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30 April 2018

UN Environment Submission to OHCHR: Implementation of the UN Human Rights Council (HRC) Resolution A/RES/72/247 - Twentieth anniversary and promotion of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms

1. UN Environment welcomes the opportunity to make a submission to the UN Office of the High Commissioner with respect to paragraphs 16 and 17 of General Assembly Resolution A/RES/72/247.
2. This submission highlights UN Environment’s inputs relating to:
Progress, achievements and challenges regarding the ways in which the relevant UN offices, departments, and specialized agencies, including at the country level:
 - a) Give and can give due consideration to the specific provisions of the Declaration
 - b) Take into account the reports of the Special Rapporteur in their work
 - c) Assist states in strengthening the role and security of human rights defenders.
3. In October 2017, UN Environment and the Office of the High Commissioner (OHCHR) convened a joint webinar on environmental human rights defenders to develop a common UN system-wide understanding of the protection challenges faced by environmental defenders and the legal protection framework that applies to them; and to identify good practices from both the environmental and human rights communities to mitigate the escalating violence to which people defending their environmental rights are subjected to in many parts of the world. The Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (Declaration on Human Rights Defenders) formed part of the resources used to guide the discussions. The webinar aimed to strengthen partnerships with other UN bodies, and stakeholders at the local and regional level, and was guided by the findings and recommendations of the report of the Special Rapporteur on the situation of human rights defenders.
4. During the third session of the UN Environment Assembly held under the theme “Towards a Pollution-Free Planet”, UN Environment raised the profile of its human rights and environment work through a number of interventions including:
 - 4.1. Producing a short awareness-raising video on the linkages between pollution and human rights, and the role of environmental defenders. The video featured key actors in the field of human rights and the environment, describing state obligations, the environmental rule of law, and the role of the judiciary in interpreting constitutional environmental provisions and protecting the legitimate work of environmental defenders. Importantly, the video also featured the stories of two environmental rights defenders.
 - 4.2. A joint side event with OHCHR, UN Special Procedures, and co-sponsored by the Government of Costa Rica and the Presidency of the UN Environment Assembly on ‘Advancing Pollution Controls through a Rights Based Approach’. The high-level event focused on awareness-raising at the international, regional, and national levels; and provided a forum for participants to share information on the human rights harms caused by all forms of pollution and the corresponding human rights obligations of duty-bearers to prevent and remedy them. The discussion also promoted effective action towards preventing and remedy pollution-related human rights harms and preserve a safe, clean, healthy and sustainable environment for current and future generations.

- 4.3. UN Environment hosted a tent talk on Environmental Human Rights Defenders specifically targeted at the media. The tent talk featured expert inputs from UN Special Rapporteur on Human Rights and the Environment, 2015 Goldman Environmental Prize Winner for Africa, Phyllis Omido, as well as former artisanal gold miner from Kenya, Julius Opiyo. The talk was incredibly useful for journalists to understand the issue of environmental rights defenders, and to enable them to better report on these issues, as well as expand their coverage of the same. It was agreed that the media are valuable agents of accountability and are crucial in drawing States' attention to the increasing violence against environmental defenders and strengthening their role and security of human rights defenders.
- 4.4. UN Environment supported a demonstration by women on the plight of environmental defenders. The demonstration was screened widely and attracted the interest (and participation) of several delegates, and Member States. The UN Special Rapporteur participated in the demonstration and provided remarks on the importance of promoting and defending the efforts of human rights defenders related to environmental protection. His remarks were based on his reports as well as those of the Special Rapporteur on Human Rights Defenders.
- 4.5. We convened a high-level Leadership Dialogue on Laws and Regulations attended by Ministers and other high-level government representatives. The Dialogue provided a space for Member States to share on their national efforts and practices related to using the law for environmental protection. A key issue which was raised was that of environmental rights and the people defending them. This provided an opportunity to highlight the need for stronger protections for these groups and individuals.
5. In January 2018, buoyed also in part by the robust discussions and needs identified during the joint webinar as well as events during the UN Environment Assembly, UN Environment's leadership group adopted an organisational Policy on Promoting Greater Protection for Environmental Defenders to guide the organisation's responses to and activities related to the situation of environmental defenders. The Policy was the result of consultations not only within the organisation, but also with sister agencies such as OHCHR and the UN Special Procedures as well as civil society organisations (major groups and stakeholders accredited to UN Environment). The text of the Policy gives effect to the provisions of the Declaration on Human Rights Defenders as well as a number of key resolutions and the 2030 Agenda for Sustainable Development. The Policy provides a way forward through, *inter alia*, a rapid response mechanism guiding how UN Environment responds to incidences of attacks on and loss of lives of environmental defenders. Already, this Policy is being implemented throughout the organization, including through its regional offices.
6. In March 2018, UN Environment launched the Environmental Rights Initiative. The Initiative represents the next phase of UN Environment's work to assist States to operationalize the linkages between human rights and the environment and the rights-based objectives of the 2030 Agenda for Sustainable Development. The aim of the Initiative is to strengthen awareness of and capacity to realise environmental rights for environmental protection through providing information, advocacy, and technical and legal support to countries and stakeholders. The Initiative also assists States to strengthen the role and security of environmental defenders through, amongst others, supporting the implementation of clarified human rights obligations relating to the environment by promoting Framework Principles on these rights to ensure countries and regular citizens are empowered and capacitated to contribute to environmental protection.
7. In April 2018, as the first intervention of the Environmental Rights Initiative and in pursuance of the Initiative's objective of "Bringing Environmental Protection Nearer to the People", UN Environment held a one-day briefing workshop on environmental rights for the media. The briefing also served as an awareness-

