

United Nations

**GUIDANCE NOTE
FOR UNITED NATIONS
RESIDENT COORDINATORS
& COUNTRY TEAMS:**

*SUPPORTING GOVERNMENTS TO
BETTER RESPECT, PROMOTE AND
PROTECT ENVIRONMENTAL HUMAN
RIGHTS DEFENDERS*

November 2023

Executive Summary:

This guidance note is prepared as part of the Secretary-General's Call to Action for Human Rights in order to increase support from the United Nations on the ground to Environmental Human Rights Defenders (EHRDs). It outlines concrete actions which UN Country Teams (UNCTs) may take, including under the lead of the Resident Coordinators as appropriate, in order to better protect EHRDs, in their work to support governments on the ground.

This includes – but is not limited to: empowering EHRDs to participate in decision-making, contributing to the protection of EHRDs through the work of the UN, promoting a safe and enabling civic space, strengthening access to justice for EHRDs and engaging with businesses to enhance the protection of EHRDs.

The aim of the guidance note is to support UNCTs worldwide who have identified environmental concerns as a priority issue to undertake the following three actions, as part of their broader work on environment, while also encouraging all UNCTs to go further by consulting and using this guide:

1. Engage regularly with civil society groups to understand trends and emerging threats to EHRDs and build safe spaces for EHRDs' engagement with the UN.

2. Consistently engage with government authorities to raise awareness of the important role that EHRDs play in promoting sustainable development, protecting the environment and preserving biodiversity, and the need to protect them.

3. Publicly recognize and promote, on a regular basis, the positive contribution of EHRDs to sustainable development, environmental protection, peace and stability, and the enjoyment of human rights, including by debunking misconceptions and stereotypes.

Contents

1. Introduction	1
2. Suggested Actions for UN Resident Coordinators and Country Teams	3
2.1. Participation: Empowering EHRDs to meaningfully participate in government decision-making and within UN processes	3
2.2. Protection: Contributing to the protection of EHRDs	5
2.3. Promotion: Promoting a safe and enabling civic space	7
2.4. Access to justice	9
2.5. The role of business	10
3. International Legal Framework	11
4. Resources	13

1. Introduction

This guidance note (note) has been prepared pursuant to the Secretary-General's Call to Action for Human Rights and builds on its [thematic area five](#) "the rights of future generations especially climate justice", which tasks the UN system to develop a system-wide approach to protect environmental human rights defenders. It builds on extensive consultation with environmental human rights defenders worldwide, undertaken by the Universal Rights Group. This note aims at contributing to the implementation of the [United Nations Declaration on Human Rights Defenders](#), Human Rights Council (HRC) resolution [40/11](#) on environmental human rights defenders and the [United Nations Guidance Note on Civic Space](#). It is consistent with the commitments made by States in General Assembly resolution [76/300](#) and HRC resolution [48/13](#) on the human right to a clean, healthy and sustainable environment, in addition to other instruments and resolutions cited in these resources.

Environmental human rights defenders (EHRDs or defenders) face risks, including discrimination, violence, and killings, for undertaking their work. While the content of this guidance note is specific to EHRDs, it is also applicable to human rights defenders more generally. Following this introduction, Section 2 provides suggested actions and practical advice for UN Resident Coordinators (RCs) and Country Teams (UNCTs) to:

- Empower EHRDs to meaningfully participate in government decision-making and within UN processes;
- Contribute to the protection of EHRDs through the work of the UN;
- Promote a safe and enabling civic space;
- Respect, protect and fulfil the right to access justice;
- Engage with business to enhance the protection of EHRDs.

In addition to suggested actions, concrete examples of the United Nations operationalizing these suggestions are provided in Section 2. Information on the role of and engagement with business is included at the end of that Section. Section 3 then provides a snapshot of applicable international and regional legal frameworks on participation, protection, access to justice and the role of business. Section 4 concludes with a list of resources for further reading. The UN's role in implementing key concepts and approaches is described in boxes throughout the note.

