

Environmental human rights defenders and the human right to a clean, healthy and sustainable environment

Submission to the UN Special Rapporteur on the human right to a healthy environment

by the Observatory for the Protection of Human Rights Defenders, a partnership of the International Federation for Human Rights (FIDH) and the World Organisation Against Torture (OMCT)

The Observatory for the Protection of Human Rights Defenders (FIDH-OMCT) welcomes the opportunity to contribute to this report. This submission draws on our research and documentation, including urgent appeals, statements, and reports on environmental human rights defenders (EHRDs) and their contributions. We illustrate systemic patterns with a small representative set of cases and refer to the full online text of the cited documentation for more detail.

I. Specific risks

EHRDs face escalating risks precisely where they are most needed to defend and advance the right to a healthy environment (RTHE) and the structural changes needed to do so: opposing large-scale fossil fuel, mining, hydropower, agribusiness and infrastructure projects; defending land, water and ecosystems while also standing up for Indigenous and community rights dependent on the environment; and advocating for just transition pathways that are too often designed without them and not compliant with the RTHE and human rights.

Across the Observatory's documented cases, repression takes recurring forms: judicial harassment, criminalisation, arbitrary arrest and detention, surveillance, strategic lawsuits against public participation (SLAPPs), travel bans and denial of re-entry, and, in the most serious cases, torture, enforced disappearance and killing.

1. Criminalisation and judicial harassment

Criminalisation and repression in relation to fossil fuel extraction projects and investments in fossil fuels

In [Uganda](#), since May 2024, dozens of EHRDs have been arrested for opposing the East African Crude Oil Pipeline (EACOP), Kingfisher and Tilenga projects, and for protesting a Kenyan bank's EACOP financing.

In the [Democratic Republic of Congo](#) (DRC), a 2024 Observatory report documents how EHRDs denouncing the impacts of both the oil industry and rare mineral extraction face threats and attacks from actors – often non-state actors – with interests in these activities.

Pending before the European Court of Human Rights, the [Thalman & Others and Slotte & Others v. Switzerland](#) cases concern the criminal conviction of climate activists for peaceful civil disobedience actions at banking branches to denounce investments in the coal and oil industry.

Criminalisation and repression tied to mining projects

In [Ecuador](#), land and water rights defenders are facing trial because of their opposition to the Curipamba–El Domo mining project.

In [Honduras](#), Guapinol, San Pedro and Tocoa communities continue to face threats for opposing the Emco Holdings/Los Pinares/Ecotek extractive project, amid ongoing proceedings against a company executive and other company representatives and public officials over alleged environmental crimes, as well as investigations into the 2024 killing of an [EHRD](#).

In the [Philippines](#), EHRDs who petition or protest against mining activities are subjected to surveillance, threats, intimidation, harassment, SLAPPs, and red-tagging. Some of these are perpetrated by private mining companies.

In [Tibet](#), Chinese authorities arbitrarily extended by one year an already-served seven-year sentence for a Tibetan nomad leader, who was targeted for peacefully campaigning against illegal mining and poaching.

Criminalisation and repression tied to hydropower and water retention projects

In [France](#), the Poitiers Court of Appeal confirmed convictions — including a suspended prison sentence — against four organisers of the “Sainte-Soline” protest against a mega-basin irrigation project. The sentences are part of a [broader police and rhetorical crackdown on environmental movements](#) in the country.

In [Tibet](#), Chinese authorities have cracked down on EHRDs denouncing the environmental and human rights impacts of massive hydropower expansion, by detaining hundreds of protesters, increasing village surveillance, raiding houses and enforcing a communication blackout.

In [Cambodia](#), EHRDs peacefully opposing deforestation, sand dredging, water and soil pollution, and hydropower dam construction remain in detention, with their appeals hearing postponed indefinitely.

In [Honduras](#), Lenca Indigenous defenders were sentenced to nine months' imprisonment in March 2024 for opposing the unconsented “Petacón” hydropower project on the Río Grande de Reitoca.

Repression tied to carbon offsets

In [Cambodia](#), an investigative environmental journalist was blacklisted and denied re-entry to the country, shortly after his reporting exposed the failures of the country's carbon offset schemes.

In [Kenya](#), where nature conservancies serve as tourist sites and carbon offset projects for companies like Netflix and Meta, pastoralist communities and their defenders report systematic harassment, abductions, and extrajudicial killings by security forces.

2. Shrinking civic space and reprisals in connection with COP

Over the past years, Conferences of the Parties ([COPs](#)) under the UN Framework Convention on Climate Change (UNFCCC) have repeatedly been held in states with restricted civic space. Defenders have notably been hindered, harassed or detained in the context of [COP26](#), [COP27](#), [COP28](#) and [COP29](#), contravening the [UNFCCC's](#) own conclusions requiring a rights-respecting host environment. The chilling effect extends beyond the conference venue. Climate advocates who engage with UNFCCC processes have sometimes faced reprisals at home, underscoring the need for rights-based, accessible Host Country Agreements, accreditation and accountability safeguards, and zero-tolerance policies for reprisals that protect defenders before, during and after COPs.

