



NO FUTURE WITHOUT COURAGE

HUMAN RIGHTS DEFENDERS IN THE AMERICAS SPEAKING UP ON THE CLIMATE CRISIS

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1. INTRODUCTION



The climate emergency is a human rights crisis that is worsening every day and many regions and populations in the Americas face increased risks. As the latest report of the Intergovernmental Panel on Climate Change (IPCC) shows, States must take swift and sustained action, consistent with human rights, to contain the rise in global average temperature to within 1.5°C and avoid the worst effects of the climate crisis.

In such circumstances, a meaningful, broad and diverse participation of civil society actors, such as individuals, groups and organizations defending human rights in the context of climate action, is a critical prerequisite for ensuring scrutiny of government action, as well as for providing input to ensure climate justice and real solutions to the human rights crisis. This includes engaging significantly in national and international decision-making spaces, such as the Conferences of the Parties to the United Nations Framework Convention on Climate Change (UNFCCC), as well as ensuring the exercise of the right to freedom of expression, association and peaceful assembly.

In the Americas, however, individuals, groups and organizations defending the environment and climate justice are often excluded from decision-making spaces and also face enormous barriers and risks that have been widely documented, such as smear campaigns, intimidation, threats, physical attacks or criminalization. Moreover, these barriers are exacerbated by existing inequality in the region, as well as discrimination on the basis of race, ethnicity, nationality, class, sex, gender, language, sexual orientation, age or other status. Despite this difficult situation, individuals, groups and organizations continue to work for adequate living conditions for their communities and for future generations.

The aim of this report is to illustrate the work, achievements and approaches of individuals, groups and organizations that defend human rights in relation to the climate and are key to providing concrete responses to the serious challenges presented by the climate crisis throughout the Americas and beyond. These groups include Indigenous Peoples, Afro-descendants and other racialized peoples and groups; campesino and rural communities organizing to defend territory, the environment and sustainable livelihoods; climate and environmental activists; and all those who, individually or collectively, are taking action to seek alternatives and offer just and inclusive solutions that mitigate climate change, contribute to the transition to a fossil fuel free future with renewable energy that respects the environment and human rights, adapt to climate change, and provide reparations to already unavoidable loss and damage.

Stopping the extraction and use of fossil fuels is a priority in the mitigation of climate change. Human rights defenders, groups and organizations across the Americas are taking decisive action to put an end to this industry. In Canada, for example, the Wet'suwet'en peoples are opposing the construction – without their free, prior and informed consent – of a gas pipeline in their ancestral territory. In Ecuador, a group of young girls have taken legal action against the burning of residual natural gas from the extraction of oil (known as “gas flaring”) which contributes to an increase in CO₂ and has a significant impact on the health of the local population.

Another urgent measure to mitigate climate change is the protection of carbon sinks and biodiversity hotspots such as forests and oceans. In the Americas, human rights defenders, groups and organizations are also taking action towards this. In Colombia, for example, a community of fisherfolk has denounced the pollution and destruction of the bodies of water that enable them to live with low environmental impact. In Brazil, Afro-descendant women are implementing an alternative sustainable use of the Amazon forest, based on traditional regional crops such as the babassu coconut.

Meanwhile, human rights defenders, groups and organizations in the Americas are leading the process of adapting to life in a world that has already been profoundly altered by harmful human activities. In Quebec, Canada, the Innu Nation of Pessamit has been studying the impacts of climate change on their ancestral territory for two decades and implementing ways to adapt and preserve their territory in the face of climate change.

Human rights defenders in the Americas are also denouncing how the transition to a low-carbon economy is taking place at the expense of local communities that are already affected by injustice, inequality and discrimination. In this regard, Indigenous Peoples in northern Argentina are taking action to assert their right to consultation, to free, prior and informed consent, and to their livelihoods, as lithium mining threatens their ancestral territories. The struggle of these communities is a clear example of how climate justice is still far from being a reality.

In order to ensure that States guarantee human rights in the context of the climate emergency, including the right to a healthy environment, human rights defenders, groups and organizations are using a variety of tools and strategies, such as climate litigation, human rights education, advocacy including dialogue with decision-makers, and mobilization, including with peaceful protests. All of these have, in some cases with great effort, had a positive impact. However, for these achievements to be more widespread and sustainable, human rights defenders, groups and organizations must be able to carry out their work freely and to participate meaningfully in environmental and climate decision-making without fear of reprisals. There is a lot of work to be done before these preconditions become a reality in the Americas.

This document closes with a series of recommendations for States to recognize, protect and guarantee the work of human rights defenders in the context of climate change, and in particular of those who defend the environment. The recommendations focus on guaranteeing a safe and enabling environment for their work, with effective protection mechanisms that respond to the collective nature of their activity, as well as to the specific characteristics of gender, age, ethnicity or other status, and on securing the right to participate meaningfully in decision-making on climate and other issues at the local and international levels.

2. METHODOLOGY



This document is the result of the collaboration between the various Amnesty International teams (based in international, regional and country offices) and individuals, groups and organizations defending human rights in the context of the climate emergency throughout the Americas.

The information gathered is based on Amnesty International's documentation of the work of environmental and climate human rights defenders compiled over the last few years. It is also based on interviews with frontline actors such as Indigenous Peoples, community representatives, local groups and other human rights defenders in Argentina, Brazil, Canada, Colombia and Ecuador. The names of some interviewees have been withheld due to the security risks they face. Academic and civil society experts on human rights and human rights policy, the environment and climate change were also consulted.

Amnesty International additionally consulted open sources on the context in which human rights defenders, groups and organizations advocate for human rights. These include reports by human rights organizations and other entities working on environment and climate change, as well as publications on these issues by experts and specialized media outlets.

Rather than attempting to provide a comprehensive analysis of the initiatives being taken in the region to address the climate emergency, this report brings together information on human rights defenders, groups and organizations about whom Amnesty International has campaigned and who can help illustrate the situation in the Americas.

Amnesty International would like to thank all the individuals, groups and organizations who shared their time and valuable testimonies, as well as all those who contributed to the production of this report.

3. CLIMATE EMERGENCY, INEQUALITY AND HUMAN RIGHTS



The Americas have been severely affected by the human-induced climate crisis and its impact on human rights.¹ The region, and the people living in it, are at risk from extreme events such as cyclones, precipitation and floods, droughts (particularly in Chile) and forest fires. Global warming also affects ecosystems such as forests, glaciers and snow cover, sea and lake ice (glaciers in the tropical Andes have lost at least 30% of their surface area in the last 50 years,² with a similar situation occurring in Canada),³ as well as rising sea levels.⁴ Climate change and its effects have devastating consequences on the right to life, health, housing, food, education, and a healthy environment, among other human rights.⁵

Greenhouse gases (GHGs)⁶ are the main drivers of climate change, due to the burning of fossil fuels such as carbon, oil and gas. But not all countries – nor all the people – bear the same responsibility for GHG emissions and therefore for the climate crisis. Countries in the global North are those that emit the most⁷ and use the most fossil fuels. Ten percent of the people on the planet were responsible for almost half of all global energy-related CO₂ emissions in 2021; of this group, 85% were from advanced economies, including Canada and the United States.⁸ And those who emit the most are those with the most resources. According to Oxfam, the richest 1% of the world's population emits more than twice as much as the poorest 50% of the total population.⁹

Fossil fuel companies, whether state or private, play a key role in the emissions that drive global warming. According to the Carbon Majors database, 100 existing fossil fuel companies (and eight that no longer exist) have produced almost a trillion tons of GHG emissions in 150 years – more than half of all emissions since the industrial revolution. These 100 companies are responsible for 71% of all GHG emissions since

1. The average rate of temperature increase in Latin America and the Caribbean was around 0.2 °C per decade between 1991 y 2021, compared to 0.1 °C per decade between 1961 and 1990. The warming trend in Mexico and Central America suggests that temperatures in the subregion have probably increased more rapidly between 1991 and 2001 than in the Caribbean and South America. World Meteorological Organization (WMO). State of the Climate in Latin America and the Caribbean. 2022. <https://library.wmo.int/records/item/58014-state-of-the-climate-in-latin-america-and-the-caribbean-2021#.YtrYW3bMI2w>

2. WMO. State of the climate in Latin America and the Caribbean (previously cited).

3. IPCC. Climate Change 2022: Impacts, Adaptation and Vulnerability. Contribution of Working Group II to the Sixth Assessment Report of the IPCC. Chapter 14 – North America. 2022. https://www.ipcc.ch/report/ar6/wg2/downloads/report/IPCC_AR6_WGII_Chapter14.pdf

4. WMO. State of the Climate in Latin America and the Caribbean (previously cited).

5. Amnesty International. Any tidal wave could drown us: Stories from the climate crisis. 2022 <https://www.amnesty.org/en/documents/ior40/6145/2022/en/>

6. The main GHGs for which concentrations are rising are carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), hydrochlorofluorocarbons (HCFCs), hydrofluorocarbons (HFCs) and ozone in the lower atmosphere. WMO. Greenhouse gases. <https://public.wmo.int/en/our-mandate/focus-areas/environment/greenhouse-gases>

7. In the Americas, United States and Canada rank first and fourth globally in oil production, although they are not the only producers in the region: Brazil and Mexico rank ninth and twelfth respectively, followed by Colombia, Venezuela, Argentina and Ecuador. United States and Canada also top the ranking in gas production. Far behind are Argentina, Trinidad and Tobago, Mexico and Brazil, among others. As for carbon, United States is one of the top producers. United States Energy Information Administration (EIA). Rankings of world energy production 2021. <https://www.eia.gov/international/rankings/world?pa=12&u=0&f=A&v=none&y=01%2F01%2F2021>

8. AIE. "The world's top 1% of emitters produce over 1000 times more CO₂ than the bottom 1%". 2023. <https://www.iea.org/commentaries/the-world-s-top-1-of-emitters-produce-over-1000-times-more-co2-than-the-bottom-1>

9. Oxfam. "Carbon emissions of richest 1 percent more than double the emissions of the poorest half of humanity". 2020. <https://www.oxfam.org/en/press-releases/carbon-emissions-richest-1-percent-more-double-emissions-poorest-half-humanity>

1988.¹⁰ In the Americas, the private companies responsible for the most emissions during this period, according to the database, are from the United States: ExxonMobil, Chevron and Peabody. The largest emitter amongst state-owned companies in the Americas is Mexican company Pemex, followed by Venezuelan company Petróleos de Venezuela, S.A.¹¹