‘Do no harm’ principle

In all circumstances and at all times, the UN has an obligation not to jeopardize the life, physical and psychological safety, integrity, and well-being of those who enter into contact with it. The UN must make every effort to identify, prevent and mitigate any negative impacts of its actions on people and to avoid causing harm to EHRDs in its work. The UN should be aware of the potential risks of harm to those cooperating with it and exercise good judgement, caution and sensitivity in all interactions.

Who are environmental human rights defenders?

Environmental human rights defenders include “individuals and groups who, in their personal or professional capacity and in a peaceful manner, strive to protect and promote human rights relating to the environment, including water, air, land, flora and fauna” (A/71/281). They include all individuals and groups, including all those who identify as human rights defenders, who work to protect and promote the human right to a clean, healthy and sustainable environment, on which a vast range of other human rights depend, for present and future generations. Environmental human rights defenders are often stigmatized, criminalized, threatened and killed for their work to protect our planet and may face increased risks based on intersecting patterns of discrimination, exclusion, and marginalization.

Killings and other attacks against environmental human rights defenders

OHCHR, as the custodian of SDG indicator 16.10.1 (number of verified cases of killings, enforced disappearances, arbitrary detention, torture and other harmful acts against human rights defenders, journalists, and trade unionists) reported that between 2015 and 2021, at least 1 human rights defender, journalist or trade unionist were being killed every day.¹ In 2022, there were at least 448 human rights defenders, journalists and trade unionists killed in 36 countries, while 33 cases of enforced disappearance were observed in 11 countries worldwide. This represented a 40 per cent increase in killings and a 3-fold rise in enforced disappearances.² Over half of the human rights defenders killed or disappeared worldwide were leaders of peasant communities and land and environmental defenders.³

¹ United Nations, SDG Extended Report (2022) (https://unstats.un.org/sdgs/report/2022/extended-report/Extended-Report_Goal-16.pdf)

² Based on data on cases verified by OHCHR.

³ Ibid.

2. Suggested Actions for UN Resident Coordinators and Country Teams⁴

2.1 Participation: empowering EHRDs to meaningfully participate in government decision-making and within UN processes

UNCTs can support governments to respect, protect and fulfil the right to participation of EHRDs by implementing some of the below actions, within available resources and in partnership with other entities. These initiatives may be undertaken in partnership with, among others, local and grassroots EHRDs networks, including national and/or local protection networks, as well as schools and universities, civil society organizations, Indigenous Peoples' organizations, trade unions, media outlets, and National Human Rights Institutions.

2.1.1. Promote access to information relevant for environmental matters

1. Provide information to EHRDs about **processes, data, projects and decisions related to the environment** that may affect them and their communities, including related to development and infrastructure projects.

2. Provide information to EHRDs to **increase their knowledge about human rights and the environment**, including the resources available to claim and defend their rights:

- **International mechanisms**, as applicable, including the UN Special Procedures, the Universal Periodic Review, the human rights treaty bodies, the Rapid Response Mechanism under the Aarhus Convention, relevant UN Regional Commission treaties (Aarhus Convention and Escazú Agreement), the ILO supervisory bodies and UNEP's EHRD Policy.

- **Multilateral environmental agreements** under which States Parties have made commitments, including Nationally Determined Contributions under the Paris Agreement and National Biodiversity Strategies and Action Plans under the Convention on Biological Diversity.

3. Support the **exchange of good practices and peer-learning** among EHRDs, including by organizing regular meetings and workshops with and for EHRDs, for instance on a quarterly basis.

2.1.2. Promote meaningful, inclusive and effective participation in environmental decision-making processes

1. Include EHRDs and affected people in the **design, implementation, monitoring, and evaluation** of UN-led projects related to, for instance, nature conservation, climate change, just transition, pollution and sustainable development, as well as programming efforts including Common Country Analysis and Cooperation Frameworks by inviting them to consultations and meetings on these issues.

2. Support **governments** to create safe spaces for **EHRDs to participate** in decision-making processes related to the environment, including national development plans, environmental action plans, and national human rights action plans.

3. Facilitate EHRDs' **access to human rights and environmental mechanisms** to claim and defend their rights, including by providing trainings and facilitating interaction with these.

4. Support governments to develop or amend **Environmental Impact Assessment** policies or regulations so that they respect, protect and fulfil human rights, such as the rights to participation and a clean, healthy and sustainable environment.

