

SR Mary Lawlor statement under Agenda item 7c at the seventh session of the Meeting of the Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention)

Good afternoon.

I am delighted to have the opportunity to speak on the issue of environmental defenders and to welcome the progress on the creation of a rapid response mechanism to address urgent risks to them.

It will not be news to many of you that human rights defenders working to protect the environment face extreme risk. This environmental protection work often intersects with work to protect other rights, including access to land, to a safe and healthy environment and to clean drinking water. As I highlighted in my report to the Human Rights Council earlier this year, one in two human rights defenders recorded killed in 2019 by OHCHR had been working with communities around issues of land, environment, impacts of business activities, poverty and rights of indigenous peoples, Afrodescendants and other minorities.

While the majority of these killings take place in the Americas and Asia, I have been hearing increasingly worrying reports of attacks on environmental defenders in Europe and Central Asia. From the scores of defenders from the region I've spoken to since taking up my mandate, I have heard how the attacks range from intimidation to smear campaigns to judicial harassment to physical attack. I have also heard how their work is being impacted by the tightening of controls on NGOs, which may not always be aimed at environmental defenders and organisations but which suffer because of moves against other human rights defenders, including those protecting the rights of migrants or those working to expose corruption.

It is good to see that the importance of the work of environmental defenders is being highlighted through the creation of this mechanism, and indeed, it could not be more timely. As the reports of a climate apocalypse grow increasingly dire and States pledge huge sums of money to attempt to mitigate the worst impacts, the contribution of environmental activists to the fight against climate change is at last slowly being recognised. I hope what is also recognised is that this mechanism will only be effective if it is implemented in good faith by States and that States live up to their commitments in signing onto this decision.

I speak from experience and also sometimes from frustration that when I raise cases of human rights defenders at immediate risk with States who are parties to this Convention, the responses I receive are very mixed. I am frequently told that the person concerned is not a human rights defender, despite my being appointed to this position by the Human Rights Council because of my 40 years experience of working with and on human rights defenders. Over the past five years, the Special Rapporteur on Human Rights Defenders has sent 113 communications to States who are party to the Aarhus Convention. The mandate did not even receive a response in 23% of those cases. I sincerely hope the level of engagement is better in this new initiative.

Another measure which I believe could play a key role in strengthening the protection of environmental defenders in the region is the passing of mandatory human rights and

environmental due diligence legislation at State levels. As you're all aware, a legislative initiative is due to be published by the European Commission very soon to apply to business from and in the European Union. If human rights defenders are not included in the proposal, it will be a badly missed opportunity to increase the protection afforded to environmental activists; to States Parties which are not in the EU, this kind of legislation has the potential to make a positive systematic change in the levels of risk faced by environmental defenders by obliging business to ensure they are seen as key stakeholders throughout the risk assessment process and lifetime of the project.

Finally, I would like to express my openness and willingness to work with the new mechanism and support it in any way I can. I believe there will be opportunities to collaborate when defenders are at immediate risk and I hope we can jointly work to effect a safer environment for defenders and a greater level of responsiveness and action from States.

Thank you.