↑  View of Wet'suwet'en territory, 2023 © Amnesty International

Despite the fact that people with fewer resources, in particular from countries in the global South, do not make significant contributions to climate change, it is these people who are most affected by it. According to the Intergovernmental Panel on Climate Change (IPCC),¹² approximately half of the global population lives in areas that are “very vulnerable” to climate change, and it is people with considerable development constraints who are most exposed.¹³ This disproportionately affects the human rights of people with fewer resources and greater risk in the context of climate change in the global South, including the right to life, health, adequate food, water and sanitation, a decent home, employment, a suitable standard of living and culture. Between 2010 and 2020, human mortality due to climate disasters (such as storms, floods and drought) was 15 times higher in vulnerable regions and populations.¹⁴ Extreme weather events have had a greater negative impact on food and water security in certain communities and regions, amongst them Central and South America, as well as on populations at greater risk, such as Indigenous Peoples, small-scale producers and low-income households.¹⁵

Indeed, United Nations (UN) special rapporteurs have noted that many low-income communities, ethnic minorities, Indigenous Peoples and vulnerable or other disadvantaged communities live in areas that are heavily polluted with toxic substances, also known as “sacrifice zones”, in a context that generates abuses or violations of human rights.¹⁶ Although such places “are concentrated in the formerly colonized territories of the global South, the global North is largely to blame for these conditions”.¹⁷ They are often the result of policies that prioritize economic growth or corporate profits over people’s lives, health, dignity and wellbeing.¹⁸

10. CDP. P Carbon Majors Report 2017. July 2017. <https://cdn.cdp.net/cdp-production/cms/reports/documents/000/002/327/original/Carbon-Majors-Report-2017.pdf?1501833772>

11. CDP. P Carbon Majors Report 2017 (previously cited).

12. The IPCC was established in 1988 to provide comprehensive assessments of the state of scientific, technical and socio-economic knowledge on climate change, its causes, potential impacts and response strategies. IPCC. <https://www.ipcc.ch/languages-2/spanish/>

13. IPCC. Climate Change 2023: Synthesis Report. Contribution of Working Groups I, II and III to the Sixth Assessment Report of the IPCC. Summary for Policymakers. 2023. https://www.ipcc.ch/report/ar6/syr/downloads/report/IPCC_AR6_SYR_SPM.pdf

14. IPCC. Climate Change 2023: Synthesis Report (previously cited).

15. IPCC. Climate Change 2023: Synthesis Report (previously cited).

16. UN. Special Rapporteurs on human rights and the environment and on Toxics and Human Rights. Researchathon on Sacrifice Zones and Human Rights. 2021. <https://www.ohchr.org/sites/default/files/SR-Researchathon-on-Sacrifice-Zones-2021-EN.docx>. Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, E. Tendayi Achiume. Report (A/77/549). 2022. <https://www.ohchr.org/en/documents/thematic-reports/a77549-report-special-rapporteur-contemporary-forms-racism-racial>

17. Special Rapporteur E. Tendayi Achiume. Report (A/77/549) (previously cited).

18. UN. Special Rapporteurs on human rights and the environment and on Toxics and Human Rights. Researchathon on Sacrifice Zones and Human Rights (previously cited). Special Rapporteur E. Tendayi Achiume. Report (A/77/549) (previously cited).

During the Conference of the Parties of the United Nations Framework Convention on Climate Change (UNFCCC)¹⁹ held in 2015 (COP21),²⁰ 196 states adopted an agreement to respond to the climate crisis and the inequalities it entrenches by holding the increase in the global average temperature to well below 2 °C above pre-industrial levels, and pursuing efforts to limit the temperature increase to 1.5 °C. This is known as the Paris Agreement,²¹ and provides that States must implement mitigation measures²² and communicate nationally determined contributions (NDCs)²³ for GHG emissions. They must also take steps to adapt to the negative effects of climate change,²⁴ and reduce to a minimum and address the losses and damages caused by it, providing the necessary resources. Adaptation measures have their limits, and those most affected must receive reparations from the irreversible losses and damages caused by climate change.²⁵ This is the case of the most affected populations in the Dry Corridor of Central America, who suffer year after year from water scarcity, desertification and high temperatures, storms and hurricanes, rising sea levels and tidal waves, and the resulting long-term impacts on access to human rights such as water, food, housing, health, culture and employment.²⁶

During COP27, held in Egypt in 2022, governments set up a loss and damage fund and other “funding arrangements” to provide assistance to “developing countries”²⁷ that are particularly vulnerable to the adverse effects of climate change. This was an important step forward to respond to the demand that the most affected countries from the global South, including countries in Latin America and the Caribbean, had been making for 30 years.²⁸ However, the funds required to provide reparation for losses and damages, as well as for climate change mitigation and adaptation, have not yet been mobilized. The target is for countries in the global North to jointly mobilize USD100 billion a year from 2020 to help countries in the global South to mitigate and adapt. However, the vast majority of funds provided have been in the form of loans as opposed to grants, and these have been offered on rather ungenerous terms.²⁹ Furthermore, the loss and damage fund has not yet been operationalized, despite the urgency for the most affected countries and communities.³⁰

These funds, and other actions needed to address the climate crisis, should also address the protection and restoration of ecosystems and their biodiversity, given their critical role in the natural regulation of global warming.³¹ When it comes to biodiversity, countries in the Americas are also key players on the global stage. The region is home to seven of the 17 most biodiverse countries in the world, including the United States and Brazil.³² Some of the richest areas in terms of biodiversity include the jungles and forests of Mexico and Central America, the Amazon, the reefs of the Caribbean, the Gulf of California, oceanic islands such as the Galapagos, and the Chilean and Argentinean Patagonia. Areas with a high concentration of biodiversity such as oceans, forests, wetlands and soils act as carbon sinks, which

19. The Convention was adopted in 1992 and entered into force two years later. It sets a general framework for intergovernmental efforts to address the challenge posed by climate change. UNFCCC. <https://unfccc.int/process-and-meetings/what-is-the-united-nations-framework-convention-on-climate-change>

20. The COP is the governing body of the UNFCCC and represents all the States that are Parties to the Convention. UNFCCC. <https://unfccc.int/process/bodies/supreme-bodies/conference-of-the-parties-cop>

21. UNFCCC. Paris Agreement. https://unfccc.int/sites/default/files/english_paris_agreement.pdf

22. Efforts to reduce or prevent GHG emissions in order to slow climate change, such as: phasing out fossil fuels and transitioning to renewable energy, improving energy efficiency, changing management practices or consumer behaviour, insulating buildings, investing in low-carbon public transport, promoting sustainable agricultural practices, and protecting, restoring and expanding forests and other carbon sinks.

23. Term used in the framework of the UNFCCC, whereby a country that has joined the Paris Agreement outlines the actions it will take to reduce emissions. Some countries also include in their NDCs how they will adapt to climate change impacts, and what support they need from, or will provide to, other countries to adopt low-carbon pathways and to build climate resilience. IPCC. Glossary. 2018. https://www.ipcc.ch/site/assets/uploads/sites/4/2022/11/SRCCL_Annex-I-Glossary.pdf

24. Changes in processes, practices and structures to moderate potential damages or exploit beneficial opportunities related to climate change. IPCC. Climate Change and Land: an IPCC special report on climate change, desertification, land degradation, sustainable land management, food security, and greenhouse gas fluxes in terrestrial ecosystems. Annex I: Glossary. 2019. https://www.ipcc.ch/site/assets/uploads/sites/4/2022/11/SRCCL_Annex-I-Glossary.pdf

25. Amnesty International. Stop burning our rights! What governments and corporations must do to protect humanity from the climate crisis (POL 30/3476/2021). 7 June 2021. <https://www.amnesty.org/en/documents/pol30/3476/2021/en/>

26. La Ruta del Clima. Life amid loss and damage: Central American Narratives. August 2022. https://larutadelclima.org/wp-content/uploads/2022/10/Centroamerica-EN_LRC.pdf

27. This refers to all the countries not included in the UNFCCC’s Annex I. UNFCCC. “Parties & Observers”. <https://unfccc.int/parties-observers>. In this document, they are referred to as countries from the global South.

28. Amnesty International. Recommendations to parties to the UNFCCC on human rights consistent climate action in 2023. 2023. <https://www.amnesty.org/en/documents/ior40/6785/2023/en/>

29. Amnesty International. Stop burning our rights! (previously cited). OCDE. Aggregate trends of Climate Finance Provided and Mobilised by Developed Countries in 2013-2020. 2022. <https://www.oecd.org/climate-change/finance-usd-100-billion-goal>

30. Amnesty International. Recommendations to parties to the UNFCCC on human rights consistent climate action in 2023 (previously cited).

31. Amnesty International. Stop burning our rights! (previously cited). OCDE. Aggregate trends of Climate Finance Provided and Mobilised by Developed Countries in 2013-2020 (previously cited).