2.1.3. Ensure compliance with the principle of Free, Prior, and Informed Consent (FPIC) in all UN-led projects and support States and businesses in complying with FPIC

1. Train public officials, business representatives, and UN personnel on how to:

a) **Consult and cooperate with Indigenous Peoples** (and Indigenous EHRDs) through their representative institutions, in order to obtain their FPIC with the objective of achieving agreement or consent to proposed measures that may affect them.

b) **Promote respect and recognition of Indigenous Peoples' rights**, governance systems and traditional knowledge.

⁴ This note proposes actions that can be implemented by any UNCT. However, the note also recognises the different mandates, limitations, financial resource constraints, and priorities of individual UN entities.

Free, prior and informed consent

According to the UN [Declaration on the Rights of Indigenous Peoples](#) States shall consult and cooperate in good faith with Indigenous Peoples through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them (article 19). The UN and businesses should also seek the free, prior and informed consent of Indigenous Peoples when implementing projects that may impact them.

Indigenous peoples make up some 5 per cent of the global population and effectively manage an estimated 20-25 per cent of the world's land surface. These territories coincide with areas that hold 80 per cent of the planet's biodiversity.⁵

Examples from the UN's country- and case-specific work: Mozambique, Colombia, Guatemala and Peru

The 2022-2026 UN Sustainable Development Cooperation Framework (CF) of Mozambique includes a specific outcome on building the resilience of people, especially those in vulnerable situations, to climate change and disasters. This includes their ability to benefit from more sustainable management of the environment and natural resources as well as resilient infrastructure and human settlements, with positive effects on national gross domestic product. In addition, emphasis is placed on engaging people, especially women and youth, persons with disabilities and people in vulnerable situations through inclusive, transparent and accountable governance systems for the management of the environment and natural resources and resilience building. The CF underscores the need to protect environmental human rights defenders in their engagement through accountable governance systems for the management of the environment and natural resources.

Through alliances with trade unions, Indigenous Peoples have brought their concerns to the attention of ILO supervisory bodies in the context of the application of ILO Convention No. 169 in relation to [Peru](#), [Guatemala](#) and [Colombia](#). In Guatemala, the ILO contributed to generating collaborative alliances between Trade Unions and Indigenous Organizations, leading to a joint work plan that incorporated the vision of Indigenous Peoples regarding the implementation of Convention no. 169. In 2018 and 2019, organizations of Indigenous Peoples provided through the unions, information to the ILO Committee of Experts on the Application of Conventions and Recommendations on the situation of their rights, specifically, the right to consultation, the right to participation, and the situation of human rights defenders.

⁵ [UN/DESA Policy Brief #101: Challenges and Opportunities for Indigenous Peoples' Sustainability](#).

2.2. Protection: Contributing to the protection of EHRDs

UN Country Teams may contribute to protecting EHRDs by implementing some of the below actions, within available resources and in partnership with other entities. Effective protection is closely linked with participation and the promotion of civic space. Prevention is the best protection and may take different forms: undertaking protection risk assessments before situations become violent, addressing the underlying causes of violence (e.g., disputes over the use of natural resources, corruption, and discrimination), putting in place structures, strategies and tools that strengthen self- and collective protection of EHRDs, allowing for risk monitoring and early responses that mitigate threats or reacting swiftly to imminent threats to avoid their escalation.

2.2.1. Take preventive action

1. **Engage regularly with civil society groups** to understand trends and emerging threats to EHRDs and build safe spaces for EHRDs' engagement.

2. Raise awareness of the important role that EHRDs play in promoting sustainable development and the need to protect them **during regular engagement with government authorities**.

3. Incorporate work on human rights and the environment within **UNCT human rights theme groups and work streams** to contribute to legitimizing the work of EHRDs, which in turn can inform protection measures that the UN may put in place.

4. Address the opportunities, risks, and challenges posed by **digital technology** and:

- Promote the [use of safe and user-friendly online platforms for participation of EHRDs in virtual meetings](#);

- Build **digital security capacities** of EHRDs and UN staff and personnel through trainings and capacity-building;

- Address the [digital divide](#), including unequal access to technological devices, digital literacy, and language barriers, through measures put forward in e.g. UNCTAD's 2019 [digital economy report](#) and UNDP's [bridging the gender digital divide report](#).

