



Tenth Meeting of the Task Force on Access to Justice under the Aarhus Convention

Keynote address by Michel Forst

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Salle XI, Palais des Nations Geneva, Switzerland

Ladies and gentlemen,

I am honoured to address the Task Force today and to engage in an important dialogue on strengthening access to justice. It is encouraging that the thematic session of today's meeting focuses on enabling effective access to justice for all without persecution and harassment. This is not only an important topic, but it is an urgent one.

Before getting to the heart of the matter, I would like to start with a brief story, which will explain the reason why I was invited to speak today about human rights defenders.

It is the story of Berta Caceres from Honduras. Some of you may know her. An indigenous and environmental rights activist and co-founder of the Council of Indigenous Peoples of Honduras (COPINH), she led high-profile campaigns against environmental destruction, illegal logging and land-grabbing. She outspokenly opposed the construction of four dams in the Gualcarque river basin, including the Agua Zarca dam. She used all peaceful means available to the community, and tried to enforce environmental law to alleviate rights violations committed against her community.

Nearly a year ago, on 3 March 2016, she was shot dead by gunmen in her own home. Berta is no more.

The assassination happened barely a week after Berta received yet another threat for opposing a hydroelectric project. She was regularly threatened and confronted by the army, police, the local mayor and the employees of the company.

Despite intense international and local efforts to seek justice for her murder, two other affiliate defenders, Nelson Garcia and Lesbia Urquia, were later killed and other two activists barely survived assassination attempts.

The murderous story of Berta and her Honduran colleagues is only the tip of the iceberg of the global tragedy, which is directly linked to our discussion. It is a criminal blight that not only harasses and maims peaceful rights defenders, but also threatens the very essence of the rule of law in those countries.

Distinguished delegates,

As the demand for natural resources grows, the environment is becoming a new frontline for human rights and for our common future. Defenders of environmental and land rights are therefore facing serious and life-threatening challenges in every part of the world.

Activists and communities are raising their voices to prevent harm to our environment and promote alternatives through a more sustainable development. Yet for that legitimate work, they increasingly face violence and violations of their rights on a daily basis. All too often, they are targeted for killings.

The scale of killings indicates a truly global crisis. There were an unprecedented 185 killings of environmental human rights defenders across 16 countries recorded in 2015, which is a 59 per cent increase from 2014. The large majority of assassinations occurred in countries of the global South, especially in Latin America and Asia. Killings of environmental human rights defenders amounted to 67 per cent of all reported murders of defenders in Asia and 41 per cent of those reported in Central and South America.

Besides killings, environmental defenders are also facing threats, harassment and intimidation. Many of them are demonized and labelled as enemies of the State, traitors or even eco-terrorists. They are also increasingly threatened with litigation aimed at preventing them from publicizing their findings or denying access to information. They have also faced violations of their right to freedom of opinion and expression, association and assembly for their legitimate work in defence of the environment. Particularly vulnerable are those who oppose land grabbing, extractive industries, the industrial timber trade and large-scale development projects. Indigenous communities and ethnic and racial minorities are exceptionally exposed to risks.

These violations occur despite the protection afforded to human rights defenders under international human rights law. Besides the International Bill of Human Rights, the UN adopted a specific Declaration on Human Rights Defenders in 1998, which contains a set of principles specifically relating to the status, protection and

promotion of defenders and their work. Furthermore, some States have adopted the Declaration's principles through binding national legislation, while others have opted for national guidelines on human rights defender.

Mr Chair,

I have frequently underlined the importance of the right of environmental human rights defenders to access justice and participate in the conduct of public affairs and decision-making. The Aarhus Convention has reaffirmed the importance of access to information, participation in decision-making and access to justice. Those rights are also vital to prevent human rights violations linked to environmental matters. A safe and enabling environment for human rights defenders depends on a conducive legal and institutional framework.

I wish to underline that States have a procedural obligation to make environmental information public, to facilitate participation in environmental decision-making and ensure access to remedies for environmental harm. Equally important are measures to adopt preventive approaches. Litigation against perpetrators of violations, legal assistance, legal representation and trial monitoring are useful tools to support defenders and their work. We need to address financial and other barriers to access to justice facing environmental activists.

The Aarhus Convention's rights-based approach should be put to good use in order to empower the work of human rights defenders and ensure the Convention's objective – to protect the right of every person of present and future generations to live in an environment adequate to his or her health and well-being.

The Convention's three pillars - participation, access to information and to justice - are important not only to promotion of environmental rights but also to the overall protection of environmental rights defenders.

My last report to the UN General Assembly, which has been circulated to you all, provides many reasons why our efforts to safeguard our environment should be accompanied by equivalent measures to protect and empower environmental defenders. In the report, I also encourage more States to accede to the Aarhus Convention, thus putting in place the dual protections for the environment and human rights.

Ladies and Gentlemen,

I am delighted that the Task Force is considering ways to enable effective access to justice for all without persecution and harassment. This is a loadable task and would be welcomed by environmental human rights defenders from every state party of the Convention, which are all required not only to guarantee the enshrined rights, but to

ensure that persons exercising them are not penalized, persecuted or harassed in any way.

I suggest that environmental human rights defenders be at the particular attention of the Task Force, because they are frequently penalized, persecuted and intimidated.

Environmental human rights defenders are identified above all by what they do. They are characterized as such through their actions to protect environmental and land rights. They are not necessarily only members of big, well-known environmental NGOs.

They may work as journalists, activists or lawyers who expose and oppose environmental destruction or land grabbing; or they are often ordinary people living in remote villages, forests or mountains, who may not even be aware that they are acting as environmental human rights defenders.

They may be small-sale farmers with no land deeds; academics or teachers in remote rural communities; and in some cases even government officials. In many other cases, they are indigenous leaders or community members who defend their traditional lands against the harms of large-scale projects such as mining and dams.

Many become environmental human rights defenders by 'accident' or 'necessity', taking a stand against injustice or harm to their environment. Their marginalization may be amplified by increased vulnerability in rural communities, where they don't have access to information, communication or support networks.

In the context of my work as the Special Rapporteur, 'environmental human rights defenders' are defined as individuals or groups, who, in their professional or personal capacity and in a peaceful manner, strive to protect and promote human rights relating to the environment, including water, land, air, flora and fauna. Land and environmental rights are interlinked and often inseparable. Defenders can be of any gender, of varying ages, from any part of the world and from all sorts of professional or other backgrounds.

It is my sincere hope that the Task Force will pay special attention to environmental human rights defenders in implementing its important and invaluable mandate. You can count on my full cooperation and support to enrich this urgent dialogue.

Thank you.