

ASIA PACIFIC ENVIRONMENTAL HUMAN RIGHTS DEFENDERS FORUM

PROTECTING THOSE WHO PROTECT THE ENVIRONMENT



CONVENED BY:



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Report of the Asia Pacific Environmental Human Rights Defenders Forum 2022

Prepared by

United Nations Environment Programme
Regional Office in Asia Pacific

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Abbreviations

BHR - Business and Human Rights

CEDAW - Convention on the Elimination of All Forms of Discrimination Against Women

COP27 - The 27th United Nations Climate Change Conference

CSO - Civil Society Organization

EHRD - Environmental Human Rights Defender

EIA - Environmental Impact Assessment

FPIC - Free, Prior, Informed consent

GBV - Gender-based Violence

IP - Indigenous Peoples

NAP - National Action Plan on Business and Human Rights

NHRI - National Human Rights Institution

OHCHR - United Nations Office of the High Commissioner on Human Rights

PIC - Pacific Island Countries

PNG - Papua New Guinea

RCEP - Regional Comprehensive Economic Partnership

SLAPP - Strategic Lawsuit Against Public Participation

UNDRIP - United Nations Declaration on the Rights of Indigenous Peoples

UNEP - UN Environment Programme

Introduction

This is a summary report of the Asia Pacific Environmental Human Rights Defenders Forum 2022 (AP EHRD Forum 2022) organized in a hybrid format from 25-27 October 2022. The report includes a background, overview and summary of each of the six sessions of the Forum, as well as a summary of the key takeaways and recommendations from the Forum.

Background

Environmental human rights defenders (EHRDs) are at the forefront of the triple planetary crises of pollution, biodiversity loss and climate change. All EHRDs, as 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 fauna¹, play an essential role in protecting the environment, supporting the rights of communities to participate in environmental decision making and calling out unsustainable development practices and illegal actions causing environmental harm. Their role is central to realizing the right to a clean, healthy and sustainable environment: a right that has recently been given universal recognition.

Following a landmark resolution adopted at the Human Rights Council in 2021², on 28 July 2022 the United Nations General Assembly recognized, for the first time, that a clean, healthy and sustainable environment is a universal human right³. The General Assembly resolution affirms the importance of a clean, healthy and sustainable environment for the enjoyment of all human rights, and calls upon States, international organizations, business enterprises and other relevant stakeholders to scale up efforts to ensure a clean, healthy and sustainable environment for all. There is no time more critical to support and champion the role of EHRDs than now, to ensure that the right to a healthy environment is implemented for everyone everywhere.

Environmental defenders continue to be at the forefront of environmental protection, holding governments and businesses to account for environmental harms and upholding the rights of those most affected by environmental degradation. Environmental defenders fill a vital gap of spotlighting inaction of primary duty-bearers. Despite the crucial contribution from environmental human rights defenders, they are rarely recognised and often neglected as significant drivers of sustainable and just social and environmental progress. Instead of lauding the actions of EHRDs, they are instead frequently subject to violent attacks and reprisals, stigmatization, arbitrary detention and lawsuits. Environmental defenders who may be activists, journalists, Indigenous peoples, and members of local communities, who are at the forefront of sustainable development and good environmental governance, are often

¹ United Nations Environment Programme (UNEP) (2023). *Who are environmental defenders?* <https://www.unep.org/explore-topics/environmental-rights-and-governance/what-we-do/advancing-environmental-rights/who>

² Human Rights Council Resolution on the Right to a clean, healthy and sustainable environment. [A/HRC/RES/48/13 \(undocs.org\)](https://undocs.org/A/HRC/RES/48/13)

³ General Assembly Resolution on the Right to a clean, healthy and sustainable environment. [A/RES/76/300 \(undocs.org\)](https://undocs.org/A/RES/76/300)

targeted and harassed.

According to Business & Human Rights Resources Center's analysis, among the 615 human rights defender attacks linked to Business and Human Rights tracked in 2021, nearly 70% were against climate, land and environmental rights defenders⁴. Data demonstrated that while attacks against EHRDs happen in every region of the world, Asia Pacific was the most affected region in 2021 with 247 cases. Most attacks occurred in India (49) and the Philippines (44).

Recognising the significant risks facing EHRDs, the Inaugural Asia Pacific Environmental Human Rights Defender Forum was held from 17-19 November 2021, convened by UN Environment Programme (UNEP), United Nations Office of the High Commissioner on Human Rights (OHCHR) and the Asia Pacific Network of Environmental Defenders (APNED) together with Asia Indigenous Peoples Pact (AIPP), EarthRights International, FORUM-ASIA, Asia Research Institute for Environmental Law (ARIEL), and Diplomacy Training Programme (DTP). Based on interactive dialogue and thematic sessions held during the first Asia Pacific EHRD Forum, a set of recommendations were collated. Recommendations included;

- Increased support, solidarity and alliances are needed to induce changes;
- While work at the grassroots level needs to be continued, regional and global backstopping is also needed;
- Protection of environmental defenders and their access to information and justice needs to be ensured, as well as their participation in decision making and other related processes;
- There is a need to develop counter-narratives about environmental defenders;
- A human rights-based approach in environmental issues needs to be ensured;
- Knowledge and awareness on the situation of environmental defenders need to be increased;
- Capacities of environmental defenders need to be enhanced;
- Awareness on human rights standards, treaties and mechanisms, including in relation to business and human rights (BHR), needs to be increased;
- National laws and policies for protection and access to human rights need to be improved and strengthened and public participation need to be ensured;
- A regional legally binding framework needs to be advanced;
- Foreign countries and international financial institutions need to practice human rights due diligence; and
- Relationships among national to international institutions need to be strengthened.

These recommendations have guided UN programming and advocacy at the country and regional levels throughout 2022 to continue to support the contribution of EHRDs.

To build on the outcomes of the first Forum, the 2nd Asia Pacific EHRD Forum was held from 25-27 October 2022 as a dedicated space for EHRDs to come together and safely discuss, learn from each other's experiences and successes, and build awareness and capacity. The

⁴ Data released in April 2022, <https://www.business-humanrights.org/en/from-us/briefings/hrds-2021/human-rights-defenders-business-in-2021-protecting-the-rights-of-people-driving-a-just-transition/>


2nd Asia Pacific EHRD Forum also focused on capacity building sessions to equip EHRDs with additional knowledge and skills.