2.2.2. Support EHRDs and communities to prevent and respond to attacks

1. Conduct **field visits** to places where EHRDs are at particular risk to monitor the situation, help EHRDs devise protection strategies and demonstrate support by presence, at a minimum on a quarterly basis.

2. Undertake systematic assessments to **identify protection risks** to EHRDs.

3. Increase EHRDs' **knowledge about and facilitate access to** supporting actors, i.e., peer networks, civil society organizations, UN in-country, donors, relevant human rights courts and mechanisms, pro bono legal assistance and psychosocial support.

4. Publicly **denounce attacks and threats to EHRDs**, after making a protection risk assessment ensuring a do no harm approach, including in cooperation with local, regional and global allies (CSOs, NHRIs, embassies, international organizations, etc.).

The Human Rights-Based Approach

Is a conceptual and methodological framework that is based on international human rights norms and standards and directed to promoting and protecting human rights. It requires human rights principles to guide the UN system in its work and focuses on developing the capacities of duty-bearers to meet their obligations, and rights-holders to claim their rights.

Examples from the UN's country- and case-specific work: Iran, the Philippines, Viet Nam and Kenya

Through its response mechanism and policy, UNEP, often in collaboration with OHCHR and the UN Special Procedures, has released statements to, inter alia, denounce allegations of terrorism against former Special Rapporteur on Indigenous Peoples Rights, Victoria Tauli-Coruz, to call for the release of detained Iranian environmentalists, and to denounce the murder of an EHRD.

At the regional level, in Asia for instance, UNEP and OHCHR have engaged with the Resident Coordinators on the development of responses and statements related to EHRDs, most recently, in a matter concerning EHRDs in Viet Nam.

In Kenya, OHCHR supported the relocation of ten defenders who had been threatened in an attempt to prevent them from testifying in court against a battery-recycling lead smelter that had allegedly contaminated the natural resources of the Owino Uhuru community, causing illness and at least three deaths. The relocation efforts effectively contributed to protecting the rights to participation and personal integrity of the EHRDs. UNEP and OHCHR have since launched an annual capacity-building programme for EHRDs in Kenya co-facilitated by the Centre for Environmental Justice and Governance, which led the Owino Uhuru activism and litigation. There have been five workshops convened, with the participation of over 200 EHRDs, since the launch of the programme in 2017. The efforts of the two agencies have also resulted in the establishment of an active network of land and environmental defenders in Kenya.

2.3. Promotion: Promoting a safe and enabling civic space

The UN has an important role to play in contributing to improve the institutional, legal and policy frameworks that enable the meaningful, inclusive and effective participation of diverse civil society groups and actors and protecting civic space including freedom of speech, freedom of association and peaceful assembly. UN Country Teams can support the work of EHRDs by implementing some of the below actions, within available resources and in partnership with other entities:

1. Publicly **recognize and promote the positive contribution of EHRDs** to sustainable development, peace and stability, and the enjoyment of human rights - debunking misconceptions and stereotypes, at a minimum on a quarterly basis (e.g. through press releases, official communications, social media posts, articles, and reports and work with the media).

2. Facilitate **access to UN facilities/venues and events**, including by invitations to meetings with UN- and other representatives in order to give visibility to and promote the work of EHRDs in each relevant event.

3. Reduce and counter restrictions around access to funding which reduce civic space for EHRDs by supporting **funding opportunities** that are tailored to their specific requirements and capacities.

2.3.2. Work with governments, parliaments, national authorities, and National Human Rights Institutions (NHRIs) to promote the participation, recognition and protection of EHRDs and their rights in national laws, policies and projects related to human rights and the environment

1. Support lawmakers in **reviewing existing and new legislation** to ensure that human rights and environmental norms are integrated and the legislative process is inclusive, non-discriminatory and participatory.

2. Provide **training to judges, prosecutors and NHRIs** to oversee and safeguard the implementation of relevant norms and policies, including environmental laws and policies as well as those related to the rights of EHRDs.