There is also a need for continued international attention to Indigenous and human rights defenders who can be detained in connection with their UN climate advocacy, like in the [Russian Federation](#).

3. Psychosocial and collective impacts

Because of the pressure they face as a reprisal to their work, EHRDs can experience deteriorating mental health, family and economic strain from years-long proceedings, health deterioration in detention ([Tibet](#)), and division within or among movements by companies ([Chile](#)). Repression against prominent individuals also produces a collective chilling effect that can discourage community mobilisation and cross-movement solidarity.

II. Policies, legislation and other protection measures: theory v. practice

1. Normative, judicial and institutional developments at regional and international levels

Positive normative trends provide an increasingly authoritative — but unevenly implemented — framework to protect HRDs working on the environment and climate. The 2019 UN [Human Rights Council resolution](#) on EHRDs, [Target 22](#) of the Kunming-Montreal Global Biodiversity Framework, the UN Secretary-General's [Principles to](#)

[Guide Critical Energy Transition Minerals](#), and the [Human Rights Committee's General Comment 37](#) on peaceful assembly and civil disobedience give EHRDs unprecedented — if still contested — legal and institutional footing.

Regionally, the Escazú Agreement and its 2024 Action Plan and the Aarhus Convention's Special Rapporteur on Environmental Defenders offer complementary protection architecture, though implementation gaps persist. The Council of Europe and the Association of Southeast Asian Nations have yet to legally protect the RTHE through a binding instrument, even if both issued high-level declarations on the need to protect the right.

Judicial developments have reinforced the environmental legal framework: the International Court of Justice's advisory opinion on climate obligations, the European Court of Human Rights' [KlimaSeniorinnen](#) ruling against Switzerland, and the Inter-American Court of Human Rights' [advisory opinion recognising EHRDs](#) as “indispensable in addressing the climate emergency” all strengthen the normative case for EHRDs' protection, even if the main challenge remains actual implementation.

Effective protection of the RTHE also requires structural, participatory measures. To that extent, [ongoing civil society advocacy to establish a Just Transition Action Mechanism](#) as a constituted UNFCCC body aims to lay the foundations for the meaningful participation of EHRDs, labour rights defenders and Indigenous representatives in the design of just transition pathways at every level.

2. Corporate protection measures remain inadequate

According to the latest available edition of the [Corporate Human Rights Benchmark](#), only nine of 284 assessed companies meet all three baseline criteria on their non-tolerance of attacks on defenders, their expectations that their business relationships (e.g. suppliers) uphold this same commitment, and their active engagement with defenders. Grievance mechanisms established by companies and financial institutions remain largely inaccessible to affected defenders and communities, and rarely provide for collective – as opposed to individual – redress.

3. Lack of protection for human rights defenders under trade and investment treaties

Even trade and investment treaties that include references to human rights protection clauses or sustainable development chapters [fail to effectively protect EHRDs](#) and guarantee the right to participation and access to information necessary for the proper implementation of their provisions.

4. Multilateral development banks often fail to adequately protect EHRDs

According to recent studies, cosigned by both the [Observatory](#) and [FIDH](#), multilateral development banks fail to adequately protect human rights and EHRDs, since they generally lack robust systems to engage and protect civil society, and often fail to grasp how a shrinking civic space erodes progress toward the Sustainable Development Goals they are meant to advance.

5. Examples of national-level measures with positive impacts on EHRDs – pending implementation

[Ecuador](#)'s 2023 referendum on banning oil exploitation in the Yasuní National Park, secured by the Yasunidos collective of environmental defence groups, shows that meaningful participation and binding, rights-based frameworks determine whether transitions are genuinely just and defenders genuinely protected. But the referendum results were not implemented.

[Spain](#)'s legally-anchored coal and thermal phaseout was carried out with just transition criteria in mind, involving over 500 local social organisations, trade unions, and environmental and rights defence groups to ensure maximum environmental protection and public participation at the local level.

III. Factors that might contribute to the worsening situation

If EHRDs generally operate in difficult and hostile contexts, as illustrated above, factors that are likely to exacerbate the situation and worsen their security conditions include:

- the “licence to host” that countries with a restricted civic space receive for UNFCCC COPs, prioritising diplomatic convenience over the protection of civil society, which the process depends on for its legitimacy and effectiveness;
- continued carbon and biodiversity offset markets that commodify nature and trigger a range of human and environmental rights violations instead of genuinely reducing emissions and protecting EHRDs;
- the acceleration and intensification of extractive and energy transition mineral projects and financing pursued without meaningful consultation and free, prior and informed consent;
- political backlash against environmental regulations as well as EHRDs and movements that hold authorities to account for their track record, including through stigmatising public discourse.