Objectives of the Forum

The objectives of the Asia Pacific EHRD Forum were:

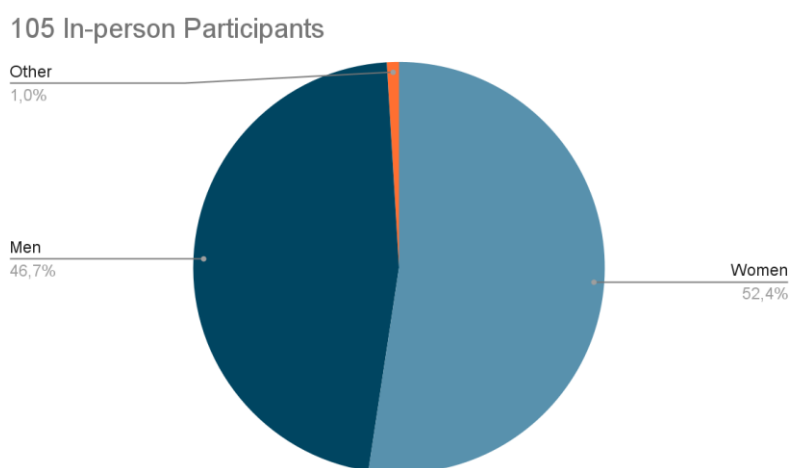
- To serve as a safe space for EHRDs to discuss ongoing challenges and regional trends in the promotion, protection and realization of environmental rights.
- To provide a platform for peer learning amongst EHRDs across Asia Pacific.
- To provide access to information on good practices, success stories and information on addressing violations of environmental rights.
- To provide networking spaces for EHRDs to strengthen their network across sub-regions.

Agenda of the Forum

		<h1>AGENDA</h1> <p>Hybrid event: Bangkok Online *this event is scheduled in Bangkok time ICT+7</p>	
DAY 1	25th Oct 2022	DAY 2	26th Oct 2022
08:00	Registration <i>(for in-person participants) and technical checking (for online participants)</i>	08:30	Welcome to Day 2 - Recap of Day 1
08:30	Opening session	08:40	Session 3 – Reporting human rights violations and engaging with Special Procedures.
09:00	Session 1: Setting the context		An alleged victim of a human rights violation can turn to one of three UN Human Rights Mechanisms to submit a complaint: Special Procedures, Treaty Bodies or the Human Rights Council. Through addressing complaints, the mechanisms aim to ensure that violations are prevented, stopped, investigated or that remedial action is taken. This session will start with a short presentation on the engagement with UN Human Rights Mechanisms in particular special procedures . The session will explore the communications, reporting and advocacy functions of special procedures. Defenders will share their experience on how they have used special procedures to support the work of EHRDs and address violations of rights. There will be an extended Q&A session with experts.
	The 2021 Asia Pacific Forum for Environmental Human Rights Defenders was the first-ever regional forum in Asia-Pacific that provided a dedicated safe space for dialogue and learning exchange amongst EHRDs. The session will provide a recap of the 2021 Forum discussions and recommendations. The session will also canvas recent trends and challenges across the Asia Pacific region.	10:10	Break
10:00	Presentation of EHRDs Toolkit	10:30	Session 4 – Tools and emergency support for EHRDs at the national level
10:20	Break		There are a number of tools and emergency support available for EHRDs. At this session, organisations working in the region will share tools and information on a range of topics including: support provided by NHRIs to EHRDs, emergency grants, legal aid and digital security support. Within breakout sessions defenders can share their experience of using and accessing tools including best practices, challenges, and suggestions for improvement.
10:40	Session 2: EHRDs in conflict situations	12:00	Wrap-up <i>(for hybrid session)</i>
	Asia Pacific contained the second largest number of active armed conflicts with nine countries in 2021. This session will provide space to discuss the challenges faced in locations of compounding issues of resources extraction, land conflicts and development projects alongside military forces and violent action. The session will also focus on how militarisation aggravates and exacerbates the challenges of environmental protection and community rights to land, territories and resources.	12:10	Lunch break
12:10	Wrap-up <i>(for hybrid session)</i>	12:30	Parallel networking sessions for EHRDs <i>(In-person and on-line participants)</i>
12:20	Lunch break	15:00	Break
13:30	Parallel networking sessions for EHRDs <i>(In-person and on-line participants)</i>	15:20	World Cafe <i>(in-person participants)</i>
15:00	Break	16:20	Wrap-up for Day 1 <i>(for in-person participants)</i>
15:20	World Cafe <i>(in-person participants)</i>		
16:20	Wrap-up for Day 1 <i>(for in-person participants)</i>	DAY 3	27th Oct 2022
		08:30	Welcome to Day 3 - Recap of Day 2
		08:40	Session 5 – Advocacy tactics
			This session focuses on successful advocacy tactics to promote environmental rights and campaign for the right to a safe, clean, healthy and sustainable environment. Defenders from the region will share their stories and experience relating to communication, campaigns, lobbying, grassroots organising, direct action, divestment and mapping of friends and allies.
		10:10	Break
		10:30	Session 6 – Development of a regional framework on environmental rights
			In July 2022, the General Assembly declared that the right to a clean, healthy and sustainable environment is a universal human right. While Latin America and the Caribbean (Escazu) and Europe (Aarhus) have agreements protecting procedural rights in environmental decision making and the protection of EHRDs, such a regional agreement does not yet exist in the Asia Pacific region. At the regional and sub-regional levels there are increasing calls for the development of regional frameworks to protect environmental rights. Such an agreement is under discussion within the framework of ASEAN. This session will review the progress towards regional and sub-regional frameworks in the Asia Pacific region and the potential for further advocacy towards such instruments.
		12:00	Closing Session
		12:30	Conclusions
		12:40	Lunch break
		13:40	Parallel networking sessions for EHRDs <i>(in-person and online participants)</i>

Overview

The 2nd Asia Pacific EHRD Forum was conducted from 25-27 October 2022. The Forum had a total of 200 participants in person in Bangkok and online, including a hub in Fiji. 52.38% of the 105 in-person participants stated that they were women, 46.67% stated that they were men, and 0.98% chose not to state their gender. At least 20 countries in the region were represented at the Forum.



Through this Forum, UNEP and OHCHR, together with partner organizations, provided solidarity to the important work of EHRDs, showcased good practices, and shed light on systemic issues of our time which require solutions. The Forum supported peer exchange and the sharing of tools and resources as well as emphasized key needs and created a platform to foster new ideas. More details are outlined in the report.

Sessions held at the Forum included:

- Environmental defenders in conflict situations;
- Reporting human rights violations and engaging with UN Special Procedures;
- Tools and emergency support at the national level for EHRDs; and
- Advocacy tactics, and development of regional framework on environmental rights

Summary of Sessions

Opening Remarks

Moderating the session of the opening remarks was Dr. Georgina Lloyd Rivera, Regional Coordinator for Asia and the Pacific of Environmental Law and Governance for UNEP.

The opening remarks were delivered by a youth EHRD from the region, Mr. Dip Magar, OHCHR's Thailand team leader, Mr. Jon Åström Gröndahl, the Ambassador of Sweden to

Thailand, Mr. David Boyd, the Special Rapporteur on human Rights and the environment, and Associate Professor Dr. Pokpong Srisanit, Dean of Faculty of Law, Thammasat University.