32. Mittermeier et al. Megadiversity: Earth’s Biologically Wealthiest Nations. 1997.

means that they absorb GHGs and keep them out of the atmosphere. Their conservation therefore plays a fundamental role in mitigating climate change.³³ In addition, these areas provide critical bioresources for human life, such as food, medicines and energy, among others, which are part of the right to food and a decent standard of living.³⁴

However, the natural ecosystems of the Americas are under threat,³⁵ not only from climate change caused by GHGs, which increases the risk of extinction of animal and plant species,³⁶ but also from land use change for intensive industrial, agricultural and livestock activities, tourism, the fishing industry, uncontrolled deforestation, pollution of oceans and wetlands, and mining. It is also under threat from megaprojects that are planned without thinking of the impacts they will have on the right to a clean, healthy and sustainable environment, which includes the right to a safe climate, as well as other human rights.³⁷ The Amazon, for example, continues to shrink every year: the deforested area in the Brazilian Amazon³⁸ increased by 22% from 2020 to 2021 and doubled compared to the average annual deforested area between 2009 and 2018.³⁹ Moreover, there are 438 sites designated as Wetlands of International Importance (Ramsar sites) in the Americas.⁴⁰ Latin America and the Caribbean is one of the regions where a more widespread deterioration in the state of these ecosystems has been reported.⁴¹

Addressing biodiversity loss contributes to ensuring the right to live in a safe, clean and sustainable environment for all.⁴² There are a number of international agreements to protect biodiversity. These include the agreement known as 30x30, adopted at the UN Conference on Biological Diversity (COP15) held in Montreal, Canada, in late 2022, which commits Parties to designate 30% of the world's land and sea masses as protected areas for biodiversity conservation by 2030.⁴³ Protecting and restoring these ecosystems is one of the most efficient, equitable and cost-effective mechanisms to capture and store carbon without compromising human rights. However, the focus of the agreement should not be limited to the amount of area it covers, but rather to how it is managed, who selects the areas, and what biodiversity exists in them. Indigenous Peoples and local communities have a key role to play here.⁴⁴ Unfortunately, at COP15, States failed to explicitly recognize Indigenous Peoples' lands and territories as a distinct category of protected area, and this threatens their rights.⁴⁵

33. IPCC. Climate Change 2023: Synthesis Report (previously cited).

34. Secretariat of the Convention on Biological Diversity (CBD). Sustaining life on Earth: How the Convention on Biological Diversity promotes nature and human well-being. April 2000. <https://www.cbd.int/doc/publications/cbd-sustain-en.pdf> UN. Land – the planet's carbon sink. <https://www.un.org/en/climatechange/science/climate-issues/land>

35. The Americas concentrate 10 out of 36 biodiversity hotspots. The Tropical Andes, for example, is the hotspot with the greatest biodiversity in the world. Conservation International. Biodiversity hotspots. <https://www.conservation.org/priorities/biodiversity-hotspots>

36. UN. Biodiversity - our strongest natural defense against climate change. <https://www.un.org/en/climatechange/science/climate-issues/biodiversity>

37. The UN General Assembly recognized the right to a healthy environment in July 2022: "... that, conversely, the impact of climate change, the unsustainable management and use of natural resources, the pollution of air, land and water, the unsound management of chemicals and waste, the resulting loss of biodiversity and the decline in services provided by ecosystems interfere with the enjoyment of a clean, healthy and sustainable environment and that environmental damage has negative implications, both direct and indirect, for the effective enjoyment of all human rights." UN General Assembly. Resolution 76/300. 2022.

38. The Amazon is under the jurisdiction of Brazil, Bolivia, Colombia, Ecuador, Guyana, Peru, Surinam and Venezuela.

39. WMO. State of the Climate in Latin American and the Caribbean 2021 (previously cited).

40. Ramsar sites are designated when they fulfil the criteria for identifying wetlands of international importance. These criteria were established under the Convention on Wetlands, an intergovernmental agreement containing a framework for the conservation and wise use of wetlands and their resources. The Convention was adopted in the Iranian city of Ramsar in 1971 and entered into force in 1975. Since then, almost 90% of United Nations member states from all the geographic regions of the world have joined the treaty. Ramsar. <https://www.ramsar.org/country-profiles>

41. Secretariat of the Convention on Wetlands. Global Wetland Outlook. 2021. <https://www.ramsar.org/news/global-wetland-outlook-special-edition-2021-highlights-importance-wetland-services-sustainable>


42. UN. Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment. Report (A/HRC/34/49). 19 January 2017. <https://www.ohchr.org/en/documents/thematic-reports/ahrc3449-report-special-rapporteur-issue-human-rights-obligations>

43. Amnesty International. Biodiversity: Plan to declare 30% of the world protected areas by 2030 must place Indigenous peoples' rights at its heart. 2022. <https://www.amnesty.org/en/latest/news/2022/12/biodiversity-plan-to-declare-30-of-the-world-protected-areas-by-2030-must-place-indigenous-peoples-rights-at-its-heart/>

44. CLARA. Missing Pathways to 1.5°C. Executive summary. 2018. https://www.iatp.org/sites/default/files/2018-11/MissingPathwaysCLARAexecsumm_2018.pdf

45. Amnesty International. "Biodiversity: COP15 biodiversity deal a 'missed opportunity' to protect Indigenous peoples' rights". 2022 <https://www.amnesty.org/en/latest/news/2022/12/biodiversity-cop15-biodiversity-deal-a-missed-opportunity-to-protect-indigenous-peoples-rights/>



↑  View of bodies of water in the Magdalena Medio, Santander, Colombia, 2022 © Óscar Castaño/Amnesty International

But protecting biodiversity is not simply a matter of “planting more trees”. The practices of afforestation and reforestation⁴⁶ often used in carbon markets⁴⁷ to offset emissions can be highly problematic if not accompanied by environmental and human rights safeguards, particularly on the right to consultation and free, prior and informed consent of Indigenous Peoples, and can be ineffective at carbon sequestration.⁴⁸ In many cases, the best solution is to conserve and enhance existing sinks with environmental and human rights safeguards, in particular the right of Indigenous Peoples to autonomy and self-determination.

Finally, this context of climate and human rights crisis is forcing many people to move to other parts of their countries, while others simply emigrate. The World Bank warns that, by 2050, more than 143 million people in southern Asia, Africa and Latin America will be displaced due to increasingly severe droughts, floods, rising sea levels and disasters caused by human-induced climate change.⁴⁹ Amnesty International has documented the situation of communities on the Pacific coast of Honduras, where the reasons for displacement are linked to the human rights implications of the increasing loss of coastline due to climate change, and the environmental degradation of their livelihoods, which places additional pressure on these already impoverished and marginalized populations.⁵⁰ Moreover, the region regularly suffers the impact of hurricanes, such as Eta and Iota in 2021, and the situation of the Dry Corridor from Nicaragua to southern Mexico is especially worrying. Three countries in the region, Guatemala, Honduras and Nicaragua, plus Colombia and Haiti, are amongst the world’s 11 most vulnerable countries to climate change.⁵¹ All of this is taking place in a context of highly hostile and racist migration policies that turn away at country borders the victims of situations the causes of which can be traced back to the global North.

46. The IPCC defines reforestation as the “Conversion to forest of land that has previously contained forests but that has been converted to some other use” and afforestation as the “conversion to forest of land that historically has not contained forest”. IPCC. Climate Change and Land: an IPCC special report on climate change, desertification, land degradation, sustainable land management, food security, and greenhouse gas fluxes in terrestrial ecosystems. Annex I: Glossary. 2019. https://www.ipcc.ch/site/assets/uploads/sites/4/2022/11/SRCCCL_Annex-I-Glossary.pdf

47. Also known as carbon emissions trading: these are mechanisms whereby a limit is set on GHG emissions and countries or companies that reduce their emissions below this limit can sell emission units to another country or company. Countries and companies that do not meet their target can buy these units to make up the shortfall.

48. A series of journalistic investigations led by the Centro Latinoamericano de Investigación Periodística (CLIP) and the online publication Mongabay Latam, with support from the Pulitzer Center’s Rainforest Investigations Network and other media and organizations working in the region, revealed some of the problems arising from carbon credit projects in the Colombian Amazon linked to the lack of information and full participation, such as the free, prior and informed consent of communities. CLIP et al. Carbono Gris. 2021-2023. <https://www.elclip.org/carbono-gris/>. See also: Amnesty International. Stop burning our rights! (previously cited); and UN. Permanent Forum on Indigenous Issues. Indigenous peoples’ rights and safeguards in projects related to reducing emissions from deforestation and forest degradation (E/C.19/2013/7). 2013. <https://undocs.org/Home/Mobile?FinalSymbol=E%2FC.19%2F2013%2F7&Language=E&DeviceType=Desktop&LangRequested=False>

49. Rigaud, Kanta Kumari et al. Groundswell: Preparing for Internal Climate Migration. World Bank. 2018. <http://hdl.handle.net/10986/29461>

50. Amnesty International. Any tidal wave could drown us (previously cited).

51. National Intelligence Council. Government of the United States. Climate Change and International Responses Increasing Challenges to US National Security Through 2040. October 2021. https://www.dni.gov/files/ODNI/documents/assessments/NIE_Climate_Change_and_National_Security.pdf

Against this background, there is an urgent need for public authorities to act to mitigate climate change with equitable policy responses. Climate justice focuses on the structural causes of the climate crisis and the ways in which it builds on and reinforces inequalities between and within countries. Climate justice demands are based on the need to address such inequalities and injustices, which starts by focusing climate action on the perspectives, knowledge and demands of the groups and communities most affected by the climate crisis. Gender, race, class, ethnic, disability and intergenerational justice are essential to achieving this.

4. DEFENDING HUMAN RIGHTS IN LIGHT OF THE CLIMATE CRISIS



4.1 WHO ARE HUMAN RIGHTS DEFENDERS?

In the midst of this climate and environmental crisis, human rights defenders in the Americas are working peacefully to protect the human rights of all people. Through their actions – be they educational or legal, acting to ensure the sustainable use or management of natural resources, organizing or participating in protests, promoting or implementing narratives, identities and cosmovisions that are in harmony with nature, providing information or accompanying victims –, human rights defenders, groups and organizations in the region are addressing the loss of biodiversity and the pollution of air, water and land, which seriously affect the human rights of millions of people. They focus their actions and demands on the structural causes of the climate crisis and on how climate change creates and increases inequalities between and within countries. Moreover, the defence of human rights is carried out collectively and from within the communities directly affected by the climate crisis.