Data collection

The UN, Member States and civil society organizations may use SDG indicator 16.10.1's methodological and data collection framework, which draws on the fields of human rights monitoring and crime statistics, as a collaborative tool for integrating citizen-generated data and other non-traditional sources to expand the availability of disaggregated data on attacks. In addition to existing gender disaggregation, additional information about affiliation, work, community, or ethnicity needs to be collected more regularly and accurately to identify specific groups such as land, environmental and indigenous human rights defenders. In collaboration with OHCHR, the ALLIED Data Working Group, a group of 20 civil society organizations working to expand data on attacks against land and environmental human rights defenders, has set up a joint incident reporting methodology for attacks on LED, and submitted a definition of LED to OHCHR for consideration in the metadata of 16.10.1.⁵ OHCHR is also working with them and other organisations to integrate the indicator in the Kunming-Montreal Biodiversity Monitoring Framework.⁶

Examples from the UN's country- and case-specific work: Bolivia and Ukraine

The ILO is carrying out a project in collaboration with UN Women to strengthen entrepreneurship skills of Indigenous women, including those who identify as EHRDs, in Bolivia. Another ILO project focuses on the development of skills and abilities of Indigenous women in the cocoa value chain (Amazon) in order to improve their employability and support them in the creation of associative companies. The project also works with Indigenous women to identify gaps in laws and institutions and devise strategies to increase participation of Indigenous women in the decisions that could affect them.

In Ukraine, as a part of its year long social media campaign on women's human rights defenders, OHCHR invited an environmental human rights defender to "take over" its Instagram page and highlight her work in the field of environmental protection.

UNICEF's collaboration with Fridays for Future is an example of how the UN system has recognized of the work of child EHRDs.

⁵ <https://unstats.un.org/unsd/undataforum/blog/improving-data-on-attacks-against-defenders/>

⁶ <https://www.cbd.int/doc/notifications/2023/ntf-2023-040-indicators-en.pdf>

2.4. Access to justice

UN Country Teams can contribute to respect, protect and fulfil the right to access justice, including by EHRDs, by implementing some of the below actions, within available resources and programme objectives/mandate, and in partnership with other entities.

2.4.1. Work with States to strengthen justice, remedy and accountability mechanisms

1. Provide trainings to the judiciary to **build knowledge** on how to address and prevent the misuse of the legal and judiciary systems against EHRDs (e.g., Strategic Lawsuits Against Public Participation - SLAPPs).

2. Work with States to **identify barriers to access to justice** and provide technical advice to help States address these.

3. **Monitor the implementation** of judicial rulings, NHRIs' decisions, and recommendations presented by international human rights mechanisms.

2.4.2. Help EHRDs overcome access to justice barriers

1. If an EHRD is arrested and detained, consider having a member of the UNCT **visit the EHRD in detention** and sending an observer to the judicial hearings, in line with applicable regulations, rules and policies.

2. Build capacities of EHRDs to **claim their rights** before judicial and non-judicial mechanisms – including non-State-based grievance mechanisms.

3. **Facilitate access to justice** for those who face criminalization for being an EHRD, including by facilitating access to legal service providers (such as CSOs and law firms).

Intimidation and Reprisals

EHRDs often experience reprisals or intimidation when carrying out their activities. The violence they face can also be experienced as a result of their cooperation with the UN, whether through sharing information, giving testimony, submitting complaints to UN bodies/mechanisms, attending UN meetings, events or training or by being a UN implementing partner or grant recipient. As a result, EHRDs are among the groups whose cases often go unreported due to the risks they face and the resulting self-censorship. Where possible, the UN should seek to monitor reprisals against EHRDs and assist them with information on how such cases can be reported to local authorities and/or other relevant actors to seek early protection.

Examples from the UN's country- and case-specific work: Honduras

UNEP has created a [database](#) for pro-bono legal support and access to legal information for environmental defenders. The database contains country-level information of public interest law clinics supporting defenders across all regions. It is a living platform with regular updates to improve the scope of support featured.