Dr. Georgina Lloyd Rivera, UNEP



Ambassador. Jon Åström Gröndahl



Mr. Dip Marga OHCHR



Dr. Pokpong Srisnit, Thammasat University

Session 1 – Setting the context

The Asia Pacific Forum for Environmental Human Rights Defenders was the first-ever regional forum held in Asia Pacific to provide a dedicated safe space for dialogue and exchange of knowledge amongst EHRDs in the region, with the first forum held in 2021 and the second in 2022. This session started with a recap of the summary of the discussions and the recommendations made in the 2021 Forum. The session then dived deep into recent trends and challenges faced by EHRDs in each sub-region in 2022 through discussions in breakout rooms divided by sub-regions including Southeast Asia, Northeast Asia, South Asia and the Pacific.

Session 2 – EHRDs in Conflict

Asia Pacific witnessed the second largest number of active armed conflicts with nine countries in 2021.⁵ This session provided a space to discuss the challenges and pressing

⁵ Escola de Cultura de Pau. *Alert 2022! Report on conflicts, human rights and peacebuilding*. Barcelona: Icaria, 2022. [Alert-2022.-Report-on-conflict-human-rights-and-peacebuilding.pdf \(un.org\)](#)

issues faced in different places in Asia Pacific including resources extraction, land conflicts and development projects alongside military forces and violent action. The session focused on how militarisation aggravates and exacerbates the challenges of environmental protection and community rights to land, territories and resources. Case studies from the Philippines, Myanmar, West Papua, and Bangladesh were shared during the discussion, and the participants shared good practices to address the compounding threats for environmental protection in areas of conflict.

Session 3 – Reporting human rights violations and engaging with Special Procedures

This session provided a presentation on engagement with UN Human Rights Mechanisms, in particular the Special Procedures of the Human Rights Council, through interactive dialogues with two UN human rights mandate holders: the UN Special Rapporteur on the situation of human rights in Cambodia and a member of the UN Working Group on Business and Human Rights. The session explored insights on the communications, reporting and advocacy functions of Special Procedures. Several defenders shared their experience on how they have used Special Procedures to support the work on environmental protection and address violations of human rights.

Session 4 – Tools and emergency support for EHRDs at the national context

In this session organisations working in the region shared tools and information to support the work of EHRDs on a range of topics including but not limited to support provided by National Human Rights Institutions (NHRIs) to EHRDs, emergency grants, legal aid and digital security support. Breakout sessions then were held following the discussion in the plenary and the defenders shared their experience of how they make use and access the tools available including best practices, challenges, and suggestions for improvement. Further details on tools and emergency support for EHRDs can be found in the sections below.

Session 5 – Advocacy tactics

This session focused on successful advocacy tactics and campaigns to promote the right to a safe, clean, healthy and sustainable environment. Defenders from the region shared their stories and experience relating to communication, campaigns, lobbying, grassroots organising, direct action, divestment and mapping of friends and allies.

Session 6 – Development of regional framework on environmental rights

In July 2022, the General Assembly declared that the right to a clean, healthy and sustainable environment is a universal human right. While Latin America and the Caribbean (Escazú) and Europe (Aarhus) have agreements protecting procedural rights in environmental decision making and the protection of EHRDs, such a regional agreement does not yet exist in the Asia Pacific region. At the regional and sub-regional levels there are increasing calls for the

development of regional frameworks to protect environmental rights. Such an agreement is under discussion within the framework of ASEAN. This session provided a space for inputs on sub-regional frameworks in the Asia Pacific region and the potential for further advocacy towards such instruments.

Closing Remarks

The closing remarks were concluded by: Dechen Tsering, Regional Director UNEP ROAP, Pichamon Yeophantong, Vice-chairperson of the UN Working Group on Business and Human Rights), as well as two women EHRDs from the region.



To the right: Ms. Pichamon Yeophantong, an Asia-Pacific member of the UN Working Group on Business and Human Rights (photos: UN Human Rights).

Summary of Key Takeaways

“Nothing about us, without us” — a key message provided by the youth constituency.

The takeaways are compiled based on notes taken from the discussions in the breakout rooms during Session 1 to 4 as well as from networking sessions held in the afternoons of the Forum.

Trends affecting EHRDs in the Region

Perspectives from Northeast Asia

- Self-censoring is taking place by defenders in the region.
- Despite all our efforts in reinforcing environmental rights, civic spaces are still shrinking.
- Though more wording around ‘a just transition’ and ‘human rights’ are found in national policies, some States in Northeast Asia do not support global environmental and human rights agreements/resolutions.
- Only South Korea and Mongolia have a National Human Rights Institution (NHRI); other countries in Northeast Asia still lack support from NHRIs.
- Environment is not the most pressing human rights issue in Northeast Asia — there is more need to address other greater human rights aspects including freedom of association and freedom of expression.

- Climate change is impacting all human rights, particularly for those in nomadic communities.
- China has imposed a strong domestic narrative on “ecological civilization”. There is a developing narrative to build ecological civilization in Tibet, which includes building a super hydropower dam. However, the lives of 1.2 billion people depend on this river and the impacts would be massive.
- There has been development of a Japan National Action Plan (NAP) on Business and Human Rights (BHR).
- Environmental issues are not perceived to be as sensitive as other human rights issues in Northeast Asia; for example, no school strike, parade or march on environmental issues has been banned in Hong Kong.

Perspectives from South Asia

- There are major human rights violations in development projects in India, including seaports; in one particular case, fishermen, farmers and the adivasi community have been highly impacted by a development project for the past 24 years without the problems being addressed.
- Migration and internal displacement due to illegal land grabs and extreme weather events are reported in India.
- In India, EHRDs are being labeled as “urban naxals”⁶ (similar to red-tagging in the Philippines) by the government and being accused of advocating violence when they stand up for their rights.
- Human rights violations have been reported in stone mining in Nepal.
- India’s recent Universal Periodic Review does not cover all concerns related to the government.
- Unsustainable forestry in Nepal is being reported and continues to pose human rights challenges.
- Air pollution from the brick industry in Nepal continues to pose human rights challenges.
- Industrial pollution in rivers continues to negatively affect farmers in Nepal, linking to human rights violations.
- There have been displacements of at least five villages in Nepal, mostly due to development projects.

Perspectives from Southeast Asia

- There have been several strategic lawsuits against public participation (SLAPP), perjury cases, defamation cases, and accusations of perjury for testimonies in the courts.
- Cyberlibel cases against EHRDs are being reported in the Philippines.