Human rights defenders also include individuals, groups and organizations whose actions are not explicitly or obviously linked to the defence of one or more human rights: health professionals, judges and journalists, when they make “... additional efforts in carrying out their usual job in order to ensure human rights standards are really met.”⁵²

In the Americas, a region marked by colonial history, racism and inherent inequality, Indigenous Peoples have resisted and played a key role in defending the environment and climate justice. They have applied ancestral practices to protect their territories, water and crops from the harmful effects of industries such as intensive livestock farming, agriculture and fishing, as well as mining, tourism, and the energy and fossil fuel industries. For example, the Coordination of Indigenous Organizations of the Amazon Basin (*Coordinadora de las Organizaciones Indígenas de la Cuenca Amazónica*, COICA) has been coordinating the organizations that defend the human rights of the Indigenous Peoples of nine countries in the Amazon region for four decades.⁵³ These communities usually maintain a close relationship with the natural environment and their ancestral lands, on which their livelihoods and cultural identity depend.⁵⁴ They have the knowledge and experience to adapt to often drastic changes in the natural environment of their territories, and play a crucial role in the conservation of biodiversity, forests and natural resources.⁵⁵ Despite facing intersectional discrimination on the basis of their gender and identity, and a lack of respect

52. Amnesty International: Transforming pain into hope: Human rights defenders in the Americas. 7 December 2012. <https://www.amnesty.org/en/documents/amr01/006/2012/en/>

53. COICA. <https://coicamazonia.org/>

54. IACHR. Situation of Human Rights of the Indigenous and Tribal Peoples of the Pan-Amazon Region (OAS/Ser.L/V/II. Doc. 176). 29 September 2019. <https://www.oas.org/en/iachr/reports/pdfs/Panamazonia2019-en.pdf>. UN. Special Rapporteur on the rights of indigenous peoples. The impacts of climate change and climate finance on indigenous peoples' rights (A/HRC/36/46). 1 November 2017. <https://www.ohchr.org/en/documents/thematic-reports/ahrc3646-report-special-rapporteur-rights-indigenous-peoples-climate>

55. Ramos-Castillo et al. Indigenous peoples, local communities and climate change mitigation. *Climatic Change* 140, 1–4. 2017. <https://doi.org/10.1007/s10584-016-1873-0>

for their rights, even within their own communities, Indigenous women and girls have played a key role in this regard.⁵⁶

Throughout the world, Indigenous Peoples make up only 5% of the population – 6.7% in the Americas⁵⁷ –, yet they protect and care for 22% of the Earth’s land surface and 80% of remaining biodiversity.⁵⁸

There are also other groups in the Americas whose ways of life, livelihoods and social commitment are strongly linked to land and territory and the protection of natural resources that mitigate climate change, and who have also suffered a similar context of colonialism, racism and inequality. These include Afro-descendant communities such as the Garifuna in Central American countries or the Quilombolas in Brazil, campesino,⁵⁹ riverine, fishing and other communities whose livelihoods are based on the sustainable use of natural resources or agroecological practices.⁶⁰ They too have a long history of suffering human rights violations and abuses, but also of struggle and resistance. It is estimated that around 200 million people in the Americas identify as Afro-descendant,⁶¹ yet both the human rights violations and abuses against these communities, and their contributions to the region, continue to be largely ignored.

This diverse group of defenders also includes other environmentalists or climate activists who have mobilized individually or collectively for climate justice, either as part of their job or as a personal commitment. In the Americas, the Fridays for Future movement has developed regional and local chapters that have mobilized young people in particular. This is the case of *Jóvenes por el Clima* (Youth for Climate) in Argentina, which was inspired by and joined the strikes initiated by Greta Thunberg in 2018 to force governments to take action on climate change and transition to fossil fuel free energy, mobilizing millions of people worldwide. Another movement that originated in and is led by the global South is Debt for Climate. This movement, inspired by initiatives carried out in previous decades, has had a major impact in the region by calling for the debt of countries in the global South to be cancelled to enable a just energy transition. Many children and youth activists in the region have played a key role in denouncing the climate emergency, such as Francisco Javier Vera Manzanares and his organization *Guardianes por la Vida* (Guardians for Life) in Colombia.

Young people are an important group who have organized to take legal action for violations of the right to a healthy environment and other rights, with the aim of demanding that governments and corporations fulfil their obligations and responsibilities in relation to climate change. Sixteen activists aged between 5 and 22 won a landmark ruling when they alleged that the pro-fossil fuel policies of the government of Montana, United States, were contributing to climate change.⁶² In Quebec, lawsuits were filed against the Canadian government on behalf of all the young people in the region under the age of 35, for violating their rights to life, security and equality, as well as the right to live in a healthy environment, although they were unfortunately dismissed.⁶³ The use of so-called “climate litigation” is on the rise and, while most of the

56. UN. Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment. Women, girls and the right to a clean, healthy and sustainable environment (A/HRC/52/33). 5 January 2023.

<https://undocs.org/Home/Mobile?FinalSymbol=A%2FHRC%2F52%2F33&Language=E&DeviceType=Desktop&LangRequested=False>. Committee on the Elimination of Discrimination against Women. General recommendation No. 39 (2022) on the rights of Indigenous women and girls (CEDAW/C/GC/39). 31 October 2022. https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fGC%2f39&Lang=en

57. The population of Indigenous Peoples is approximately 68.5 million. This number is an estimate by Amnesty International based on official Canadian (https://www.statcan.gc.ca/en/subjects-start/indigenous_peoples) and United States (<https://data.census.gov/table?q=S0201&t=009&y=2021>) 2021 censuses, as well as figures published by UNESCO (<https://www.unesco.org/es/node/83544>). The percentage is calculated taking into account the total population in North America estimated by the World Bank (<https://data.worldbank.org/indicator/SP.POP.TOTL?locations=XU>) and Latin America and the Caribbean (<https://data.worldbank.org/indicator/SP.POP.TOTL?locations=ZJ>) in 2022.

58. World Bank. Social Dimensions of Climate Change - Workshop Report 2008. 2010. <https://openknowledge.worldbank.org/server/api/core/bitstreams/57ef7f5d-df55-552f-91b8-843eb7b286a3/content>

59. See: United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas (A/RES/73/165). 21 January 2019. <https://digitallibrary.un.org/record/1661560?ln=en>

60. Agroecology based on “techniques that are not delivered top-down but developed on the basis of farmers’ knowledge and experimentation”. UN. Special Rapporteur on the right to food. Report (A/HRC/16/49). 20 December 2010. <https://undocs.org/Home/Mobile?FinalSymbol=A%2FHRC%2F16%2F49&Language=E&DeviceType=Desktop&LangRequested=False>

61. See: <https://www.un.org/en/observances/decade-people-african-descent>

62. Amnesty International. “Ruling in favor of activists in US climate lawsuit sets historic human rights-based precedent”. 16 August 2023. <https://www.amnesty.org/en/latest/news/2023/08/ruling-us-climate-lawsuit-historic-human-rights-based-precedent/>

63. ENvironnement JEUnesse. « Justice climatique: La Cour suprême du Canada rejette la demande d’autorisation d’ENvironnement JEUnesse » (Climate justice : Canada’s supreme court refuses ENvironnement JEUnesse’s application for authorization). 28 July 2022. <https://enjeu.qc.ca/en/justice/>

cases are filed in the United States, they are becoming more common in other countries of the region.⁶⁴ In Brazil, for example, six activists from the organizations Fridays for Future and Engajamundo filed a class action lawsuit against the Brazilian government for changing the nationally determined contributions (NDCs) submitted in 2020, alleging that it used a “carbon manoeuvre” to lower the GHG reduction targets agreed in 2015.⁶⁵

This group of defenders also includes people who are part of organizations, networks or platforms such as La Ruta del Clima, in Costa Rica, which promotes public participation in climate and environmental decision-making in Latin America, the Mexican Centre for Environmental Law (CEMDA), or the Environment and Natural Resources Foundation (FARN) in Argentina. It also comprises media outlets and journalists who report abuses and human rights violations in relation to environmental and climate issues, both at the community level and beyond; lawyers, scientists, students and others who use their knowledge and skills to protest and demand that urgent action is taken to find just solutions to the climate crisis.

Over the years, joint campaigns by multiple groups have achieved historic milestones in the fight for climate justice. These include the adoption of a resolution by the United Nations General Assembly in 2022 recognizing the human right to a clean, healthy and sustainable environment, which had already been recognized by the UN Human Rights Council in 2021; and the entry into force of the Regional Agreement on Access to Information, Public Participation and Access to Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement), also in 2021.⁶⁶

Not all of these individuals and groups consider themselves to be human rights defenders, but their actions contribute to the defence and advancement of human rights in the context of the climate crisis, including the right to a healthy environment, and they are therefore protected by the same international standards and protection mechanisms.

4.2 THE IMPORTANCE OF THE RIGHT TO DEFEND HUMAN RIGHTS

Since the UN General Assembly adopted the Declaration on human rights defenders⁶⁷ 25 years ago, States and the international community have increasingly recognized the role of human rights defenders, groups and organizations in building more just societies, leading to the creation of mechanisms to protect their rights.⁶⁸ Environmental defenders have gradually gained recognition for their specific work in recent years, particularly in the Americas, where these individuals, groups and organizations face very high risks.⁶⁹ Indeed, the Escazú Agreement explicitly mentions such recognition for environmental protection,⁷⁰ and is the first treaty to include specific provisions requiring State parties to ensure a safe and enabling environment for environmental defenders, groups and organizations.⁷¹

64. UNEP. “Climate litigation more than doubles in five years, now a key tool in delivering climate justice”. 27 July 2023. <https://www.unep.org/news-and-stories/press-release/climate-litigation-more-doubles-five-years-now-key-tool-delivering>

65. Climate Litigation Platform. “Activistas vs. gobierno por disminución de metas de reducción de emisiones en Brasil” [“Activists v. government for reducing targets for emissions reductions in Brazil”]. <https://litigioclimatico.com/es/ficha/activistas-vs-gobierno-por-disminucion-de-metas-de-reduccion-de-emisiones-en-brasil-n58>

66. Amnesty International. Positive change achieved by human rights defenders: Submission to the report by the Special Rapporteur on the situation of human rights defenders (IOR 40/6168/2022). 31 October 2022. <https://www.amnesty.org/en/documents/ior40/6168/2022/en/>

67. UN General Assembly. Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (Resolution A/RES/53/144).

68. Amnesty International. Americas: The Situation of State Protection Mechanisms for Human Rights Defenders (AMR 01/8912/2018). 3 October 2018. <https://www.amnesty.org/en/documents/amr01/8912/2018/en/>

69. Inter-American Court of Human Rights. Baraona Bray v. Chile. Preliminary exceptions, Merits, Reparations and Costs. Judgment of 24 November 2022. The Inter-American Court of Human Rights ruled that recognition of this work is urgent and necessary in the countries of the region given the “... increasing number of threats, acts of violence and killings of environmentalists due to their work.” (in Spanish) Kawas Fernández v. Honduras. Merits, Reparations and Costs. Judgment of 3 April 2009. According to the Inter-American Court of Human Rights, there is “an undeniable connection between environmental protection and the enjoyment of other human rights.” (in Spanish) Inter-American Court of Human Rights. Luna López v. Honduras. Merits, Reparations and Costs. Judgment of 10 October 2013.