OHCHR Honduras and the Interamerican Commission on Human Rights presented recommendations to the government of Honduras to support the process of guaranteeing effective access to justice, establishing the truth, and punishing the material and intellectual authors in the case of the murder of Berta Cáceres.

2.5. The role of business

States must protect against human rights abuse within their territory and/or jurisdiction by third parties, including business enterprises. This requires taking steps to prevent, investigate, punish and redress such abuse through effective policies, legislation, regulations and adjudication. Business enterprises should also respect human rights, which means they should avoid infringing on the human rights of others and address adverse human rights impacts with which they are involved.

2.5.1. Engage with businesses to enhance the protection of EHRDs

1. Be guided by the [UN Guiding Principles on Business and Human Rights](#) (UNGPs or Guiding Principles) in all UN-led activities, including by **conducting a human rights due diligence** analysis before undertaking projects or activities with a company.

2. Increase business enterprises' **implementation of the** UNGPs by:

a) Engaging with companies whose operations may result in significant human rights risks related to EHRDs to provide them with tools and support to implement the UNGPs.

b) Monitoring and evaluating their compliance and call out abuses as needed.

Human rights due diligence

Human rights due diligence is a way for business enterprises to proactively manage potential and actual adverse human rights impacts with which they are involved. It involves four core components: (a) Identifying and assessing actual or potential adverse human rights impacts that the enterprise may cause or contribute to through its own activities, or which may be directly linked to its operations, products or services by its business relationships; (b) Integrating findings from impact assessments across relevant company processes and taking appropriate action according to its involvement in the impact; (c) Tracking the effectiveness of measures and processes to address adverse human rights impacts in order to know if they are working; and (d) Communicating on how impacts are being addressed and showing stakeholders – in particular affected stakeholders such as EHRDs – that there are adequate policies and processes in place.

3. International Legal Framework

The below provides a snapshot of international and regional legal frameworks which may be applicable.

Participation

[The International Covenant on Civil and Political Rights](#) (ICCPR) recognises, *inter alia*, the right of every citizen “to take part in the conduct of public affairs” (art. 25). The [conduct of public affairs](#) includes “all aspects of public administration, and the formulation and implementation of policy at international, national, regional and local levels.”

In the environmental sphere, Principle 10 of the [Rio Declaration on Environment and Development](#), adopted in 1992, seeks to ensure that every individual has the opportunity to participate in environmental decision-making processes. It acknowledges that participation in environmental affairs requires “appropriate access to information concerning the environment that is held by public authorities, including information on hazardous materials and activities in their communities.” Principle 10, therefore, also seeks to ensure that States “facilitate and encourage public awareness and participation by making information widely available.”

The implementation of Rio Principle 10 has been pursued through international conventions including the [Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters](#) (Aarhus Convention) and [the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean](#) (Escazú Agreement). Both instruments recognise the rights to public participation, access to information, and access to justice, and their relevance for environmental governance.

The right to participation is also related to the right to self-determination, which at the international level is recognized, *inter alia*, by common article 1 of the [International Covenant on Economic, Social and Cultural Rights](#) (ICESCR) and ICCPR, the [United Nations Declaration on the Rights of Indigenous Peoples](#) and the [ILO Indigenous and Tribal Peoples Convention, 1989 \(No. 169\)](#). These instruments require that Indigenous Peoples are consulted whenever consideration is being given to legislative or administrative measures which may affect them directly; and that means be established by which they can freely participate at all levels of decision-making in elective institutions and administrative and other bodies responsible for policies and programmes which concern them.

Upholding the rights to information and participation is also important for the work of the UN. The [United Nations Guidance Note on Protection and Promotion of Civic Space](#) highlights how “fair and transparent rules, channels and processes for participation and access to information allow civil society actors to contribute meaningfully and effectively to the work of the United Nations across its three pillars.” [Participation at all levels is a right.](#)

Protection

The Human Rights Council recognised the need to protect EHRDs in its [resolution 40/11](#), which “expresses grave concern at the situation of environmental human rights defenders around the world,” and urges States to secure their protection and stop human rights violations against them, including killings and other attacks. Protecting EHRDs is essential to advance the human rights of current and future generations. Recognising the vital role and risks faced by EHRDs, the [Secretary-General’s Call to Action](#) established the commitment to “develop a system-wide approach to protection of Environmental Human Rights Defenders.”

