
Recommendations: EU and US – September 2024

In 2023 Global Witness documented 196 killings of land and environmental defenders. But as this report details, attacks on defenders also include forced disappearances, violent abductions, judicial harassment and the expansion of police powers to repress peaceful protest.

Whole communities are coerced into silence by the ever-evolving methods of reprisal. Murder and violent intimidation often go unreported and unpunished. The truth is hidden or erased. This is happening in every region of the world. The US and EU have a critical role to play in bringing these sinister abuses to light and protecting defenders from the threats they face.

Recommendations for the European Union (EU)

The European Union and its member states are in a crucial position to protect land and environmental defenders in the EU and across the world.

It is vital they take the following steps:

1. Use policy and new EU legislation to protect defenders

The EU should:

- Work with governments globally to strengthen the legal frameworks that protect land and environmental defenders, and ensure that those responsible for attacks are investigated and prosecuted
- Use its diplomatic tools to exert influence on governments globally to protect land and environmental defenders, establish mechanisms to protect defenders, and investigate and prosecute those responsible for attacks against them. Utilise its trade partnerships and agreements to leverage the human rights and safety of environmental and land defenders, taking appropriate action in cases of human rights violations
- Use its EU delegations globally to monitor human rights and environmental abuses, including attacks on land and environmental defenders, and highlight these issues in their interactions with national and local governments

EU member states should:

- Address the alarming increase in the criminalisation of climate and environmental defenders in the EU by recognising and respecting the fundamental rights of climate and environmental defenders, including their rights to freedom of expression, association and peaceful assembly
- Ensure that national laws and regulations governing the activities of defenders are in line with international human rights standards, in particular by ensuring that climate and environmental defenders are not specifically targeted and by refraining from disproportionate penalties, punishments, and arrests

1.1 The Corporate Sustainability Due Diligence Directive

In May 2024, the EU adopted landmark legislation on corporate accountability. The Corporate Sustainability Due Diligence Directive (CSDDD) obliges large companies operating in the EU to conduct human rights and environmental due diligence across their global supply chain.

The CSDDD also gives communities and defenders the right to submit complaints and sue companies in EU courts if those companies harm people or the planet. And the law offers communities and defenders tools that could be used to protect and empower them.

To help make this legislation a success, EU member states should:

- Make the legislation national law within two years and strengthen any sections that lack ambition by:
 - broadening the scope of the companies covered to include, for example, the financial sector
 - improving defenders' access to justice
 - promoting a coherent approach to downstream due diligence
 - ensuring legal tools such as stakeholder engagement, grievance mechanisms and civil liability are implemented in a robust and ambitious way so affected communities and defenders can claim their rights and ensure their safety
- Make sure the CSDDD explicitly addresses the rights and safety of Indigenous Peoples – who comprised almost half of all killings in 2023 – including the right to free, prior and informed consent
- Allocate sufficient resources and expertise to the national supervisory authorities responsible for monitoring compliance with the CSDDD

- Ensure that these authorities impose financial penalties on companies that are found guilty of misconduct and require compensation to be paid to affected communities
- Rigorously monitor climate transition plans, recognising the responsibility of companies to reduce their climate impact in line with the goals of the Paris Agreement

The EU Commission must also provide guidelines outlining how stakeholders – especially defenders and directly affected communities – can meaningfully participate in the due diligence process.

1.2 The EU and Deforestation-free Products Regulation

In June 2023, the EU Deforestation-free Products Regulation (EUDR) entered into force. It prohibits timber, rubber, cattle, cocoa, coffee, palm oil and soy – and the products deriving from each of these commodities – from entering the EU market if they have contributed to deforestation and forest degradation or have been produced illegally.

The EUDR requires operators and traders to conduct due diligence checks and submit geolocation coordinates linking any commodity to the land on which it was produced. It also obliges operators and traders to comply with the laws of the country where they operate, which include:

- Land use and labour rights
- Third parties' rights
- Human rights under international law
- The principles of Free, Prior and Informed Consent (FPIC), including as set out in the UN Declaration on the Rights of Indigenous Peoples.

It is crucial that:

- EU Member States shall ensure a rapid implementation of the EUDR in accordance with the provisions as set out in the regulation
- EU Member States allocate adequate resources to competent authorities to undertake the necessary checks as the EUDR enters into application
- Compliance with relevant laws must be read in light of the EUDR's objectives, which is about achieving deforestation-free supply chains. It is necessary that companies assess potential legality risks relating to Indigenous Peoples' land and tenure rights, human rights, and laws on environmental protection
- The EU shall carry forward the reviews as indicated in the text of the law, which includes expanding the scope to cover other wooded land, other ecosystems, additional commodities

and products and assess the need for specific obligations to financial institutions to stop the financing of deforestation and related human rights abuses

2. Use new mineral-extraction partnerships to push for change

Since 2021, the EU has been signing so-called strategic partnerships with resource-rich countries to secure access to the minerals needed for a transition to renewable energy. So far, the EU and its partners have not disclosed the contents of the roadmaps for these partnerships which give the all-important context of how they will operate.

The EU must make these trade deals more transparent and ensure they prioritise social and environmental concerns, so the transition to renewable energy is fair, sustainable and ethical. This will prevent human rights abuses and environmental degradation in the search for critical minerals.

