

# The Post-2020 Global Biodiversity Framework (GBF) and Environmental Human Rights Defenders

## Summary

- Global Witness has collected evidence of 1,733 environmental human rights defenders have been killed over the last decade (2012-2022).
- Environmental human rights defenders include individual defenders or activists, as well as Indigenous Peoples and Local Communities that can help shape global discussions and actions related to the dual climate and biodiversity crisis.
- Women environmental human rights defenders are considered the most vulnerable due to gendered forms of violence driven by social and cultural attitudes that permit and normalize gender-based violence.
- The Global Biodiversity Framework (GBF) cannot advance its vision of “*living in harmony with nature*” by 2050 if the rights of Indigenous Peoples and local communities are not recognized, promoted and protected under the GBF.

## Front-Line Defenders

Every day, environmental human rights defenders are confronted with numerous forms of repression, impacting their ability to engage in activism in a safe and efficient way. They are often subject to intimidation, assault, unlawful detention, limitations of the freedoms of speech, assembly and association, forced evictions and displacements, unreasonable denial of information, and gender-based violence and assassinations. According to a recent Global Witness report<sup>1</sup>, at least 1,733 environmental human rights defenders have been killed over the last decade, with an escalating number of reported attacks over the last 3 to 4 years.

Women environmental human rights defenders are considered particularly vulnerable to threats due to gendered forms of violence such as sexual violence, rape, psychological and emotional abuse and attacks on their families.<sup>2</sup> Historically, women environmental human rights defenders have been front and center in advancing the rights of women, their communities and those of their children, and contributing to policy discussions at regional and international levels.<sup>3</sup> The vulnerability of women involved in environmental activism underscores the importance of gender-specific responses to their safety and protection needs.

## Defending defenders

Several international policy frameworks have been adopted to prescribe legal protection for environmental human rights defenders, such as the United Nations Declaration on Human Rights Defenders and the United Nations General Assembly Resolution on the Right to a Clean Healthy Environment.

At regional level, notable regional treaties such as the Escazu Agreement and the Aarhus Convention seek to advance environmental justice through the recognition and protection of rights such as the right of access to justice, access to information, public participation on decision-making, as well as the establishment of the

## What is the issue?

Environmental Human Rights defenders, including Indigenous Peoples and Local Communities, women and youth, continue to shape global discussions and actions to address the climate and biodiversity crisis. As front-line defenders against environmental degradation, their activism contributes significantly to environmental and climate justice, biodiversity conservation, and equally, establishes best practices for environmental conservation embodied through their cultural practices, traditional knowledge and ways of life.

<sup>1</sup> Global Witness Press Release, September 2022  
<https://www.globalwitness.org/en/press-releases/deadly-decade-land-and-environmental-activists-killing-every-two-days/>

<sup>2</sup> IUCN Commission on Environmental, Economic and Social Policy, ‘Special Issue on Environmental human rights defenders: Volume III – Conservation and The Need For Greater Defenders Protection’

<https://portals.iucn.org/library/sites/library/files/documents/Policy-Matters-Issue-22-vol3.pdf>

<sup>3</sup> IUCN, ‘Gender-based violence and environment linkages: The violence of inequality’, <https://portals.iucn.org/library/sites/library/files/documents/2020-002-En.pdf>

office of the Special Rapporteur on Environmental human rights defenders. These aforementioned legal provisions underpin the scope of Target 21 in the Post-2020 Global Biodiversity Framework.

### Why is it important?

The post-2020 Global Biodiversity Framework aims to catalyze urgent and transformative action to live in harmony with nature, including by taking a “whole of society” approach. Environmental human rights defenders are important change agents, at the frontline of the protection of nature and its contributions to human well-being.

The GBF should include measures to recognize, support and ensure the safety of environmental human rights defenders. More broadly, its implementation should follow a human rights-based approach. Human rights such as the right to a clean and healthy environment, and specific rights, including the rights of environmental human rights defenders, must be included in the GBF, and within the monitoring framework, to ensure implementation.

### What should be done?

#### Increased safety and access to justice for environmental human rights defenders

The GBF should explicitly commit parties to improve the safety of environmental human rights defenders through access to justice, and effective and timely remedies in cases where Indigenous Peoples and Local Communities face threats, criminalization and/or any form of violence.

- Target 21 should therefore ensure the protection and access to justice of environmental human rights defenders.

Indicators under Target 21 should include:

- *To measure the safety of environmental human rights defenders:* an indicator on the yearly number of violations against environmental human rights defenders, disaggregated by gender and by lethal and non-lethal attacks, and/or a binary indicator based on SDG 16.10.1 measuring the number of countries tracking the number of (lethal and non-lethal) attacks on environmental human rights defenders;
- *To measure improvements in protection:* a binary indicator on the number of countries who

have included provisions in their national legislation recognizing and protecting environmental human rights defenders; and

- *To measure access to justice:* an indicator on the mechanisms for the full, equitable participation of Indigenous Peoples and Local Communities, women and girls as well as youth in decision-making related to biodiversity, and for access to justice for human rights defenders and/or a component indicator on the number of reported incidents of violations against environmental human rights defenders which states have investigated to completion and addressed through provision of effective remedies.