Article 9 of the Escazú Agreement stipulates that States Parties “shall guarantee a safe and enabling environment” and recognize, protect and promote the rights of EHRDs. It also outlines that how State Parties shall take “appropriate, effective and timely measures to prevent, investigate and punish attacks, threats or intimidations” against EHRDs. The Special Rapporteur on Environmental Defenders of the Aarhus Convention has the mandate “to take measures to protect any person experiencing or at imminent threat of penalization, persecution, or harassment for seeking to exercise their rights under the Aarhus Convention”.

Access to justice

The Universal Declaration of Human Rights recognises that “everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law” (Art. 8). The ICCPR also recognises the right to an effective remedy (Art. 2 (3)) and the right to equality and non-discrimination before the courts and tribunals (Art. 14 (1)). The right to access to justice is also recognized by, the Convention on the Rights of Persons with Disability, the Convention on the Rights of the Child, and the UN Declaration on the Rights of Indigenous Peoples. Principle 10 of the Rio Declaration, the Aarhus Convention and the Escazú Agreement (all referenced above), recognize the right to access justice in environmental matters.

The role of businesses

The UN Guiding Principles on Business and Human Rights provide the global standard for preventing and addressing the risk of adverse impacts on human rights connected to business enterprises, and the ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy, which was updated in 2017 to align with the Guiding Principles, provides guidance to business enterprises on social policy and inclusive, responsible and sustainable workplace practices.

States have an obligation to protect human rights abuses within their territory and/or jurisdiction by third parties, including by effectively regulating and monitoring the activities of businesses in order to prevent harm and to ensure access to remedy when harm occurs. States should set out clearly the expectation that all business enterprises operating in their territory and/or jurisdiction respect human rights, including the rights of EHRDs, throughout their operations. Independently of States’ abilities or willingness to fulfill their own human rights obligations, all business enterprises should respect human rights, meaning they should avoid infringing on the human rights of others (including EHRDs) and should address adverse human rights impacts with which they are involved. Where harms occur, those affected must have access to effective remedy.

4. Resources

Business and human rights	
UN Guiding Principles on Business and Human Rights	Guidance for states and businesses prevent, address and remedy human rights abuses.
The Guiding Principles on Business and Human Rights: guidance on ensuring respect for human rights defenders	This report unpacks for States and business the normative and practical implications of the Guiding Principles on Business and Human Rights in relation to protecting and respecting the work of human rights defenders.
The Corporate Responsibility to Respect Human Rights: An Interpretive Guide (UN, 2012)	This Interpretive Guide provides additional background explanation to the Guiding Principles on Business and Human Rights relating to the corporate responsibility to respect human rights.
Children Defenders	
Principles and Policy Guidance on Children's Rights to a Safe, Clean, Healthy and Sustainable Environment in the Association of Southeast Asian Nations (ASEAN) Region (UNEP, OHCHR, Unicef, 2021)	This document sets out fundamental principles for realizing children's rights to a safe, clean, healthy and sustainable environment and provides policy guidance for its implementation.
Civic space, civil society participation	
Guidance on Expanding Civil Society Space for Resident Coordinators and UN Country Teams	Suggestions for RCs and UNCTs in promoting and protecting human rights defenders.
UN Community Engagement Guidelines on Peacebuilding and Sustaining Peace (UN, 2020)	Guidelines to support UN field presences in developing country-specific community engagement strategies on peacebuilding and sustaining peace and more effectively engage with civil society actors at the local level.
UN Guidance Note: Protection and Promotion of Civic Space (UN, 2020)	Guidance for the UN system for protecting and promoting civic space and ensuring increased consistency across the system.

