDs, better coordination and complementarity, including adequate resources, is needed to respond to the needs and contexts of those defending the R2HE. At the same time EHRDs should have access to information on how these mechanisms function and their scope.⁴⁷

⁴⁷ ISHR recently launched an online course 'Advocacy for environmental human rights defenders: pathway': a tool to help environmental human rights defenders and their allies translate local environmental struggles into coordinated international and regional advocacy, including an explanation of the mechanisms relevant for the protection of the right to healthy environment and the protection of EHRDs. See <https://ishr.ch/latest-updates/new-online-course-for-environmental-human-rights-defenders-on-the-ishr-academy/> (1 June 2026).



RESPONSIBILITY OF BUSINESSES TO RESPECT THE RIGHTS OF EHRDS

Under the Declaration +25, States, in consultation with human rights defenders, must ensure that non-State actors, and in particular businesses, respect the right to defend human rights, and refrain from attacking and harassing those who exercise this right, or their communities.⁴⁸ This responsibility is also included in the UN Guiding Principles and, in 2021, the UN Working Group on Business and Human Rights clarified that the consideration of risks to defenders is part of the human rights risk assessment, including engaging with human rights defenders as part of mandatory due diligence processes.⁴⁹

The Working Group guidance on human rights defenders also includes recommendations for States to ensure that they protect the rights of defenders as companies respect their rights at the same time, including promoting an enabling environment for defenders.⁵⁰ While the Guiding Principles are not binding, they establish a basis on the responsibilities of business toward human rights defenders, including EHRDs. Since their adoption some businesses have committed to zero tolerance for attacks against defenders, however, this is not enough to guarantee the full respect of human rights defenders' rights.

48 Declaration +25, article 17 (a) and Article 18(d)

49 See "The Guiding Principles on Business and Human Rights: guidance on ensuring respect for human rights defenders", <https://docs.un.org/en/A/HRC/47/39/Add.2>

50 See also "Business frameworks and actions to support defenders: a retrospective" <https://ishr.ch/latest-updates/business-frameworks-and-actions-to-support-defenders-a-retrospective-of-10-years-of-progress-and-challenges/>

RECOMMENDATIONS

To the Special Rapporteur

Based on this submission, we encourage the **Special Rapporteur** to expressly recognise in the report that an attack on an EHRD amounts to a violation of the right to a clean, healthy and sustainable environment.

To States

We also encourage the Special Rapporteur to make the following **recommendations to States** based on their international obligations including those articulated in the UN Declaration on Human Rights Defenders and the Declaration +25:

- EHRDs should not be portrayed solely in terms of the risks they face, but also the contribution they make, therefore explicitly recognise, through public statements, the vital work of EHRDs in advancing the right to a clean, healthy and sustainable environment, recognise their right to defend rights
- Provide financial support to EHRDs.
- Take all necessary measures to enable human rights defenders to conduct their work or activities free from stigmatisation and criminalisation.⁵¹
- Develop, enact and implement laws and policies that protect the right to defend human rights individually or collectively, including incorporating international and regional developments.
- Where requested by national human rights defenders, adopt national policies that incorporate collective protection measures for EHRDs that adopt an intersectional approach, including specific measures to protect women EHRDs and Indigenous defenders. Where mechanisms exist, strengthen those mechanisms, in consultation with national defenders, including by adequately resourcing them and enhancing coordination with State authorities and national human rights institutions
- Introduce anti-SLAPP legislation and regulations and ensure that non-State actors are held accountable for misusing criminal law against EHRDs. This should include the early dismissal of SLAPPs by first-instance judges and lower courts.
- Ensure the judiciary continues to develop and apply international and regional standards on the rights to participation, access to information, access to justice in environmental matters and the protection of EHRDs.

⁵¹ Declaration +25, Article 5.

- Maintain and strengthen national institutions and legislation that protects the environment in accordance with the principle of non-regression and advancing the right to a clean, healthy and sustainable environment for current and future generations.
- Provide and guarantee that international and regional protection mechanisms are adequately resourced to effectively respond to EHRDs and their communities.
- Ensure meaningful and safe participation in regional and global environmental and climate governance, and prevent and respond to intimidation and reprisals against EHRDs. This includes facilitating visas and financial support for their meaningful and safe participation
- Establish measures to hold corporations and financial institutions accountable on cases involving EHRDs, including the extraterritorial obligations of host country States where the companies are domiciled. EHRDs should be meaningfully consulted as part of the mandatory due diligence process and incorporate EHRDs risks and enabling environment as part of the human rights and environmental impact assessments.

To regional and international protection mechanisms

- Enhance coordination and complementarity between national, regional and international human rights mechanisms to effectively protect and rapidly respond to attacks against EHRDs, and monitor the effective implementation of provisional and precautionary measures that aim to protect EHRDs.



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