70. Preamble of the Escazú Agreement.

71. UN. Special Rapporteur on the situation of human rights defenders, Mary Lawlor. Final warning: death threats and killings of human rights defenders (A/HRC/46/35). 24 December 2020. <https://undocs.org/Home/Mobile?FinalSymbol=A%2FHRC%2F46%2F35&Language=E&DeviceType=Desktop>

The recognition of the contribution of human rights defenders has gradually extended to biodiversity conservation and climate action.⁷² In 2019, the UN Human Rights Council adopted a resolution to recognize their work, asserting their important role in supporting States to fulfil their obligations under the Paris Agreement and implement the 2030 Agenda for Sustainable Development.⁷³ In 2023, the Inter-American Commission on Human Rights (IACHR) adopted a resolution on the scope of Inter-American human rights obligations in the context of the climate emergency, highlighting “the fundamental role of individuals, peoples, communities, movements and groups defending environmental human rights in the construction of ambitious climate policies and goals and in the protection of strategic ecosystems in the fight against climate change, such as the oceans”.⁷⁴ The IACHR resolution also places special emphasis on the leadership of children, adolescents and young people, and urges States to establish mechanisms to ensure they can exercise their activism, including participation in decision-making. It also acknowledges the critical role of women environmental defenders and their movements “in decision-making processes related to combating climate change” and notes that States must recognize them, protect them and ensure their meaningful participation.

International instruments on climate change and biodiversity protection, such as the Convention on Biological Diversity (CBD) and the Paris Agreement, as well as related pacts, recognize and promote respect for the knowledge and practices of local communities and Indigenous Peoples in the conservation of biological diversity to address and adapt to climate change, as well as the leadership of women, children and youth in climate action.⁷⁵ However, these instruments give little or no recognition to human rights defenders and civil society in general, with some organizations highlighting their absence from climate change negotiations such as the UNFCCC and urgently calling for their recognition and protection in such spaces.⁷⁶

The efforts of children, youth and women to draw attention to environmental crises have also been recognized by experts and UN bodies.⁷⁷ The Committee on the Rights of the Child, for example, issued authoritative guidance stating that “their status should be recognized, and their demands for urgent and decisive measures to tackle global environmental harm should be realized”.⁷⁸

As we shall see below, although the role of human rights defenders in the context of the climate crisis has been increasingly recognized at national and international levels, and regulations and mechanisms have been put in place to guarantee their right to defend human rights, human rights defenders, groups and organizations, in particular in relation to the environment, continue to face multiple challenges when exercising such rights.

72. UN. Special Rapporteur on the rights to freedom of peaceful assembly and of association. Exercise of the rights to freedom of peaceful assembly and of association as essential to advancing climate justice (A/76/222). 23 July 2021. <https://www.undocs.org/Home/Mobile?FinalSymbol=A%2F76%2F222&Language=E&DeviceType=Desktop&LangRequested=False>. UN. Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment. Report (A/HRC/34/49) (previously cited).

73. Human Rights Council. Recognizing the contribution of environmental human rights defenders to the enjoyment of human rights, environmental protection and sustainable development (Resolution A/HRC/40/L.22/Rev.1). 20 March 2019. https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/40/L.22/Rev.1

74. IACHR. Climate Emergency. Scope of Inter-American Human Rights Obligations (Resolution 3/2021). 31 December 2021. https://www.oas.org/en/iachr/decisions/pdf/2021/resolucion_3-21_ENG.pdf

75. Preamble of the CBD: <https://www.cbd.int/convention/text/>, and preamble and article 7, paragraph 5 of the Paris Agreement: https://unfccc.int/sites/default/files/resource/parisagreement_publication.pdf

76. Civicus, EarthRights International, Global Witness, International Land Coalition – Africa, SPDA. Joint NGO Briefing for UNFCCC COP27: Recommendations for advancing climate justice through increased recognition and protection of land and environmental defenders. 2022. <https://www.globalwitness.org/en/campaigns/environmental-activists/joint-ngo-briefing-unfccc-cop27/> and <https://www.actualidadambiental.pe/wp-content/uploads/2022/11/RECOMENDACIONES-PARA-PROMOVER-LA-JUSTICIA-CLIMATICA-A-TRAVES-DE-UN-MAYOR-RECONOCIMIENTO-Y-PROTECCION-DE-LOS-DEFENSORES-DE-LA-TIERRA.pdf>

77. UN. Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment. Women, girls and the right to a clean, healthy and sustainable environment (previously cited). CEDAW. General Recommendation No. 39 on the rights of indigenous women and girls. 10 February 2022. <https://www.ohchr.org/en/calls-for-input/2022/draft-general-recommendation-rights-indigenous-women-and-girls>. General recommendation No.37 (2018) on gender-related dimensions of disaster risk reduction in a changing climate. 13 March 2018. <https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-recommendation-no37-2018-gender-related>

78. UN. Committee on the Rights of the Child. General comment No. 26 (2023) on children’s rights and the environment, with a special focus on climate change (CRC/C/GC/26). 22 August 2023. <https://www.ohchr.org/en/documents/general-comments-and-recommendations/crcgc26-general-comment-no-26-2023-childrens-rights>

4.3 THE SITUATION OF RISK AND OBSTACLES IN DEFENDING HUMAN RIGHTS

Human rights defenders, groups and organizations face an often hostile and dangerous environment, especially when their demands run counter to important economic and political interests. In the Americas, individuals, groups and organizations defending the environment and climate justice face specific risks, shaped by the historical issues of racism and structural inequality noted above. For years, it has been considered the most dangerous region in which to defend land, territory and the environment.⁷⁹

In addition to killings,⁸⁰ Amnesty International has documented or received reports of other attacks by state and non-state actors against human rights defenders, groups and organizations in the context of the climate crisis, including those defending the environment in the Americas: enforced disappearances, excessive use of force, criminalization, arbitrary detention, abuse of legislation to repress the right to freedom of expression, association and peaceful assembly; evictions, smear campaigns and delegitimization, harassment, monitoring and surveillance, and the denial of economic, social and cultural rights.⁸¹ This is compounded by a context of marginalization and discrimination based on race, ethnicity, social class and gender, which contributes to the further exclusion and stigmatization of certain individuals, groups and organizations.⁸²

79. IACHR et al. "We must urgently protect environmental defenders". 21 April 2022. https://www.oas.org/en/iachr/jsForm?File=/en/iachr/media_center/preleases/2022/084.asp

80. Amnesty International. X @anistiabrasil. 18 August 2023. <https://twitter.com/anistiabrasil/status/1692576959002296667>. Honduras: Further Information: Water Defenders Killed (AMR 37/6895/2023). 19 June 2023. <https://www.amnesty.org/en/documents/amr37/6895/2023/en/>. Amnesty International Report 2022/23. 27 March 2023. <https://www.amnesty.org/en/documents/pol10/5670/2023/en/>. "Brazil: Amnesty International laments brutal deaths of Bruno and Dom and demands justice". 16 June 2022. <https://www.amnesty.org/en/latest/news/2022/06/brazil-amnesty-laments-brutal-deaths-bruno-dom-demands-justice/>. "Americas: Amnesty International sounds alert over killings of human rights defenders and journalists in first month of 2022". 2 February 2022. <https://www.amnesty.org/en/latest/news/2022/02/americas-alert-killings-human-rights-defenders-journalists/>. Peru: Defender Killed, Family in Danger: Demetrio Pacheco (Urgent Action AMR 46/3078/2020). 18 September 2020. <https://www.amnesty.org/en/documents/amr46/3078/2020/en/>. Colombia: Why do they want to kill us? Lack of safe space to defend human rights in Colombia (AMR 23/3009/2020). 18 October 2020. <https://www.amnesty.org/en/documents/amr23/3009/2020/en/>. Mexico: Environmental Rights Defender Killed: Samir Flores Soberanes (Urgent Action AMR 41/9893/2019). 26 February 2019. <https://www.amnesty.org/en/documents/amr41/9893/2019/en/>. Mexico: Caught Between Bullets and Neglect: Lack of Protection for Defenders of the Territory in the Tarahumara Sierra (AMR 41/9554/2019). 24 January 2019. <https://www.amnesty.org/en/documents/amr41/9554/2019/en/>. Americas: "We are defending the land with our blood": defenders of the land, territory and environment in Honduras and Guatemala (AMR 01/4562/2016). 1 September 2016. <https://www.amnesty.org/en/documents/amr01/4562/2016/en/>. Mexico: Standing up for justice and dignity: Human rights defenders in Mexico (AMR 41/032/2009). 31 December 2009. <https://www.amnesty.org/en/documents/amr41/032/2009/en/>. Colombia: Protection of human rights defenders: One step forward, three steps back (AMR 23/022/2000). 18 May 2000. <https://www.amnesty.org/en/documents/amr23/022/2000/en/>