Human Rights Defenders	
OHCHR Fact Sheet 29 Human Rights Defenders: Protecting the Right to Defend Human Rights (OHCHR, 2004)	Guidance for governments, UN personnel, and other professionals on human rights defenders.
Promoting Greater Protection for Environmental Defenders (UNEP, 2018)	UNEP's organisational strategy and response mechanism to support the upholding of environmental rights.
UNEP's mini-courses on environmental defenders	The course provides information about the situation of environmental defenders and the obligations that States have to protect them.
Human Rights Council resolution 40/11	The resolution highlights the need to protect EHRDs and urges States to take measures to do so.
Human rights and development	
Guidance Note for RCs and UNCTs on Human Rights	This document provides overarching guidance for RCs and UNCTs on Human Rights more broadly.
Common minimum standards for multistakeholder engagement in the UN development assistance framework (UNSDG)	This document presents minimum level steps UNCTs should take to forge stakeholder engagement in support of the 2030 Agenda.
Human rights monitoring	
OHCHR Manual on human rights monitoring (UN, 2011)	Practical guidance principally for the conduct of human rights monitoring in UN field operations.
Human Rights, the Environment and Environmental Governance	
Framework Principles on Human Rights and the Environment (UN Special Rapporteur on human rights and the environment, 2018)	The principles set out the basic obligations of States under human rights law as they relate to the enjoyment of a safe, clean, healthy and sustainable environment.
Guidance Note on Human Rights and the Environment for Resident Coordinators (UNDG, 2017)	This Guidance Note presents suggestions for RCs and UNCTs in promoting the interlinkages of human rights and the environment.
Issue Brief SDG 16: Human rights and the environmental rule of law (UNEP)	Summary Brief on SDG 16, environmental rule of law and the link between human rights and a clean, healthy, and sustainable environment.
What is the Right to a Healthy Environment? Information Note (OHCHR, UNEP, UNDP, 2023)	This Information Note aims to improve understanding of the right to a clean, healthy, and sustainable environment.
Upholding the Human Right to a Healthy Environment to Address the Triple Planetary Crisis (UN EMG, 2022)	This Common Narrative aims to advance common UN system-wide understanding of how to integrate human rights and the environmental dimensions of sustainable development.

Indigenous and Tribal Peoples	
Call to action on Indigenous Peoples (UN CEB, 2020)	UN system-wide policy response to support and cooperate with Indigenous Peoples in building an inclusive, sustainable and resilient future.
Excerpts from reports and comments of the ILO Supervisory Bodies: Applying the Indigenous and Tribal Peoples Convention, 1989 (No. 169) (ILO, 2019)	This tool seeks to disseminate the comments and recommendations of the ILO supervisory bodies in the context of the application of Convention No. 169.
FAO policy on Indigenous and tribal peoples (FAO, 2010)	Framework to guide FAO's work where Indigenous Peoples are concerned.
Guidelines on Free, Prior, and Informed Consent	This document aims to outline a normative, policy and operational framework for UN-REDD Programme partner countries to seek FPIC.
Guidance on Indigenous Peoples for Resident Coordinators and UN Country Teams (UNDG, 2017)	Guidance for RCs and UNCTs to support, promote and protect Indigenous Peoples rights.
Implementing the ILO Indigenous and Tribal Peoples Convention No. 169: Towards an inclusive, sustainable and just future (ILO, 2019)	This report examines the implementation of Convention No. 169 and the current social and economic situation of Indigenous People across the world.
IFAD policy on engagement with Indigenous Peoples (IFAD, 2022)	Principles of engagement that IFAD adheres to in its work with Indigenous Peoples.
Understanding the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169): A tool for judges and legal practitioners (ILO, 2021)	A tool to promote a better understanding in practice of the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169).
UNESCO policy on engaging with indigenous peoples (2018)	Policy guide for all areas of UNESCO's work that involve or are relevant for Indigenous Peoples.
UNEP policy on Indigenous Peoples (2012)	UNEP's Policy Guidance for engaging with Indigenous Peoples in environmental policy development and implementation.
Women Defenders	
A Practitioner's Toolkit on Women's Access to Justice Programming (UN Women, UNDP, UNODC, OHCHR, 2018)	Toolkit guiding UN staff to respond to deficits in women's access to justice programming and demands for technical assistance in this area.
Internal Guidance Note on 'Supporting Women Human Rights Defenders' (OHCHR)	Internal guidance with practical and strategic options to UN Women staff to support women human rights defenders.