⁶ The use of the term against activists has been questioned
<https://www.thehindu.com/news/national/who-is-an-urban-naxal-asks-romila-thapar/article25088465.ece>

- Shrinking of civic space is being reported with the EHRDs concerned about the implementation of laws and policies. There is less space for people to speak up and claim their rights.
- Prevalent deregulation of environmental law partially driven by the impact of the COVID-19 pandemic and economic stagnation is being reported. Governments now put their focus on economic revitalization and winning investors to the countries.
- Criminalization of EHRDs is being reported.
- Indigenous communities and local communities are at the frontline of exposing human rights violations in the region to the media.
- The COVID-19 pandemic is inevitably linked to the human rights emergency.
- Militarization in communities continues to be reported in the guise of counterinsurgency.
- Economic-led concessions are being reported with indigenous peoples having difficulty accessing their ancestral land, affecting their freedom of religious belief.
- There is a need for economic recovery due to COVID-19 and a need for more investment however, many of those investments are going to industrial contracts without environmental and social safeguards.
- There is a potential that EHRDs could be labelled as anti-development actors in society. EHRDs can then lose their support base from the public.
- There is a lack of means for EHRDs to counter disinformation campaigns being spread on both mainstream media and social media, including those on armed conflict and incorrect information on EHRDs.
- New laws are being introduced by the governments to silence dissidents, especially EHRDs.
- In some countries in the region, legal reform (i.e., forestry law) can result in indigenous land titles being cancelled and the rights of indigenous people to access resources being affected.
- Monitoring by the authorities are being reported more frequently than in the past.
- Peaceful demonstrations and assemblies, as well as sharing sessions, are being kept under surveillance.
- The military coup in Myanmar in 2021 led to many arrests of EHRDs. Many EHRDs can no longer work to protect their lands and find it difficult to raise their voices.
- In the Philippines, the COVID-19 pandemic has been used as an excuse by the government to violate people's rights to information and privacy.
- Challenges still remain for human rights defenders to seek support from communities, especially EHRDs who are too often labelled as an "enemy to the public".
- Deregulation of policy which does not favour EHRDs is reported.

Perspectives from the Pacific

- Inputs of EHRDs from West Papua have been included in the Pacific section at their request as they share borders with Papua New Guinea, a Pacific country, and have many similarities with other Melanesian countries.

- In West Papua, the government created three new provinces; one EHRD has been targeted, arrested and killed by the police and private security in 2020.
- Similarly, in Papua New Guinea, there is no National Human Rights Institution (NHRIs) to defend the rights of people. 10,000 hectares of lands have been lost to logging every year and the undertaking of development activities without prior consultation encroaches the rights of indigenous peoples. It is reported that the government is setting up a NHRI.
- Harassment, violence and arbitrary killings of EHRDs by law enforcement officials and private security companies are still being reported along with violations of procedural environmental rights, including prior informed consent and participation in decision-making of indigenous peoples. There is no information from Micronesian and Polynesian countries due to their absence in the discussion.

Women Environmental Human Rights Defenders (WEHRDs), LGBTQI+ and gender equality

- In Myanmar, gender norms still bar women from participating in any environmental or political activism and any decision-making processes.
- A lot of human rights violations against WEHRDs are being reported but no action has been taken to end such things.
- In projects related to WHRDs, any challenges faced by women are considered as issues assigned to women themselves, rather than social issues, and thus are not discussed in the context of the broader community.
- In terms of the protection of the forests, women are confined to their domestic roles, having to bear the burden of caretaking, thus leaving no time for them to effectively participate in any activism.
- Civil society organisations play a crucial role in making sure that women are included in gender sensitive politics and their voices are heard.
- Gender social norms are one of the challenges faced by WEHRDs. It is important for them to stay connected and share their experience, such as how they balance their domestic work and their activism for environmental rights.
- WEHRDs still face gender-based violence (GBV) while securing food for their family.
- Women are often better at de-escalating conflicts and have been selected to participate in forest patrols.
- LGBTQI+ groups are not guaranteed the same rights due to repressive social norms.
- There is a lack of participation of the LGBTQI+ community in environmental issues.

Perspectives regarding indigenous peoples (IPs)

- Loss of culture and traditional practices related to the lands of indigenous peoples, such as rotation farming, are at risk due to displacement and climate change.
- Land conflict continues to be one of the challenges on the rise for IPs.
- Free, Prior and Informed Consent (FPIC) and participation in decision-making of IPs is not respected and implemented.
- There is widespread harassment, violence, and suppression against IPs in the region.

- There is a sense of self-censorship and suppression of indigenous human rights defenders.
- Women and girls are more exposed to sexual violence and harassment while men are more exposed to deadly violence.
- Gender inclusiveness in IPs communities is much needed with a need to go beyond the gender norms of binaries; there are still many taboos associated with gender/LGBTQI+.
- Lack of access to tools, resources and decision-making processes is still an issue to be addressed for many grassroots and indigenous communities.

Tools and emergency support for EHRDs at the national level

Opportunities and examples of good practices and approaches in effectively utilizing legal aid

- There has been some pro bono support to help EHRDs facing civil law cases in Malaysia.
- Some national organisations have provided support on the protection work at the grassroots level.
- Strong networking is key to collectively supporting human rights defenders at risk.
- Countries including Indonesia, the Philippines and Mongolia have introduced legislation to protect EHRDs.
- Mongolia has a Human Rights Defenders Law and an established Human Rights Defenders Network; they are also working on establishing a network of lawyers.
- The Philippines has a Legal Education Board with law school students providing pro bono legal assistance to EHRDs facing lawsuits.
- The Asian Research Institute for Environmental Law (ARIEL) is a good resource for lawyers and students.

Challenges and barriers to using legal aid

- Some countries do not have adequate legal provisions to protect EHRDs.
- Lack of researchers, paralegals, lawyers who focus on protection towards EHRDs in terms of number and capacity poses a challenge for EHRDs to access legal aid.
- Not enough financial support is provided to ensure legal aid is accessible to EHRDs.
- Access to justice and good governance practices remain limited in the region.
- Procedural law is not supportive for EHRDs.
- In Indonesia, EHRDs are being tagged as “leftists.”
- In Malaysia, EHRDs are preparing to bring cases related to violations of human rights in their communities, especially on land grabbing, to court; legal support from lawyers is needed.
- In Cambodia, there are threats from the government and courts to file a case against journalists who covered the news about EHRDs and thus are viewed as supporting EHRDs.

- In Thailand, costly legal fees obstruct access to justice for EHRDs. Communities also lack interest and time to gather evidence to present to the courts.
- In Indonesia, environmental law is not taken as a priority issue; the government legal staff also lacks knowledge on environmental and related law.
- In the Philippines, environmental cases take a very long time to process and there is a lack of interest. People acting as witnesses to a case may face logistical challenges to providing evidence, such as being posted elsewhere or promoted.

Opportunities and examples of good practices and approaches in effectively seeking support from National Human Rights Institutions (NHRIs)

- NHRIs have a specific legal mandate and can use this to effect change within governments, including through petitions and alternative dispute resolution.
- Mongolia's NHRI advocated for standalone legislation on human rights defenders, which includes environmental human rights defenders. This is the first specific legislation on human rights defenders in the Asia Pacific region.
- India's NHRI has a specific human rights defenders team/unit to respond to issues and concerns raised by human rights defenders.

