



Protection of environmental and human rights defenders in Ukraine during the war situation and the future reconstruction

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Contents

- Recent developments on the protection of environmental and human rights defenders (EHDRs)
- Situation of EHDRs in Ukraine
- Role of RRM for the protection of EHDRs
- Actions needed at national level for the protection of EHDRs

Recent developments on protection of EHDRs

- Increasing threat to defenders in Europe and in other regions
- Increasing attention to the protection of the environmental and human rights defenders (EHDRs)
 - Aarhus Convention, Art. 3.8, AC Compliance Committee
 - Escazú Agreement, Article 9, Human rights defenders in environmental matters
 - Other mechanisms and developments to address the problems in recent years: Human Rights Council, Special Rapporteur on human rights and the environment; Special Rapporteur on the situation of HR Defenders; Inter-American Commission on Human Rights, UNEP Policy on Defenders, political declarations (e.g. EU: European Parliament resolution on the effects of climate change on human rights and the role on environmental defenders, May 19, 2021, EU Action Plan on Human Rights and Democracy for 2020-2024, etc.)
- Rapid Response Mechanism, Election of 1st Special Rapporteur on environmental defenders, 7th AC MOP and ExMOP3.



Situation of Environmental Defenders in Ukraine

- The brutal situation of war poses risks to the life and security of environmental and human rights defenders and their families;
- Averts attention from environment protection and those who advocate for the protection of environment, and their rights;
- In war time, there are or may be limitations to the implementation of the Aarhus Convention and other MEAs;
- Limitations could be decided arbitrarily by the state – Risk that the Aarhus rights and human rights could be unreasonably limited during hostilities;
- In future economic reconstruction: the role and rights of EHDRs should be ensured and guaranteed; should be taken as partners, when damages to the environment will be assessed and the future plans, developments will be formulated and implemented.

The Role of RRM in the protection of EHDRs

- The RRM and the Special Rapporteur:
 - takes measures to protect any person who is experiencing persecution, penalization or harassment, or imminent threat of persecution, penalization or harassment;
 - takes complaints from EHDRs;
 - should follow with attention the developments of the situation of EHDRs in Ukraine; call attention and make recommendations if sees infringements of rights of EHDRs (preventive approach);
 - Aarhus Parties, different AC bodies and the Aarhus community should also monitor the situation and take steps, raise issues if needed, if EHDRs are at risk.



Actions needed on national level for the protection of EHDRs

- Ukraine as a Party should respect the rights of EHDRs and protect them;
- Critical that environmental defenders and activists should be seen as important and valid partners by the government in the development and improvement of environmental policies and legislation, assessment or environmental damages of war and development plans for the future;
- The government need to seek for additional tools for cooperation with EHDRs, respect and make further improvements in access rights. E.g.: access to information provided, public consultations should be meaningful and have impact on the final decision, access to justice should not be curtailed.



Actions needed on national level for the protection of EHDRs

- CSOs should take active approach and initiate measures to protect EHDRs including:
 - Assessing and monitoring the situation of EHDRs;
 - Making recommendations for improvements, requesting specific legislation and policies on the protection of EHDRs to prevent and eliminate unlawful acts and practices of harassment and SLAPPs or create or use existing mechanisms, e.g. Ombudsman, cooperation channels;
 - Raise awareness and build capacities of authorities and EHDRs on the use of RRM;
 - Using the methodologies of the UNEP Assessment report on the situation of environmental human rights defenders with particular focus on the Western Balkans, 2021.

Actions needed on national level for the protection of EHDRs

- Assessment framework:
 - Implementation of relevant international agreements and use of international mechanisms
 - National legislation, policy and insituional mechanisms to protect EHDRs
 - Current status of EHRDs, including
 - Enabling environment for CSOs/EHRDs
 - Financial scrutiny
 - Constitutional and access rights, legal standing
 - Cooperation with government at different levels
 - Local communities, and informal associations

Actions needed on national level for the protection of EHDRs

- Cases of physical and/or verbal harrassment or other means of pressure including SLAPPs
- Legal assistance
- Role of the media in creating enabling or deterring environment
- Impact of COVID19 related limitations

- Good practice examples

- Conclusions
- Recommendations

Thank you for the attention!

More information

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