81. Amnesty International. Hope at risk: The lack of a safe space to defend human rights in Colombia continues (AMR 23/7248/2023). 9 November 2023. <https://www.amnesty.org/en/documents/amr23/7248/2023/en/>. Mexico: Land and Freedom? Criminalization of Defenders of the Land, Territory and Environment (AMR 41/7076/2023) 13 September 2023. <https://www.amnesty.org/en/documents/amr41/7076/2023/en/>. Argentina: Amnesty International demands immediate end to state repression in Jujuy. 22 June 2023. <https://www.amnesty.org/en/latest/news/2023/06/argentina-end-state-violence-in-jujuy/>. Brazil: Submission to the Human Rights Committee 138th Session, 26 Jun 2023 – 28 Jul 2023 (AMR 19/6837/2023). 29 May 2023. <https://www.amnesty.org/en/documents/amr19/6837/2023/en/>. Ecuador: Ecuadorian human rights defender Pablo Fajardo stigmatized (Urgent Action AMR 28/6732/2023). 28 April 2023. <https://www.amnesty.org/en/documents/amr28/6732/2023/en/>. Criminalization of Wet'suwet'en land defenders. 1 March 2023. <https://www.amnesty.org/en/latest/news/2023/03/criminalization-wetsuweten-land-defenders/>. Brazil: Submission to the Committee on the Elimination of Racial Discrimination (AMR 19/6139/2022). 17 October 2022. <https://www.amnesty.org/en/documents/amr19/6139/2022/en/>. Ecuador: Repression of indigenous-led protests. 15 June 2022. <https://www.amnesty.org/en/documents/amr28/5712/2022/en/>. Honduras: Open letter to the General Attorney's Office regarding the human rights defenders of Guapinol (AMR 37/5209/2022). 3 February 2022. <https://www.amnesty.org/en/documents/amr37/5209/2022/en/>. USA: After almost 1,000 days of arbitrary detention, Steven Donziger's release highlights urgent need for action against SLAPPs. 25 April 2022. <https://www.amnesty.org/en/latest/news/2022/04/usa-steven-donzigers-release/>. Honduras: Further information: Indigenous activists still missing (Urgent Action AMR 37/4222/2021). 7 June 2021. <https://www.amnesty.org/en/documents/amr37/4222/2021/en/>. The rights to freedom of peaceful assembly and of association to advance climate justice: Submission to the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association (IOR 40/4235/2021). 31 May 2021. <https://www.amnesty.org/en/documents/ior40/4235/2021/en/>. Colombia: Why do they want to kill us? (previously cited). Guatemala: Open Letter to the Attorney General Regarding the Case of Bernardo Caal (AMR 34/2678/2020). 16 July 2020. <https://www.amnesty.org/en/documents/amr34/2678/2020/en/>. Ecuador: "They will not stop us": Justice and protection for Amazonian Women, defenders of the land, territory and environment (AMR 28/0039/2019). 30 April 2019. <https://www.amnesty.org/en/documents/amr28/0039/2019/en/>. Chile: Authorities must stop criminalizing Indigenous Mapuche people under the Anti-Terrorism Law. 5 May 2018. <https://www.amnesty.org/en/latest/news/2018/05/chile-autoridades-deben-dejar-de-criminalizar-personas-mapuches-a-traves-de-ley-antiterrorista/>. Americas: A recipe for criminalization: Defenders of the environment, territory and land in Peru and Paraguay (AMR 01/8158/2018). 26 April 2018. <https://www.amnesty.org/en/documents/amr01/8158/2018/en/>. Americas: "We are defending the land with our blood" (previously cited). Americas: Defending human rights in the Americas: necessary, legitimate and dangerous. 9 December 2014. <https://www.amnesty.org/en/documents/amr01/0003/2014/en/>. 82. IACHR. REDESCA. Norte de Centroamérica Personas defensoras del medio ambiente [Situation of Environmental Human Rights Defenders in the Northern Central American Countries] (OEA/Ser.LV/II. Doc400/22). 16 December 2022. https://www.oas.org/es/cidh/informes/pdfs/2023/NorteCentroamerica_MedioAmbiente_ES.pdf

4.3.1 KILLINGS AND PHYSICAL ATTACKS

According to the international organization Front Line Defenders, almost half of the attacks against human rights defenders in the Americas in 2022 targeted those defending land, territory and the environment.⁸³ According to Global Witness, the deadliest countries for human rights defenders in the last decade were Colombia and Brazil, followed by the Philippines, Mexico, Honduras and Guatemala. Nicaragua and Peru ranked ninth and tenth in the world. At least 177 environmental defenders were killed worldwide in 2022 alone, with almost 90% of these attacks occurring in Latin America, mainly in Colombia, followed by Brazil and Mexico. Honduras has the highest number of killings per capita. More than a fifth of the killings took place in the Amazon region.⁸⁴

Despite this, the majority of the countries in the region, including some of the most dangerous in the world for defending the environment, have not yet signed the Escazú Agreement.⁸⁵

Killings and physical violence against human rights defenders, groups and organizations violate the right to life and physical integrity, as well as the right to defend human rights; if those responsible are not brought to justice, society will never know the truth.⁸⁶ Human rights experts and organizations have documented widespread impunity for such attacks, which sends a message to the perpetrators that these attacks will be tolerated and will have no consequences.⁸⁷ The killings of human rights defenders could be prevented if States took their human rights obligations seriously and acted swiftly upon learning of threats and other abuses.⁸⁸

4.3.2 RACISM AND GENDER BASED DISCRIMINATION

Indigenous Peoples, Afro-descendants, other racialized people and groups, and campesino and rural communities are most at risk in the context of the climate crisis, including when defending the environment and other human rights. According to Global Witness, more than half of the human rights defenders killed in Mexico in 2022 were Indigenous Peoples. In the Amazon, a third of all lethal attacks were also against Indigenous Peoples.⁸⁹ This situation is closely linked to issues of race, which, as the UN Working Group of Experts on People of African Descent points out, normalize “exploitation and disregard”, paving the way for “profits [to be made] at the expense of people’s lives, resources and lands”. The Working Group also notes that this “environmental racism” poses a “serious and disproportionate threat to the enjoyment of multiple human rights, including the right to life, the right to health, the right to an adequate standard of living and cultural rights”.⁹⁰ Environmental conflicts and attacks on human rights defenders who are Indigenous Peoples, Afro-descendants and other racialized people and groups, as well as on campesino and rural communities, are linked to an imbalance of power between State and non-state actors, including corporations. This imbalance is primarily the result of systemic racism, as highlighted by the UN Special Rapporteur on contemporary forms of racism Tendayie Achime. Racism excludes these individuals, groups and organizations from access to information and meaningful participation in decision-making on environmental and climate issues,

83. Front Line Defenders. Global Analysis 2022. 4 April 2023. https://www.frontlinedefenders.org/sites/default/files/1535_fid_ga23_web.pdf

84. Global Witness. Standing firm. The Land and Environmental Defenders on the frontlines of the climate crisis. 13 September 2023. <https://www.globalwitness.org/en/campaigns/environmental-activists/standing-firm/>

85. ECLAC (CEPAL). Escazú Agreement. <https://www.cepal.org/en/escazuagreement>

86. Inter-American Court of Human Rights. Nogueira de Carvalho and others v. Brazil. Preliminary exceptions and Merits. Judgment of 29 November 2006.

87. IACHR. Criminalization of Human Rights Defenders (OEA/Ser.LV/II.). 31 December 2015. <https://www.oas.org/en/iachr/reports/pdfs/criminalization2016.pdf>. Second Report on the Situation of Human Rights Defenders in the Americas (OEA/Ser.LV/II), Doc. 66.

31 December 2011. <https://www.oas.org/en/iachr/defenders/docs/pdf/defenders2011.pdf>. Global Witness. Decade of defiance. 29 September 2022. <https://www.globalwitness.org/en/campaigns/environmental-activists/decade-defiance/>. UN. Special Rapporteur on the situation of human rights defenders. Final warning (previously cited). Special Rapporteur on the situation of human rights defenders. Situation of human rights defenders (A/74/159, A/72/170 and A/71/281). 15 July 2019, 19 July 2017 and 3 August 2016. <https://www.ohchr.org/en/special-procedures/sr-human-rights-defenders/annual-thematic-reports>

88. Amnesty International. Deadly but preventable attacks: Killings and enforced disappearances of those who defend human rights (ACT 30/7270/2017). 5 December 2017. <https://www.amnesty.org/en/documents/act30/7270/2017/en/>. IACHR. Integral Protection Policies for Human Rights Defenders (OEA/Ser.LV/II., Doc. 207/17). 29 December 2017. <https://www.oas.org/en/iachr/reports/pdfs/defensores-eng-2017.pdf>. UN. Special Rapporteur on the situation of human rights defenders. Final warning (previously cited). Inter-American Court of Human Rights. Human rights defender and others v. Guatemala. Preliminary exceptions, Merits, Reparations and Costs. Judgment of 28 August 2014.

89. Global Witness. Standing firm (previously cited).

90. Working Group of Experts on People of African Descent. Environmental justice, the climate crisis and people of African descent (A/HRC/48/78). 21 September 2021. <https://www.ohchr.org/en/documents/thematic-reports/ahrc4878-environmental-justice-climate-crisis-and-people-african-descent>

precludes the right to consultation and to free, prior and informed consent of Indigenous Peoples, and limits access to justice and redress mechanisms.⁹¹

Women defenders at the forefront of community struggles are also particularly vulnerable. In addition to the usual attacks faced by their male counterparts, women defenders experience specific violations and abuses due to their gender, such as sexual violence and threats against their family members, especially their children, smear campaigns and other discriminatory actions, because their efforts not only challenge powerful economic interests, but may also go against gender role expectations.⁹² Women are often excluded from land ownership, negotiation and decision-making, and are frequently criticized for neglecting their domestic duties and endangering their families.⁹³ When female defenders are young, Indigenous, Afro-descendant or racialized women, or belong to campesino or rural communities, their challenges multiply. It is difficult to find a comprehensive analysis documenting the regional situation of aggressions against these child, adolescent and women defenders, and so their risks and needs are still invisible. At the Mesoamerican level, IM-Defensoras noted in its 2022 annual report that women defenders of land and territory experienced the highest number of attacks,⁹⁴ with at least 21 killed between 2016 and 2021.⁹⁵

In addition to guaranteeing the right to defend human rights, States have specific obligations towards children, youth and women, pursuant to international treaties such as the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Convention on the Rights of the Child, or the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women.

4.3.3 CRIMINALIZATION, SMEAR CAMPAIGNS AND SURVEILLANCE

Many of the attacks against human rights defenders, groups and organizations in the context of the climate crisis, and particularly in relation to the environment, are linked to corporate activities, including in the energy sector.⁹⁶ Companies have a duty to respect human rights in accordance with the protect, respect and remedy framework of the United Nations Guiding Principles on Business and Human Rights, and should not obstruct the work of human rights defenders.⁹⁷ Human rights organizations and agencies have documented how governments and business actors abuse criminal, civil and administrative legislation to legally target, intimidate and criminalize defenders in order to undermine the legitimacy of their causes and to deter, limit or even prevent their work for human rights, the environment and climate justice.⁹⁸ State and non-state actors often make use of unfounded charges and other human rights violations, including the right to due process, which can lead to stigmatization and arbitrary detention, drain resources, and limit their ability to continue their activities, regardless of whether they are convicted or not. A common tactic is the use of strategic lawsuits against public participation (SLAPPs). These are legal actions, often seeking large amounts of financial compensation for alleged damages, filed with the intention of inhibiting or silencing human rights defenders, groups

91. UN. Special Rapporteur on contemporary forms of racism. Report (A/77/549) (previously cited).

92. We Effect. Luchas de alto riesgo. Las mujeres en primera línea en la defensa de la tierra y el territorio [High-risk struggles. Women on the front line defending land and territory]. November 2020. <https://latin.weeffect.org/app/uploads/2020/11/luchas-de-alto-riesgo-we-effect-2020.pdf>. Amnesty International. Challenging power, fighting discrimination (ACT 30/1139/2019). 29 November 2019. <https://www.amnesty.org/en/documents/act30/1139/2019/en/>. Americas: “We are defending the land with our blood” (previously cited). UN. Special Rapporteur on the situation of human rights defenders. Situation of human rights defenders (A/71/281) (previously cited).

