

Ed O'Donovan, on behalf of UN Special Rapporteur on the situation of human rights defenders
Mary Lawlor

Statement at Round Table on Environmental Defenders at Aarhus Convention ExMoP3

I am an advisor to the UN Special Rapporteur on human rights defenders and I am delivering this statement on her behalf. She regrets she cannot join as she is currently on an official country visit.

Dear friends,

At such a challenging time for human rights defenders around the world, I see the creation of the Aarhus Convention Special Rapporteur on Environmental Defenders as a significant and very positive development. Although awareness of the vital role that environmental defenders play in protecting our planet has grown in recent years, this has sadly not resulted in a consequent reduction in the risks that they face.

Speaking last week, the High Commissioner noted that her office had recorded 320 lethal attacks in 2021 on human rights defenders, trade unionists and journalists. We know from data over the past decade that environmental defenders make up a significant proportion of those human rights defenders killed every year. Hundreds more are subjected to smear campaigns, physical attack and criminalisation as we hear ever more dire warnings of the coming climate catastrophe.

Yet there are perhaps grounds for optimism. By explicitly recognising EHRDs as key actors in environmental protection and acknowledging the risks they face in states parties, governments are also taking steps to address climate change. As Monica Kristiani, an indigenous activist from Indonesia said at a COP side event earlier this year, "if the government protect our rights, they are also doing climate mitigation."

There has also been growing appreciation at the international level of the intersectional nature of environmental protection work, and how it often cuts across work protecting other rights, including, for example, access to land and indigenous peoples rights. The recent adoption for the first time of a Human Rights Council resolution on the right to a clean, healthy and sustainable environment – and reference to environmental defenders in that resolution - is testament to the work of the movement.

Also relevant to the work of environmental defenders are the developments internationally on human rights and environmental due diligence legislation for business. This is happening at different paces and stages throughout the world, but can, I believe offer hope for systematic change in the protection of environmental defenders, instead of the band aids that are applied through emergency measures and individual advocacy when they are at risk. For this to happen however, environmental defenders must be included in the due diligence process and identified as stakeholders to be consulted. The European Commission recently published a draft that would introduce binding legislation across the union, but environmental defenders have been left out it. If this remains the case, I believe a key opportunity to address the risk-laden conditions they face will be missed.

My mandate stands ready to work with the new Special Rapporteur on Environmental Defenders in whatever way it can, but I believe the success of the mechanism will only be possible if

implemented in good faith by States and that States live up to their commitments in signing onto this decision.

The track record is mixed. 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. In 23% of those cases the mandate did not receive any response from the state. I will be very happy to work with the new Special Rapporteur on Environmental Defenders to try to ensure increased engagement from States.

A further area where I see great potential for our mandates to collaborate is in cases where environmental defenders are at immediate risk. Unfortunately Special Procedures is not a system designed to respond quickly to such situations, but I am very glad to see that this mechanism from its inception is built around a rapid response. This is something that has been sorely lacking at the intergovernmental level in the region.

I look forward to working closely with the new Rapporteur.