Challenges in seeking support from NHRIs

- In Malaysia, pro bono legal support has been provided to civil cases while there is also support from organisations on the work at the grassroots level.
- In Thailand, the situation is very challenging when it comes to support from NHRIs to EHRDs and access to justice continues to be a big challenge.
- In Indonesia, there have been communication leaks by corporate entities. Networking and advocating among governments make support from NHRIs difficult.
- The unclear role and value of NHRIs in some countries has led to a lack of knowledge, awareness and interest in engaging with NHRIs. NHRIs are perceived to be another government-led department or ministry and unlikely to provide adequate response/redress. In many cases, appointments with NHRIs were often made by government mechanisms and were not called by human rights activists.
- There are difficulties to accessing NHRIs.
- NHRIs have limited resources and capacity, and their capacity on environmental rights is found to be especially limited.

Opportunities and examples of good practices and approaches in effectively seeking emergency grants

- Emergency funds provide important opportunities and funders are increasingly providing emergency grants, in the form of legal support, to EHRDs.
- Asia Indigenous Peoples Pact (AIPP) is one of the organisations providing small emergency grants for indigenous human rights defenders. A maximum amount of up to 5,000 USD can be provided per case.

- In Vietnam, some organisations provide emergency support to families of prisoners of conscience. They conduct meetings with embassies to advocate for their cases and carry out several media campaigns.
- Some organisations do not directly offer funds but work with organisations such as Freedom House and Safety Net; they help applicants seeking relocation and safety net.
- One participant shared her experience that, when seeking grants for Afghan activists at risk from the Taliban, the lack of hierarchical structures in the organisation that supported the protection of women human rights defenders and their families by facilitating travel to Pakistan and Germany.
- Media and social connections are useful to help spread the word on any emergency crowdfunding opportunities.

Challenges regarding emergency grants

- It is a challenge for EHRDs to access safe transportation after receiving emergency grants. They are tagged as “terrorists”.
- EHRDs face challenges when having to carry digital security equipment and procure hard drives. These challenges also cover capacity development in relation to digital security.
- Another challenge includes determining what costs can be included in, and covered by, emergency grants. There is a need to make sure donors allow admin costs to be included as a part of the grants; the overhead costs now are usually not included as part of the current grants.
- Language barriers present challenges for organisations that provide emergency risk assessment to grassroots activists as English and French are generally used for international grants meetings.
- The sending of grants is often delayed, creating difficulties for grant-related reporting.
- Funding uncertainties also present a challenge; there are not many options when seeking humanitarian support and there is still a lack of awareness regarding the availability of, and application process for, emergency grants.
- There are also challenges for EHRDs who have fled to other countries where living costs are high.
- In some cases, legal requirements may serve as barriers to the securing of emergency grants. For example, some defenders cannot receive emergency funds because they do not have a bank account. It also takes a lot of time for paperwork to be processed to receive the grants.
- While crowdfunding has been identified as an alternative way to raise emergency grants, it is a lengthy process and may thus become a challenge.
- One experience from Bangladesh reveals that it takes time for the recipient to receive the emergency grant and the amount that can be sent is usually not sufficient. It is also not practical to provide emergency grants as one-off grants as they should include the cost(s) of relocation and holistic security training.
- There is a lack of funding to raise issues collectively, such as material support.
- It is difficult for defenders to find a place for relocation.

Challenges regarding digital security

- Available digital security tools are not user-friendly for all people, thereby creating challenges for some EHRDs to use them.
- Many defenders tend to buy more software than they actually need and end up not using most of it.
- Governments have spent a significant proportion of their budgets on surveillance.
- When one finds that the government has put surveillance tools on one's phone, a best practice is to permanently stop using that device.
- Threats against digital security cover not only software but also hardware which can be installed without the knowledge of the owners of the devices.
- When communicating with other people using electronic devices, it is recommended to use codewords when surveillance is suspected.
- In Myanmar, many phone numbers have been deactivated.
- To enhance their security, it is recommended for EHRDs not to register their phone numbers.
- Sim-based communication can put one at risk of digital security threats, and defenders should try to avoid it.

Perspectives from the Pacific on opportunities

- With the support of OHCHR Regional Pacific Office, academics, and other organisations, as well as human rights defenders across the region, have worked together to create a regional network for human rights defenders (the Pacific Human Rights Defenders Network (PHRDN)). The objective of this network is to come together to strengthen the work on cross-cutting issues for the Pacific, including indigenous rights, climate change, the environment, and the ocean, to name a few. The network is the beginning of a platform where environmental human rights defenders can have a safe space to discuss and collaborate on human rights issues.
- Support has also been provided by regional counterparts, such as the Diplomacy Training Programme (DTP), an Australia-based NGO working to advance human rights and empower civil society in Asia Pacific. The Pacific Human Rights Defenders Network has been able to reach out to DTP for support in terms of interpreting, analysing and understanding environmental policy documents and other technical aspects relating to human rights as well as how to seek remedies on issues relating to the environment.
- Working closely with church organisations as well as the vanua (traditional) structures of indigenous peoples have also played a key role in raising awareness about human rights and environmental issues in the region, especially in Fiji. It is important to introduce the discussion on human rights as a complementary tool to ensuring protection rather than as a principle opposing traditional and religious beliefs and practices; areas that are contradictory have to be given time to unpack.
- In order to address challenges such as the limited awareness of rights and difficulties associated with the registration of new organizations, the PHRDN is collaborating with the University of the South Pacific (USP) to provide a course on human rights defenders to build the capacity of young students. Their aim is to ensure that students

can take their new knowledge and skills back to their communities and join the PHRDN in empowering local communities to build and participate in civic space, including by expressing their concerns.

- To take this further, organizations such as OHCHR and other organizations with resources and connections should reach out to local communities and support capacity building to ensure that this knowledge can be expanded beyond those who study at the USP. Tailored courses for local communities should also be introduced.
- More EHRDs from local communities will be able to access the course on human rights defenders if the USP translates the course materials, and specifically the part about environmental issues, into indigenous languages.
- The impacts of the Asia Pacific Network of Environmental Defenders (APNED)'s advocacy could be further explored to ensure that defenders can leverage the existence of the Network.
- In the Pacific, it has been gauged whether climate change activism is strong enough for a Network to be set up. However, because this would also address business and human rights, there are concerns that it would be perceived as too controversial and sensitive.
- Increased visibility of the work of EHRDs should be introduced as a protection strategy to gain leveraging power against those in power and negotiate for dialogue with them.
- As more young people are aware of the UN mechanisms, the limitations of their power, and defenders' abilities to make use of them, should be discussed and addressed.

Perspectives from the Pacific on challenges

- The National Human Rights Commission in Fiji is not as independent as it is supposed to be.
- It is also difficult for new networks and organizations to register with the government if their work is perceived as anti-government practice.
- Many EHRDs lack awareness about their rights, how to exercise them, and how to seek remedies. In other cases, there is a sense of self-censorship and suppression of human rights defenders in general.
- Issues relating to environmental degradation and business activities are often difficult to report and work on as they can be linked to economic development by governments and big companies. To act against business activities is often in contradiction with government interest.
- Additionally, if you raise issues against the government or businesses, a retaliation will be introduced. The tactics deployed to suppress human rights defenders are not usually confrontational but could include surveillance and phone threats. The government will make it hard for a defender to carry out their human rights work once they raise an issue which does not favour the government. They could be red flagged and those around them could be targeted. Organisations advocating against government interests also face similar challenges.
- Even a legitimate briefing on controversial environmental issues can put an association on a government's red list and they may face difficulties holding any activities thereafter.