The EU should:

- Implement stringent safeguards to ensure trade deals with resource-rich countries do not perpetuate human rights abuses or environmental destruction
- Enforce transparent supply chains to prevent communities and environmental defenders being harmed or exploited
- Allow affected communities and civil society representatives to scrutinise strategic partnership documents and engage in particular with directly affected communities
- Make responsible mining practices a priority in strategic partnerships with mineral-rich countries, such as Argentina, Rwanda, Uzbekistan or the Democratic Republic of the Congo (DRC)
- Only support mineral-extraction partnerships when:
 - local communities – including Indigenous Peoples – have been consulted and given their free, prior and informed consent
 - the rights and safety of affected communities are respected
 - a thorough environmental impact assessment has been conducted
- Establish strict supply chain due diligence practices when sourcing minerals from conflict-affected regions, such as the DRC and Myanmar
- Work closely with local governments to root out corruption and promote more sustainable mining practices.
- Facilitate fair access to minerals and support just transitions across the globe through concrete commitments to support value-addition in consultation with wants and needs of the local communities

3. Collect and publish data on killings and reprisals

Before defenders can be effectively protected, we need to better understand the scale and nature of the attacks against them.

The EU should:

- Systematically identify, document and analyse both killings and non-lethal attacks on land and environmental defenders in the EU and beyond
- Publish timely and disaggregated data that reveals trends, emerging issues and the nuanced ways in which defenders experience reprisals, with a focus on the visibility of vulnerable groups and the recognition of the role of civil society data collectors
- Monitor human rights and environmental abuses, including attacks on land and environmental defenders, and highlight these abuses to national and local governments

Recommendations for the United States (US)

The US can and should be a global leader in protecting land and environmental defenders, and bringing the risks they face out of the shadows.

The US government can:

1. Pass and strengthen legislation to protect defenders and prosecute perpetrators

The US should use existing legislation and tools to protect defenders, such as:

- the Guidelines for US Diplomatic Mission Support to Civil Society and Human Rights Defenders, which the US government should implement as policy in a mandatory and transparent manner
- the Magnitsky Act, which can impose sanctions on organisations and individuals responsible for committing violence against land and environmental defenders
- the Human Rights Defenders Protection Act 2024, which Congress should now pass, and would require the US government take concrete actions to protect human rights defenders globally, including mandating and making uniform diplomatic efforts to protect all human rights defenders

Legal measures should include:

- investigating credible allegations against US companies for committing or instigating violence against human rights defenders

- imposing country-specific human rights conditions on any security assistance to countries where security forces are credibly alleged to have committed gross human rights violations, such as attacks against defenders
- ensuring that no US government funding, including aid and loans, flows to US companies engaged in committing or instigating violence against human rights defenders

2. Create visibility for at-risk defenders

When defenders and their safety are publicly acknowledged by influential people and organisations, it sends a message that attacks on them will not go unnoticed. It can also help legitimise defenders' work and tackle the stigma they face.

Embassy and State Department officials can create visibility and help protect defenders by:

- visiting defenders where they live and work, particularly those in rural areas or far from the capital city
- publicly hosting defenders at the embassy for both private meetings and public events
- attending the trials of criminalised land and environmental defenders and releasing statements that support them
- publicly condemning violence against defenders and ensuring that a public statement is released following threats, attacks or murders
- thoroughly and prominently reporting on violence against human rights defenders in the US State Department annual country reports on human rights practices
- using social media to raise awareness of the work of land and environmental defenders and the violence perpetrated against them
- supporting visa and asylum applications for at-risk defenders.
- ensure that defender's and/or their families have given informed consent to any action that embassy will take on their behalf

3. Use US foreign aid to protect defenders

The US's large foreign aid budget gives it the opportunity to protect defenders and their human rights. It can:

- Increase funding for existing and new UN OHCHR offices in countries where violence against land and environmental defenders is rife, as well as for civil society organisations and networks that support defenders' rights
- Ensure funding for foreign prosecutorial offices stipulates that violations against defenders be adequately investigated – this could include financing a human rights office under the Attorney General with clear metrics for progress on investigations and prosecutions
- Support the creation of state or civil society mechanisms that prioritise protecting defenders that include a collective protection approach and, in the case of state-run mechanisms, are led and overseen by human rights defenders
- Include and implement conditions on security aid to countries where official security forces commit violence against land and environment defenders
- Vigorously implement the [Leahy Law](#) by suspending aid and training for security forces credibly alleged to be involved in gross human rights violations against land and environmental defenders
- Suspend US assistance to companies and other organisations credibly alleged to have been involved in committing or instigating violence against defenders
- Make development aid more transparent so civil society can alert the US government to funding that is tied to violence against defenders – this should involve USAID regularly reporting on relevant projects, implementing partners, and grantees and for USAID to convene an annual consultation on defenders
- Reduce reliance on contractors to implement USAID programmes, and instead fund local civil society organisations directly
- Implement the environmental and social policy procedures of the DFC – the US government's development finance institution. The DFC's new environmental and social safeguards policy was approved in February 2024 and went into effect on April 1st. It includes a statement that retaliation against stakeholders will not be tolerated
- Continue and expand the funding of emergency funds such as the Lifeline Emergency Fund used to protect defenders
- Use its influence to encourage the International Finance Corporation (IFC) - part of the World Bank group - to implement stringent safeguards to ensure its loans and investments do not perpetuate human rights abuses or environmental destruction. And to use its voice and vote at the board and its financial leverage to ensure that the IFC commits to provide remedies to defenders and other local community stakeholders who suffer harm as a result of the IFC's investment choices

4. Collect and publish data on killings and reprisals

Before defenders can be effectively protected, we need to better understand the scale and nature of the attacks against them.

The US should continue and improve its methods to:

- Systematically identify, document and analyse both killings and non-lethal attacks on land and environmental defenders in the US and beyond
- Publish timely and disaggregated data that reveals trends, emerging issues and the nuanced ways in which defenders experience reprisals, with a focus on the visibility of vulnerable groups and the recognition of the role of civil society data collectors
- Monitor human rights and environmental abuses, including attacks on land and environmental defenders, and highlight these abuses to national and local governments