raising intervention to make sure that people, including the media, are aware of their environmental rights so that they can defend and exercise them. One of the most effective ways of raising their awareness is through comprehensive coverage of environmental rights related stories including environmental defenders, and related biodiversity loss and gains that affect communities. Another objective of the briefing was to equip journalists with information to enable them to become agents of accountability in reporting threats, harassment, and deaths of environmental defenders.

8. In April 2018, UN Environment participated in the 17th session of the UN Permanent Forum on Indigenous Issues. In this regard, UN Environment:
 - 8.1. Developed a video message from Executive Director Erik Solheim which served as an awareness-raising resource and emphasised the importance of Indigenous People’s access to rights to lands, territories and resources, and the crucial role of Indigenous People’s in furthering environmental protection and conservation.
 - 8.2. Delivered a presentation on the panel at a side event on “Protecting Indigenous Peoples Human Rights Defenders for Sustainable Development”.
 - 8.3. Delivered a statement on behalf of Erik Solheim, UN Environment Executive Director, during the PFII plenary session on Agenda Item 4: Implementation of the six mandated areas of the Permanent Forum. In the statement, the situation of environmental rights defenders was highlighted, as well as UN Environment’s work and responses on this issue, inviting the international community to engage with UN Environment towards addressing the issue, and finding its solutions.
9. A number of interventions and events related to environmental rights and environmental defenders have been planned for the coming months. For example, at the end of May 2018, UN Environment, the Office of the High Commissioner, and other partners will be hosting a dialogue on the SDGs, biodiversity, and human rights. The dialogue will feature a session with environmental human rights defenders working on biodiversity. In June 2018, UN Environment and the Nairobi-based Office of the High Commissioner will convene a workshop for environmental defenders in Kenya. The workshop will focus on awareness-raising and capacity-building.
10. Finally, UN Environment, the Special Rapporteur on Human Rights and the Environment, the Office of the High Commissioner and other partners jumpstarted a global process to sensitise judges on constitutional environmental rights and to evaluate the impact of these rights. The process has seen three regional judicial meetings convened thus far in Africa, Latin America and the Caribbean, and Asia Pacific. These interventions provide judges with a forum at which to share their experiences and good practices in the interpretation of constitutional environmental rights in their jurisdictions. In addition, it also provides a space for legal stakeholders to share cases and information with judges on environmental rights, and emerging environmental litigation. To this end, the issue of environmental rights defenders has been presented at each of the engagements, with awareness-raising materials and resources, which also include the provisions of the Declaration on Human Rights Defenders, developed for judges.
11. UN Environment remains committed to contributing solutions and joining efforts to address the situation of human rights defenders, and environmental defenders in particular, and appreciates the opportunity to make this submission.