93. UN. Special Rapporteur on the situation of human rights defenders. Situation of women human rights defenders (A/HRC/40/60). 10 January 2019. <https://www.ohchr.org/en/special-procedures/sr-human-rights-defenders/annual-thematic-reports>

94. IM-Defensoras. Registro Mesoamericano de Agresiones contra Defensoras: 2022 [Mesoamerican Register of Attacks against Women Defenders: 2022]. 3 April 2023. <https://im-defensoras.org/2023/04/registro-mesoamericano-de-agresiones-contra-defensoras-2022-datos-anuales-preliminares/>

95. IM-Defensoras. Tendencia en defensoras de tierra, territorio y justicia [Trends on women defenders of land, territory and justice]. 18 August 2021. <https://im-defensoras.org/public/42ikmhjd2um100kmkai4phyz11gf/IMD-TierrasTerritorios-V02-4.pdf>

96. IACHR et al. “We must urgently protect environmental defenders” (previously cited). Business & Human Rights Resource Centre. “Rapid rise in rights abuses by renewable energy companies in Latin America”. 6 August 2021. <https://www.business-humanrights.org/en/from-us/media-centre/rapid-rise-in-rights-abuses-by-renewable-energy-companies-in-latin-america/>. UN. Special Rapporteur on the rights to freedom of peaceful assembly and of association. Exercise of the rights to freedom of peaceful assembly and of association as essential to advancing climate justice (previously cited).

97. UN. Human Rights Council. UN Guiding Principles on Business and Human Rights. https://www.ohchr.org/sites/default/files/documents/publications/guidingprinciplesbusinesshr_en.pdf. Working Group on the issue of human rights and transnational corporations and other business enterprises. The UN Guiding Principles on Business and Human Rights: guidance on ensuring respect for human rights defenders (A/HRC/47/39/Add.2). 2021. <https://www.ohchr.org/sites/default/files/2022-02/Formatted-version-of-the-guidance-EN.pdf>

98. Amnesty International. Americas: A recipe for criminalization (previously cited). UN. Special Rapporteur on the situation of human rights defenders. Report (A/HRC/13/22). 30 December 2009. <https://undocs.org/A/HRC/13/22>

and organizations, activists or researchers who expose corporate abuses or criticize corporate actions. According to the Business and Human Rights Resource Centre, Latin America is one of the regions in the world most affected by the use of SLAPPs. From January 2015 to December 2022, the organization recorded 164 such cases in the region.⁹⁹

Moreover, human rights defenders, groups and organizations face defamation and surveillance campaigns (both online and offline), which aim to silence or stop their work, either by undermining their legitimacy or by creating fear and conflict.¹⁰⁰

4.3.4 REPRESSION OF PROTESTS AND EVICTIONS

The authorities also repress human rights defenders and groups in the context of the climate crisis when they organize protests as a means of exercising their right to freedom of expression and peaceful assembly. Protests are a crucial means for demanding human rights, especially when these have long been ignored by the authorities.¹⁰¹ Reprisals for taking part in protests can include surveillance, stigmatization and arbitrary arrests, particularly of those leading such activities.¹⁰² The authorities at times also resort to excessive use of force or repression of the right to peaceful assembly to end protests in defence of territory or the environment.¹⁰³ Some States have even enacted laws criminalizing protests around “critical infrastructure”, including oil and gas pipelines and maritime oil shipping routes.¹⁰⁴ In rural settings, there are problems of attempted evictions as a result of the lack of official recognition of land tenure by rural communities and a lack of demarcation of the ancestral territories of Indigenous Peoples.¹⁰⁵

4.3.5 BARRIERS TO PARTICIPATION, CONSENT AND FUNDING

Amnesty International has also documented the development and implementation of legal instruments that restrict the activities, resources and autonomy of civil society organizations, exclude them from national and international sources of funding, and impose excessive requirements for registration and operation. This allows the authorities to control, prohibit and criminalize certain activities in a discriminatory manner and without legitimate grounds, and to target those who oppose government policies or defend the most vulnerable groups.¹⁰⁶ As pointed out by the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, Clément Nyaletsossi Voule, access to funding for human rights defenders, groups and organizations to carry out activities in the context of the climate crisis is an important element of the right to freedom of association. Allowing and facilitating their participation in national and international negotiations on environmental and climate issues is also essential.¹⁰⁷ Human rights organizations have highlighted the obstacles to the effective participation of human rights defenders, groups and organizations in the Conferences of the Parties to the Escazú Agreement, and particularly in those of the UNFCCC; some of these obstacles are surveillance of

99. Business & Human Rights Resource Centre. Guardians at risk. September 2023. <https://www.business-humanrights.org/en/from-us/briefings/guardians-at-risk-confronting-corporate-abuse-in-latin-america-and-the-caribbean/>. SLAPPs in Latin America. February 2022. <https://www.business-humanrights.org/en/from-us/briefings/slapps-in-latin-america/>

100. Amnesty International. Ecuador: Ecuadorian human rights defender Pablo Fajardo stigmatized (previously cited). Front Line Defenders. Environmental rights defenders under surveillance by order of electric energy company AES Corporation. 17 November 2021. <https://www.frontlinedefenders.org/en/statement-report/environmental-rights-defenders-under-surveillance-order-electric-energy-company-aes>

101. Amnesty International. Protect the Protest! Why we must save our right to protest (ACT 30/5856/2022). 19 July 2022. <https://www.amnesty.org/en/documents/act30/5856/2022/en/>

102. IACHR. Special Rapporteur for Freedom of Expression. Protest and Human Rights: Standards on the rights involved in social protest and the obligations to guide the response of the State (OEA/Ser.LV/II, CIDH/RELE/INF.22/19). September 2019. <https://www.oas.org/es/cidh/expresion/publicaciones/ProtestayDerechosHumanos.pdf>

103. Amnesty International. Mexico: Land and Freedom? (previously cited). UN. Special Rapporteur on the rights to freedom of peaceful assembly and of association. Exercise of the rights to freedom of peaceful assembly and of association as essential to advancing climate justice (previously cited). IACHR. Special Rapporteur for Freedom of Expression. Protest and Human Rights (previously cited).

104. UN. Special Rapporteur on the rights to freedom of peaceful assembly and of association. Exercise of the rights to freedom of peaceful assembly and of association as essential to advancing climate justice (previously cited).

105. Amnesty International. Brazil: Bill continues to threaten indigenous rights (Urgent Action AMR 19/6903/2023). 20 June 2023. <https://www.amnesty.org/en/documents/amr19/6903/2023/en/>

106. Amnesty International. Nicaragua: la Asamblea Nacional no debe aprobar la iniciativa de Ley de Regulación de Agentes Extranjeros por amenazar la libertad de asociación [Nicaragua: the National Assembly must not approve the Law for Regulation of Foreign Agents, as it threatens freedom of association] (AMR 43/3127/2020). 25 September 2020. <https://www.amnesty.org/es/documents/amr43/3127/2020/es/>. Laws designed to silence: The global crackdown on civil society organizations (ACT 30/9647/2019). 21 February 2019. <https://www.amnesty.org/en/documents/act30/9647/2019/en/>

107. UN. Special Rapporteur on the rights to freedom of peaceful assembly and of association. Exercise of the rights to freedom of peaceful assembly and of association as essential to advancing climate justice (previously cited).

participants, difficulties or restrictions in registration, lack of promotion and consultation processes for these events, and the limited participation of certain individuals, groups and organizations that have traditionally been excluded.¹⁰⁸

International experts continue to call for the meaningful participation of human rights defenders, groups and organizations – and in particular youth and Indigenous Peoples – in major environmental and climate change events such as the Conference of the Parties of the UNFCCC, as they are “often excluded from observing some negotiations and have virtually no input into the negotiation of outcomes apart from brief interventions in the opening plenary meetings of these conferences.”¹⁰⁹ In addition, these conferences are usually held in expensive cities with severe restrictions on the exercise of human rights, including freedom of expression, which results in the structural exclusion of many human rights defenders, especially those with fewer resources.¹¹⁰ Moreover, there is disproportionate involvement of business elites and interest groups from the fossil fuel industry, and these end up influencing the decisions that are taken.¹¹¹ Guaranteeing the right to participation is critical for human rights defenders, groups and organizations to carry out their work.

Ensuring meaningful participation and upholding human rights in general requires respect for other rights, such as access to information and justice, and public participation in matters relating to climate and the environment. These rights have been recognized internationally, including in the Escazú Agreement.¹¹² In the Americas, however, gaps remain in their enjoyment, including with regard to the transparency of environmental impact assessments of projects and the measures taken by the authorities to mitigate any such impacts.¹¹³

In the specific case of Indigenous Peoples, international human rights standards also protect their collective rights, such as their autonomy and free, prior and informed consent, as well as their right to ownership, access, use and control of land, territory and natural resources.¹¹⁴ Amnesty International has extensively documented cases of defenders working for the rights of Indigenous Peoples in relation to climate change and the environment, often in connection with the failure to guarantee the right to free, prior and informed consent for projects that undermine human rights in their territories.¹¹⁵

The realization of the rights to meaningful participation and consultation and to free, prior and informed consent also requires that journalists and communicators are able to work safely and exercise their right to freedom of press.

To address the context faced by human rights defenders, groups and organizations, and in particular those defending the environment, Amnesty International has highlighted the need for States to ensure that they receive not only individual but also collective protection, due to the nature of their work. Such protection must address the structural causes of the violence experienced by defenders, including structural poverty

108. Amnesty International. “UAE’s efforts to stifle debate at COP28 threaten meaningful measures to tackle the climate crisis and protect human rights”. 1 September 2023. <https://www.amnesty.org/en/latest/news/2023/09/global-uaes-efforts-to-stifle-debate-at-cop28-threaten-meaningful-measures-to-tackle-the-climate-crisis-and-protect-human-rights/>. CANLA and Escazú Ahora! Recomendaciones para la implementación plena Escazú post COP2 Recommendations for the full implementation of Escazú post COP2]. 2023. <https://2023.canla.org/wp-content/uploads/2023/06/recomendaciones-para-la-implementacion.pdf>. La Ruta del Clima. Justice a Radical Demand: Financing Loss and Damage. May 2023. <https://larutadelclima.org/wp-content/uploads/2023/05/Justice-a-Radical-Demand.pdf>. Participation is a right. October 2022. <https://larutadelclima.org/english/participar-es-un-derecho/>. UN. Special Rapporteur on the rights to freedom of peaceful assembly and of association. Exercise of the rights to freedom of peaceful assembly and of association as essential to advancing climate justice (previously cited).