- An impact assessment could be costly and time consuming, which is sometimes impractical when assessing the impact on human rights.
- In Fiji, there is very little litigation and, often, The Fiji Environmental Law Association does not bring cases to court. Climate change litigation at the national level is still too weak to pursue while there are also safety concerns for those pushing for it.
- Often, prevalent protection concerns render those who are adversely affected by climate change in Fiji hesitant to speak up and/or share information.
- There is still no definite answer on how a network of EHRDs can be established and how sustainable support can be provided to the EHRDs along with protection mechanisms.

Perspectives on support provided by the UN

“We applaud the commitment of Special Rapporteurs and the efforts of the United Nations in the attempt to address the abuse of human rights around the world. Unfortunately, the UN is basically a political organization which must enlist the cooperation of member states in recommending any meaningful changes; it has no power of enforcement, which generally lies with individual nations. In addition, the procedures which the UN follows are bureaucratic, convoluted, very time consuming, and limited in communication channels, requiring months to years to produce any recommendations – let alone any genuine accountability and actions leading to improvement in human rights. In summary, the theory is fine, but the practice is severely disabled,” says a participant joining the Forum online.



Group photo taken at Thammasat University. (OHCHR)

Summary of Recommendations

The recommendations below are gathered based on the notes taken during the discussions in the breakout rooms from session 1, 4 and 6 as well as networking sessions held in the afternoons of the three-day Forum.

Trends affecting EHRDs in the region

- There is a need for more effective and practical laws to be put in place to safeguard the interests of EHRDs and prevent personalized attacks against environmental actors.
- Environmental rights, enabling civic spaces and accountability must be reinforced at the national and regional levels.
- There are opportunities to utilize European Union trade and export agreements and policies to leverage for the protection of environmental rights; companies and governments will need to comply with legislation including environmental agreements conventions.

WEHRDs, LGBTQI+ and gender equality

- One way to address women's financial needs could be through the allocation of small funds which women can have access to.
- There is a need for the contextualisation and representation of women and LGBTQI+ people.
- There should be greater recognition of the important role of WEHRDs.
- There is a need to tackle gender hierarchy in the household and community.
- WEHRDs need to have a safe space to share knowledge and experience amongst themselves and to undertake their activities.
- Activities in the communities should acknowledge and address intersectional challenges and strengths.
- Gender norms/mainstreaming should be communicated with male members of families as it is crucial for them to share or take up household work while women mobilise activism.
- WEHRDs can hold power-holders accountable through meaningful representation and knowledge of the available mechanisms and legislation.
- Inclusive language can be an entry point for gender equality.
- Gender inclusiveness which goes beyond gender binary is needed in IPs communities.

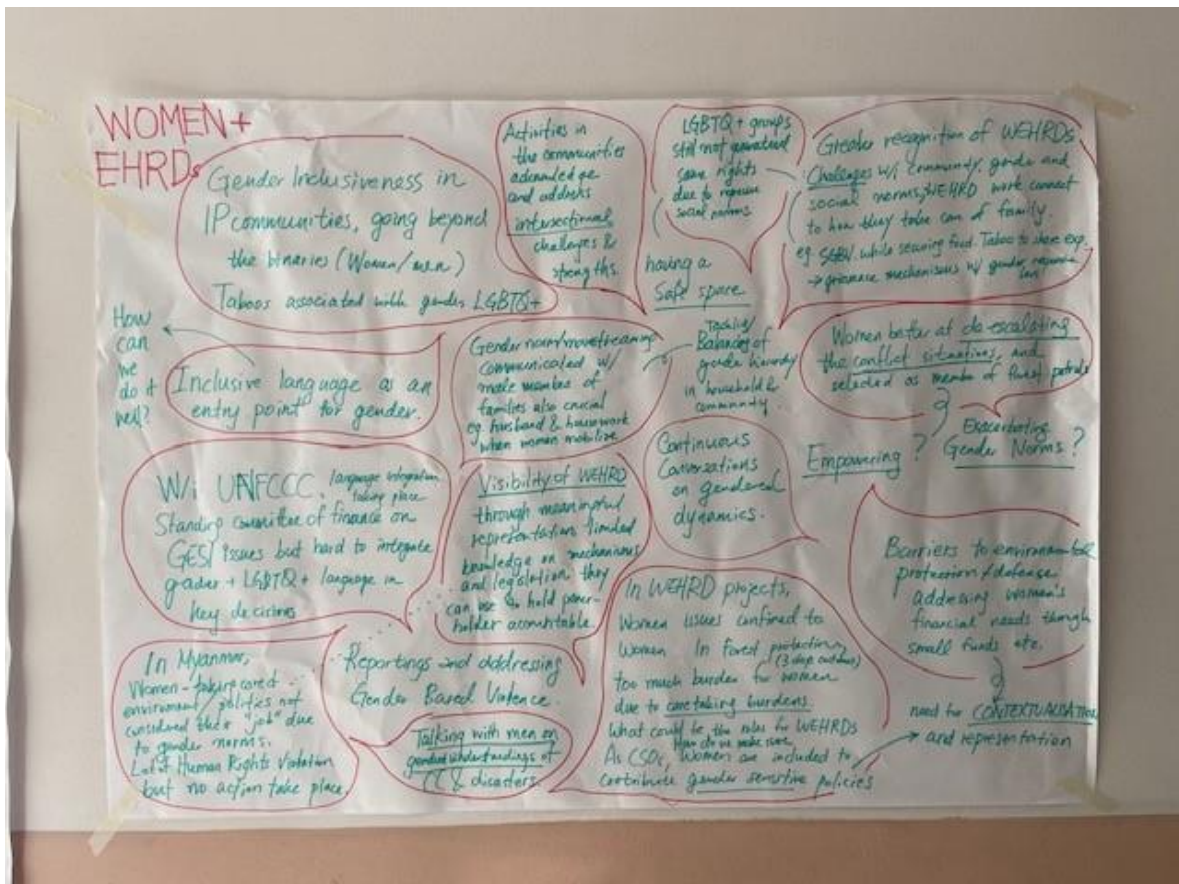


Photo of material from the breakout sessions. (UNEP)

Perspectives regarding/from IPs

- More effective and practical laws need to be put in place to safeguard the interests of EHRDs and penalize any personalized attacks against environmental actors.
- While the participation of civil society in any decision-making process is essential, the perspectives of IPs has to be specifically considered.
- Should pass traditional ecological knowledge to new generations to increase food security for IPs.
- Indigenous youths are more aware of human rights and play an important role in the rights movement. However, they still need to learn more about risks and support available for their work.
- The Pacific Human Rights Defenders Network has worked closely with church organisations and with the vanua (traditional) structures in the Pacific, with indigenous peoples playing key roles in their activities.
- Traditional governance and culture needs to be respected when environmental impact assessments are conducted.
- Resources for EHRDs need to be translated into indigenous languages for more accessibility.