IV. An intersectional approach is essential

Risks compound for women, Indigenous Peoples, rural and coastal communities, and youth – simultaneously most exposed to harassment in relation to their environmental activism and least represented in remedy design.

Women environmental human rights defenders (WEHRDs)

The specific experiences of WEHRDs tend to be neglected, their voices given too little space and their struggles rarely documented, even as they contend with layered challenges tied to gender, race, class, and geography, amid complex social, cultural, and political dynamics. In her 2025 report to the UN General Assembly, the [*UN Special Rapporteur on the situation of human rights defenders*](#) outlined gender-specific challenges for WEHRDs working on climate change and a just transition, and notably: social stigma for challenging traditional norms, threats of sexual violence, exclusion from climate decision-making, invisibilisation, increased exposure to gender-based violence by police during protests, institutional discrimination, misogynistic smears and intimidation online, increased risks for trans women, and funding challenges for women-led groups.

Indigenous Peoples’ rights defenders

Indigenous Peoples and their defenders face disproportionate threats, bearing the brunt of both climate breakdown and extractivism. Despite entrenched discrimination and weak legal protections, they have long mobilised for a rights-based, participatory, environmentally respectful alternative — often in isolated areas, facing impunity and institutional exclusion, at high personal risk and cost (see again [*Russian Federation*](#)).

[*Ecuador*](#)’s 2026 academic forum on just transition and Indigenous Peoples’ rights was convened by FIDH and its member organisation Acción Ecológica, where the UN Special Rapporteur on the rights of Indigenous Peoples heard direct testimony on excessive — at times lethal — force against defenders, arbitrary terrorism-related detentions, frozen bank accounts of Indigenous and civil society organisations, and extractive projects proceeding without free, prior and informed consent, and subsequently raised the [*alarm*](#).

The need for holistic protection

Community-based impact assessments (as documented by FIDH and its member and partner organisations in the [*Lithium Triangle*](#) in Latin America) are among concrete structural measures and practices that ensure a holistic and intersectional approach to protection.

Recommendations

To States:

- Guarantee freedom of expression, peaceful assembly and association, including environmental civil disobedience, by ceasing stigmatisation, criminalisation, harassment, arbitrary detention, and any other measures targeting EHRDs and their activities.
- Protect defenders from abuses by non-state actors such as businesses, developing strong corporate regulation on environmental due diligence and meaningful engagement with EHRDs.
- Develop comprehensive environmental protection and just transition policies with the full participation of EHRDs, binding benchmarks and adequate resources for effective implementation.
- Legally protect the right to a healthy environment in national and regional binding instruments, with strong procedural guarantees for access to information and public participation in environmental decision-making, as well as accessible, independent, impartial, prompt, and enforceable remedies.

To the UNFCCC and host States:

- Comply with UNFCCC rules by ensuring that all host countries provide a safe, conducive and rights-friendly environment for both in-country and attending EHRDs.
- Establish a UNFCCC focal point on reprisals occurring in the context of or after mandated events.
- Publish Host Country Agreements promptly after signature, ensuring they are easily accessible, and align them with human rights safeguards, conflict-of-interest provisions, and commitments to protect EHRDs and freedoms of expression and peaceful assembly.
- Guarantee the full representation and participation of rightsholder constituencies and EHRDs in the future Just Transition Mechanism, including on its decision-making and knowledge-creation sub-bodies.

To regional blocs and States negotiating trade and investment agreements:

- Include the question of civic space in all trade and investment agreements as a precondition for an implementation respectful of international law.
- Ensure the establishment of accessible mechanisms for EHRDs and civil society to report civic space issues and repression cases, with effective follow-up and concrete leverage on partners engaging in violations.
- Condition companies' involvement in any agreement on their respect for human rights and the environment as well as policies for EHRDs' protection, aligning with international norms and standards.

To development finance institutions:

- Formally acknowledge that an open civic space is a precondition for sustainable development, and systematically reiterate this to shareholders and stakeholders.
- Set strict standards on civic space and environmental protection for all project approvals, including those involving business actors.
- Fully assess and mitigate retaliation risks for EHRDs, particularly in countries with restricted civic space.

To companies:

- Adopt and disclose strong policies covering their own operations and those of their business relationships, and provide accessible and effective grievance mechanisms and information.
- Implement robust human rights and environmental due diligence mechanisms across value chains, guaranteeing access to information, public participation, meaningful engagement, and enabling early identification and prevention of risks for EHRDs.
- Completely reject the use of strategic lawsuits against public participation.
- Use their leverage to support and speak out in defence of EHRDs vis-à-vis violations of their rights and restrictions on civic space by authorities in countries of operation.