#### The right to a clean and healthy environment (RCHE)

To this date, 156 countries have included the right to a clean and healthy environment in their constitutions or national legislations. The recognition and implementation of this right in the global biodiversity framework expands opportunities for environmental human rights defenders in terms of advocacy, legal claims and ultimately in holding governments and businesses accountable for their actions towards the environment.<sup>4</sup>

- As part of the principles for implementation of the framework, section B *bis* must include recognition of the right to a clean, healthy and sustainable environment as an established universal human right that underpins the implementation of the GBF.
- To ensure its applicability, Parties should report on it using indicators such as a binary indicator on the number of countries that recognise the right in their national constitution or legislation, and/or an indicator measuring the extent to which human rights, including the RCHE, are integrated into national biodiversity planning, policies and reporting.

#### Increased accountability of businesses and financial institutions

Target 15 addresses the role of the private sector and financial flows in driving, and responding to, biodiversity loss. In an open letter from the United Nations High Commissioner for Human Rights on the Post-2020 Global Biodiversity Framework, it was emphasized that states have a responsibility to effectively regulate the business environment and prevent harmful activities

<sup>4</sup> K. Thompson, P. Kurukulasuriya “UN Historic Resolution recognizes healthy environment is a human right” <https://www.undp.org/blog/historic-un-resolution-recognizes-healthy-environment-human-right>

including those that impact biodiversity and the enjoyment of related human rights.

In addition to the mandatory assessment and disclosure of impacts not only on biodiversity, in implementing Target 15 businesses and financial institution should also assess their impacts on human rights, and governments need to establish legal, administrative or policy measures that ensure that businesses and financial institutions are held legally responsible and accountable for their negative impacts, including through penalties, liability and redress for damage.

### **Recognition and respect of Indigenous Peoples and Local Communities' rights to their territories and resources**

Secure land rights, including the customary and collective rights of their communities, are fundamental for environmental human rights defenders to effectively defend their territories against unsustainable exploitation. At the same time, exclusionary forms of conservation continue to impact the rights of Indigenous Peoples and Local Communities.

- The inclusion in Target 21 of the respect of the rights of Indigenous Peoples and Local Communities over their lands, territories and resources is an important transversal element of the GBF and should be kept in the final text; and
- All area-based targets of the GBF (targets 1 to 3) must ensure respect for the rights of Indigenous Peoples and Local Communities and their full and effective participation. Target 3 in particular, should ensure the equitable governance of existing and new protected areas, and implementation of other area-based conservation measures.

These considerations could be reflected in the monitoring framework through:

- An indicator based on SDG indicator 14.2, measuring the proportion of IPs and LCs populations with secure tenure rights to land, (a) with legally recognized documentation and (b) who perceive their rights to land as secure, by gender and type of tenure, for Target 21;
- Target 3: the headline indicator should be disaggregated to report on the governance types of protected areas and other area-based conservation measures; and
- Target 3: at least a complementary indicator should be included that measures the impacts of protected and conserved areas on human rights, and the ways actors address these impacts.

### **Women's rights**

In addition to facing gender-based violence, the agency of women environmental human rights defenders is often hampered by a lack of rights over land and resources, a lack of representation in decision-making, and a lack of access to funding.

The GBF must support their increased participation and leadership, including through a stand-alone target (proposed Target 22) on gender equality and the rights of women and girls.

### **Useful tools and references**

IUCN Commission on Environmental, Economic and Social Policy (2021), 'Special Issue on Environmental human rights defenders: Volume III – Conservation and The Need For Greater Defenders Protection'  
<https://portals.iucn.org/library/sites/library/files/documents/Policy-Matters-Issue-22-vol3.pdf>

IUCN (2020), 'Gender-based violence and environment linkages: The violence of inequality',  
<https://portals.iucn.org/library/sites/library/files/documents/2020-002-En.pdf>

Alliance for Land, Indigenous and Environmental Human Rights Defenders (2022), 'Uncovering the Hidden Iceberg',  
[https://d3o3cb4w253x5q.cloudfront.net/media/documents/2022\\_4\\_the\\_hidden\\_iceberg.pdf](https://d3o3cb4w253x5q.cloudfront.net/media/documents/2022_4_the_hidden_iceberg.pdf)

For an example case reported by Global Witness (2020), please see:

<https://www.globalwitness.org/en/blog/threats-against-cambodian-forest-defenders-escalate-amid-covid-19/>

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