Meaningful youth engagement

- Youth can play a key role in the documentation of human rights abuses, including environmental rights abuses, as well as their redress. Youth are often fearless and tenacious agents of change, yet their potential remains untapped. Adults can support young people by providing advice and protection when needed.
 - A dedicated platform for youth EHRDs to engage and stay connected should be set up.
 - There is a need for improved human rights awareness for youth EHRDs.
 - Youth washing and tokenism needs to be ended.
 - Greater inclusion of youth representatives is needed, especially in decision-making processes.
 - “Nothing about us without us” was a remark highlighting the importance of the meaningful participation of youth, especially in environmental activism.
 - There needs to be more training on issues related to climate change.
- Lack of guidance and support for youth engagement is still being reported.

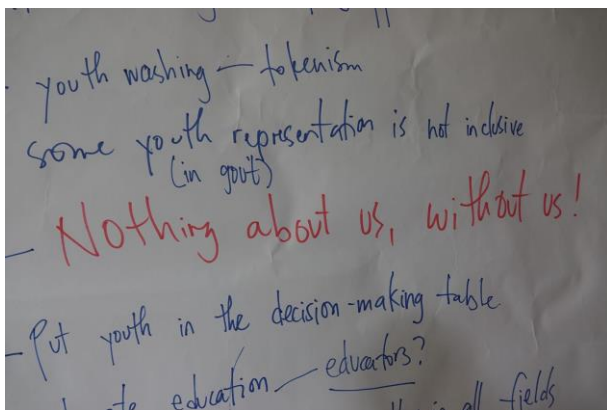
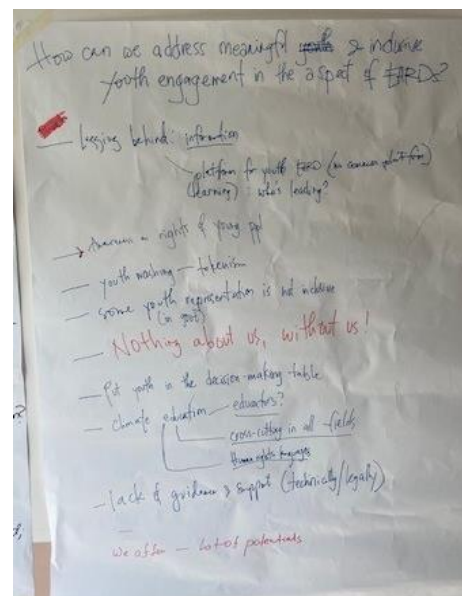


Photo of material from the breakout sessions. (UNEP)



Tools and emergency support for EHRDs at the national level

Seeking legal aid

- A network should be built between civil society organizations (CSOs) and other relevant stakeholders.
- The media can be utilised to spread news and protect human rights defenders at risk.
- Grassroots communities, people and law students need to be educated about environmental cases.
- Legal education clinics run by law students can be utilized to focus on environmental cases in particular.
- The security and protection of EHRDs and their communities constitutes an important area of engagement and action when working with EHRDs.

- While education and awareness of human rights is important, rule of law, freedom of expression and civic space is equally important to advancing the protection of environmental rights.
- Stronger enforcement of existing climate and environment-related legislation and policies is needed.

Working with NHRIs

- NHRIs should utilise young people's potential and their rights, particularly their environmental rights, should be taken seriously.
- More funding from UN and international agencies should be provided for NHRIs due to insufficient support from their governments.
- NHRIs should be the first entry point for people to bring their complaints at the national level, especially in relation to environmental issues.
- More information about the roles of NHRIs should be shared and communicated to the public so that people are more aware of their roles and how they can utilise them.

Emergency support

- There should be clear information on emergency grants and the application process.
- Emergency funds should take different aspects of the impacts on EHRDS' families into consideration.
- Application processes should be made simpler to ensure more accessibility.
- Reporting processes should be more flexible; for example, cash should be provided if a defender does not have a bank account.
- Funds should be provided quickly and timely for the person in need.

Digital security support

- It is important to, first, learn about and understand the need and then, decide what action should be taken to minimize any risks. It is not always necessary to use the "highest standards" or most advanced technology.
- Proper allocation of budget and resources is very crucial for an NGO.
- Consumer routers for home use are sometimes used for provision of digital security support of EHRDs.
- The Serval Project and The Lora Project are examples of helpful tools for EHRDs.
- It is recommended for EHRDs to ensure that they use secured SMS.
- It is recommended to establish and use codewords when surveillance is suspected.
- You can also have a 'Raspberry Pi' computer circuit board operating system security setup.
- Password manager is a very helpful tool for people to increase their digital security measures with the user having to remember one master password to access all other ones.

Developing a Regional Framework on Environmental Rights

Regional level recommendations

- ASEAN needs to ensure civil society representation in any consultations to ensure that the outcome of those discussions will result in action.
- Lack of trust in the regional body needs to be addressed.
- International collaboration is key to addressing illegal fishing.
- In Escazú, judges wanted an international framework to protect EHRDs. This shows that national interest can serve as motivation for the establishment of a regional framework.
- Representatives in the working group of the regional body should not be from the States but from ASEAN Intergovernmental Commission on Human Rights (AICHR) to avoid any biases and to democratize the process.

National level recommendations

- A national-level framework should be developed, and national dialogues should be funded. While there are many regional dialogues, national ones are critical and lacking.
- It is important for national level consultations to be established.
- NHRIs in each country should have country offices and act as focal points for capacity development with more collaboration in all aspects.

Meaningful participation

- To ensure meaningful participation, it is important that all inputs received are taken into consideration and put into practice.
- One participant suggested at least 6 months is needed for the preparation of a regional consultation. This includes translation of documents into local languages.
- Another suggestion regarding a recommended timeframe of, for example three-six months, required to prepare a regional consultation. Though six months is preferable, three months is usually more realistic due to the availability of the organisers. The time and/or resources related to the preparation of a consultation should be taken into serious consideration.
- All relevant stakeholders should be involved at the design stage of the project.

Diversity in and equal opportunity to involvement

- Youth and women should be included in the development of a regional framework as they are well aware of their rights and can act as advocates for any messages on the environment.
- It is important to involve those from the smallest Pacific islands.

Private sector involvement

- Views from the private sector view should be incorporated and should not be blocked from the participation process.

- The private sector is an important stakeholder in advancing environmental rights. There are also socially responsible companies such as GC, who launched a great initiative.
- Responsibility of businesses should also be addressed.

Civil society recommendations

- To ensure that the civil society representative is accountable and impartial, the final decision to appoint or dismiss any CSO representatives to a consultation and/or a working group should not be made by the Member States, but a separate mechanism.
- Perhaps we can bring some elected ASEAN state nominated civil society and independent civil society within the working groups of the CSO.
- Interact with both CSO and ASEAN Governments to adhere to the Nationally Determined Contributions (NDCs) from each ASEAN Member State.
- Capacity building and lessons learned on how to negotiate with governments, businesses and other official UNs groups should be provided to CSOs to ensure meaningful participation and a cohesive framework.
- Rights-holders and CSO representatives are different; given that CSOs are not directly affected, they should not speak on behalf of affected communities.
- The rights of groups in vulnerable situations, including IPs, women and persons with disabilities, should be considered and supported through, for example, sub-regional and regional consultations.
- There needs to be a mechanism to ensure that IPs are heard in these processes.
- One of the challenges the Pacific Island communities face is access to the internet, which needs to be addressed.
- The voices of people from affected communities need to be reflected; any of their opinions presented ahead of the consultation should be incorporated.
- It is important to create a welcoming atmosphere for the participation of civil society organisations.
- There should be more funding in the organisation of consultations led by CSOs at the regional and country level. Voices of those who are less represented should also be included.
- There are many challenges to public participation, including the mapping of stakeholders to ensure meaningful and inclusive representation as well engaging with networks and connecting large groups of people.
- Though consultations might not be the venue where all problems are addressed, it is good to listen to viewpoints of others, raise questions and discuss.
- IPs have a lot to share when it comes to the environment due to their close relationship to nature, especially on climate emergencies.
- There needs to be a monitoring mechanism for the civil society organisations on the implementation of their recommendations.

How a regional framework on environmental rights can promote an enabling environment for EHRDs

- Strong grievance mechanisms need to be set up, with a member of the compliance panel coming from civil society.
- The right to information has to be recognised among ASEAN Member States (AMS) and those in Asia Pacific (APAC).
- The transparency of Environmental Impact Assessments, Environmental Monitoring & Management Plans and other relevant documents has to be improved to ensure that civil society can access that information.
- A framework on environmental rights may increase pressure on ASEAN or Asia Pacific States who may be exposed for environmental harms. Adoption of a framework could enable States to avoid reputational crises and reduce environmental harm.
- There are three elements which need to be considered when contextualizing the work of the EHRDs including the region they are from, their culture and their language. For example, in Fiji, faith entities including church, mosque and temple and faith-based organizations are a good entry point for EHRDs because many community leaders, such as Turaga ni koro, are currently recognized as officials reporting to the government.
- Lessons learned from the Asia region have to be taken seriously to ensure that environmental rights violations are addressed and that some of their advocacy and media tools and approaches are utilized. The case against the IKEA wood supply chain is a good example of how EHRDs make use of their expertise and available tools to handle key cases.
- Access to justice for EHRDs needs to be ensured.
- The rights of EHRDs need to be recognised.
- Regulations and policies that protect the environment need to be formulated and brought into force. Information about big investments which cause environmental degradation needs to be transparent and open to the public.
- Rather than being treated as an additional monitoring and evaluation framework, the EHRD framework should be streamlined and integrated into existing documents related to climate change and the environment to ensure that cross-cutting issues are not addressed in silos.
- People at the grassroots level need to be empowered so they can become EHRDs and freely voice their concerns without fear of retaliation from States or private entities.
- The framework should include tools and guidelines on how it should be resourced, implemented and monitored.
- Business and human rights frameworks from other regions can serve as guidelines for the development of an Asia Pacific framework.
- Equal power relations need to be ensured at all levels.
- Collective ownership needs to be further developed to enable change and empower EHRDs to use their skills and knowledge in the community.
- Data is important for the work of EHRDs, and credible data can be used for the monitoring and presentation of social, political and economic trends, events and context.
- Safe civic space needs to be ensured.

Means of access (access to participation and information)

- Technology can be utilised to ensure access to participation and information; for example, sharing any discussion-related documents online is beneficial for CSOs to better understand and follow the development of the discussion.
- A regional human rights mechanism for the Pacific region needs to be established to address the unique experience of the region.
- Lack of logistical and financial means is a barrier to participation and access to information.
- An introduction of virtual methods to collect inputs from different stakeholder groups, such as via email, is very helpful, especially in the areas where there are protection concerns. For example, in the Philippines, it is safer to share inputs online than on-site. However, lack of internet access poses a challenge for virtual methods.
- The ASEAN working group should consider providing open access to consultation proceedings through the Internet and other similar means to overcome the lack of logistical and financial means and ensure participation of civil society and relevant stakeholders. Inputs should be allowed to be submitted online and through other similar means.

Key recommendations on core elements which should be reflected in the regional framework document

Structure

- If the framework will cover Asia and the Pacific, meaningful participation of the Pacific region needs to be ensured. The Pacific should also have its own regional framework.
- The Pacific is leading the way on climate change and it is in its best interest to have a framework that protects the rights of EHRDs.
- A Pacific regional framework should be incorporated into existing climate change or environmental frameworks to reduce replication.
- The regional framework should have the endorsement of governments.
- The regional framework should be incorporated into existing climate change and environment frameworks as much as possible.
- The regional framework should be accompanied by an implementation and monitoring and evaluation plan.

Content

Substantive elements

- Substantive obligations to regulate corporations for cooperation should be included.
- Members of the Regional Comprehensive Economic Partnership (RCEP) and International Free Trade Agreements should have stronger frameworks on environmental regulations and climate change to catalyse governments to develop relevant policies and legislation.
- Key concepts such as biodiversity and coral bleaching, gender narrative, free prior and informed consent, Heart of Borneo initiatives, carbon rights, and indigenous rights should be included.

- Collaboration with other sub-ASEAN organisations which focus on the environment and climate change, such as ASEAN Centre for Biodiversity (ACB), ASEAN Centre for Climate Change (once fully established), ASEAN-CRN and others, should be promoted.
- A grievance mechanism should be in place.
- Human rights due diligence needs to be gender sensitive; for example, a gender sensitive mechanism could be established.
- The increasing militarisation of environmental issues should be addressed.
- The inclusion and protection of indigenous rights needs to be ensured. Escazú may serve as a helpful model.
- Anticipation of ASEAN countries should be taken into consideration
- CSOs should be provided with a role to monitor the implementation of any agreements.
- The framework should be based on international human rights principles and standards.
- The framework needs to clearly mention the protection of EHRDs at all levels.
- Appreciation of data and academic research should be included.
- Appreciation of local and traditional knowledge and practice should be included.
- The framework should have a strong focus on the UN Guiding Principles on Business and Human Rights.
- Core elements of the framework should include: (1) international human rights obligations of Member States, (2) the need for environmental impact assessments as well as social impact assessments and human rights due diligence, (3) effective, accessible and cultural and gender sensitive grievance mechanisms.
- Denuclearization should be included.
- Geopolitical factors that militate against the people's aspirations for peace should be included.
- Indigenous peoples' connection to land should be included.
- The climate crisis should be included.
- The right to development should be included.

Procedural elements:

- Access to justice should be included.
- The right to reparations should be included.
- People's courts should be included.



Group photo taken at Thammasat University. (OHCHR)