109. UN. Special Rapporteur on the promotion and protection of human rights in the context of climate change. Promotion and protection of human rights in the context of climate change mitigation, loss and damage and participation (A/77/226). 26 July 2022. <https://undocs.org/Home/Mobile?FinalSymbol=A%2F77%2F226&Language=E&DeviceType=Desktop&LangRequested=False>

110. Amnesty International. “The Human Rights Situation in the United Arab Emirates Ahead of COP28”. 1 June 2023. <https://www.amnesty.org/en/documents/mde25/6755/2023/en/>. “Egypt: Lift restrictions on civic space to ensure a successful COP27”. 23 May 2022. <https://www.amnesty.org/en/latest/news/2022/05/egypt-lift-restrictions-on-civic-space-to-ensure-a-successful-cop27/>

111. CAN. “Pressure mounts to remove polluters, not just oil exec, from UN climate talks”. 26 January 2023. <https://climatenetwork.org/2023/01/26/pressure-mounts-to-remove-polluters-not-just-oil-exec-from-un-climate-talks/>. UN. Special Rapporteur on the promotion and protection of human rights in the context of climate change. Promotion and protection of human rights in the context of climate change mitigation, loss and damage and participation (previously cited).

112. UN General Assembly. Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (previously cited). Inter-American Court of Human Rights. Claude Reyes and others v. Chile. Merits, Reparations and Costs. Judgment of 19 September 2006.

113. Amnesty International. Mexico: Land and Freedom? (previously cited).

114. UN Declaration on the Rights of Indigenous Peoples and Convention 169 on Indigenous and Tribal Peoples of the International Labour Organization. Inter-American Court of Human Rights. Saramaka Peoples v. Surinam. Preliminary exceptions, Merits, Reparations and Costs. Judgment of 28 November 2007. Yakyé Axa indigenous community v. Paraguay. Merits, Reparations and Costs. Judgment of 17 June 2005.

115. Amnesty International. Mexico: Land and Freedom? (previously cited). Criminalization of Wet’suwet’en land defenders (previously cited). Ecuador: “They will not stop us” (previously cited).

and unequal access to economic, social and cultural rights, as well as the stigmatization and poor recognition of human rights work.¹¹⁶ Moreover, such protection must aim to strengthen the interactions between defenders themselves and between defenders and their communities, and extend to the spaces and territories where they carry out their work.¹¹⁷

Despite all of these risks, attacks and obstacles, many human rights defenders, groups and organizations working in the context of the climate crisis, and especially in defence of the environment, refuse to give up and continue to work on the front line, as illustrated by the following six case studies.

116. Amnesty International. Colombia: Hope at risk (previously cited). Colombia: Why do they want to kill us? (previously cited).

117. Protection International and CEJIL. 2017. The time is now! Effective public policies for the right to defend human rights. <https://www.focus-obs.org/documents/the-time-is-now-effective-public-policies-for-the-right-to-defend-human-rights/>

5. ACTIONS IN DEFENCE OF CLIMATE JUSTICE AND THE ENVIRONMENT



5.1 PHASING OUT OF FOSSIL FUELS

The most urgent and effective action to address the climate crisis is to phase out fossil fuels (coal, oil and gas) as a source of energy and for many petrochemical uses. This would reduce the greenhouse gas (GHG) emissions that are accelerating climate change.¹¹⁸ For this reason, human rights defenders, groups and organizations in the Americas, including communities living in the areas where these resources are extracted, have mobilized against powerful economic interests to demand that States stop relying on energy sources based on the burning of fossil fuels and ensure the realization of human rights, such as the right to a healthy environment and the right to free, prior and informed consent for Indigenous Peoples.

In Ecuador, the Amazonian Women collective, comprising women from six indigenous nations – Achuar, Kichwa, Sapara, Shuar, Shiwar and Waorani –, came together to defend nature, education, health and the preservation of their culture against the oil industry.¹¹⁹ In 2012, in a historic achievement (though still pending implementation), the Inter-American Court of Human Rights ruled in favour of the Kichwa of Sarayaku Indigenous Peoples and against the Ecuadorian State for allowing a company to carry out oil exploration and exploitation activities in their territory in the 1990s without their free, prior and informed consent.¹²⁰ More recently, on 20 August 2023, the National Electoral Council (CNE) held a referendum during the first round of the country's general elections in which Ecuadorians voted to stop oil extraction in the Yasuní National Park, a demand that had been championed for a decade by a group of activists known as the Yasunidxs movement.¹²¹

Professionals and affected people are also on the front lines defending climate justice and the environment. Such is the case of Troy Thomas, a scientist and university professor, and Quadad de Freitas, an Indigenous youth from South Rupununi, who, with experienced lawyer Melinda Janki, filed a case before Guyana's Constitutional Court in 2021 claiming that the permit granted by the Caribbean country to ExxonMobil for exploitation of offshore oil and gas violated the government's obligation to protect the rights to a healthy environment, sustainable development and the rights of future generations.¹²² According to an article in the US online media outlet Wired, "Exxon contends that it 'has complied with all applicable laws

118. Amnesty International. Urgent fossil fuel phase-out critical to protect rights (IOR 40/5405/2022). 4 April 2022. <https://www.amnesty.org/en/documents/ior40/5405/2022/en/>

119. Amnesty International. Ecuador: "They will not stop us" (previously cited).

120. Inter-American Court of Human Rights. Sarayaku people v. Ecuador. Merits and Reparations. Judgment of 27 June 2012. CEJIL. "Indigenous Peoples of Sarayaku". Summa. <https://summa.cejil.org/en/entity/rr2y27fkwaor>

121. CNE. "CNE proclama resultados definitivos de binomio presidencial y Consulta Popular del Yasuní" [CNE announces final results for presidential ticket and Yasuní Popular Consultation]. 31 August 2023. <https://www.cne.gob.ec/cne-proclama-resultados-definitivos-de-binomio-presidencial-y-consulta-popular-del-yasuni/>. Yasunidxs. <https://www.yasunidos.org/>

122. Justice in Guyana. "Litigation". <https://www.justiceinstitute.org/litigation/>. CIEL. "Guyanese Citizens File Climate Case Claiming Massive Offshore Oil Project is Unconstitutional". 21 May 2021. <https://www.ciel.org/news/guyana-constitutional-court-case-oil-and-gas/>

at every step of the exploration, appraisal, development and production stages' in response to questions about the suit".¹²³ In 2020, Melinda Janki and Troy Thomas had already won a lawsuit against a subsidiary of the same company and the Guyana Environmental Protection Agency, reaching a settlement to limit the lengths of the company's environmental permits for oil production.¹²⁴

123. Wired (Antonia Juhasz). "The Quest to Defuse Guyana's Carbon Bomb". 20 December 2022.

<https://www.wired.com/story/the-quest-to-defuse-carbon-bomb-guyana/>


124. Justice in Guyana. "Litigation" (previously cited). Melinda Janki. "Guyana: A First Step Towards Climate Litigation".

29 December 2020. <https://blogs.law.columbia.edu/climatechange/2020/12/29/guyana-a-first-step-towards-climate-litigation/>



5.1.1 YOUNG ECUADORIAN GIRLS ACT TO END GAS FLARING



↑  The hand of one of the young women activists holding up an insect against a gas flare © UDAPT

In 2020, a group of nine Ecuadorian child and teenage girls filed a habeas corpus petition¹²⁵ against the annual State permit allowing the operation of gas flares – the burning of gases associated with oil extraction –¹²⁶ in the Ecuadorian Amazon provinces of Sucumbíos and Orellana. The petition was filed together with the strategic litigation organization Union of People Affected by Texaco Operations (UDAPT).

According to a report by the University of Padua (Italy) and UDAPT, as of January 2020 there were more than 447 active flares in the Ecuadorian Amazon¹²⁷ operating 24 hours a day, some of them in areas with protected ecosystems and very close to populated areas.¹²⁸ One of the nine child and teenage girls who filed the lawsuit has suffered throughout her life from the effects of one of the gas flares, located very close to her home. This led her to mobilize four years ago. “I could feel the effects of the gas flares. The bad smell, a very strong smell that you have to breathe in, and that sometimes gives you a headache.”¹²⁹

Gas flaring is one of the most polluting activities in the oil extraction process, despite the availability of alternative technologies for using residual gas.¹³⁰ Communities in Sucumbíos and Orellana, where the nine child and teenage girls live, have claimed that the gas flares produce high concentrations of toxic gases and particles, which have serious impacts on biodiversity and contribute to climate change. This affects the enjoyment and exercise of basic rights such as the right to life, the right to health, and the right to a healthy environment of the communities that live in and depend on the resources of the Ecuadorian Amazon.¹³¹ UDAPT has also claimed that in this case, the rights of the child, in particular those relating to their wellbeing and physical and mental health, and the right to a healthy environment, are also being undermined.

125. According to Article 88 of the Constitution of the Republic of Ecuador, “(t)he purpose of a habeas corpus is the direct and effective protection of the rights recognized in the Constitution, and may be brought when there is a violation of constitutional rights, by acts or omissions of a public authority other than the judiciary; against public policies that prevent the enjoyment or exercise of constitutional rights; and when such violation is committed by a private person, when the violation of such right causes serious harm, when it provides inadequate public services, when it acts by delegation or concession, or when the person concerned is in a position of subordination, defencelessness or discrimination.”

126. World Bank. “Gas Flaring Explained”. <https://www.worldbank.org/en/programs/gasflaringreduction/gas-flaring-explained>

127. According to the report, 232 were operating in the province of Orellana and 210 in Sucumbíos, 2 in Napo and 3 in Pastaza. See: <https://drive.google.com/file/d/18yzHVxs-F7MZiIDT4V7NGWASTwmEuZA7/view>

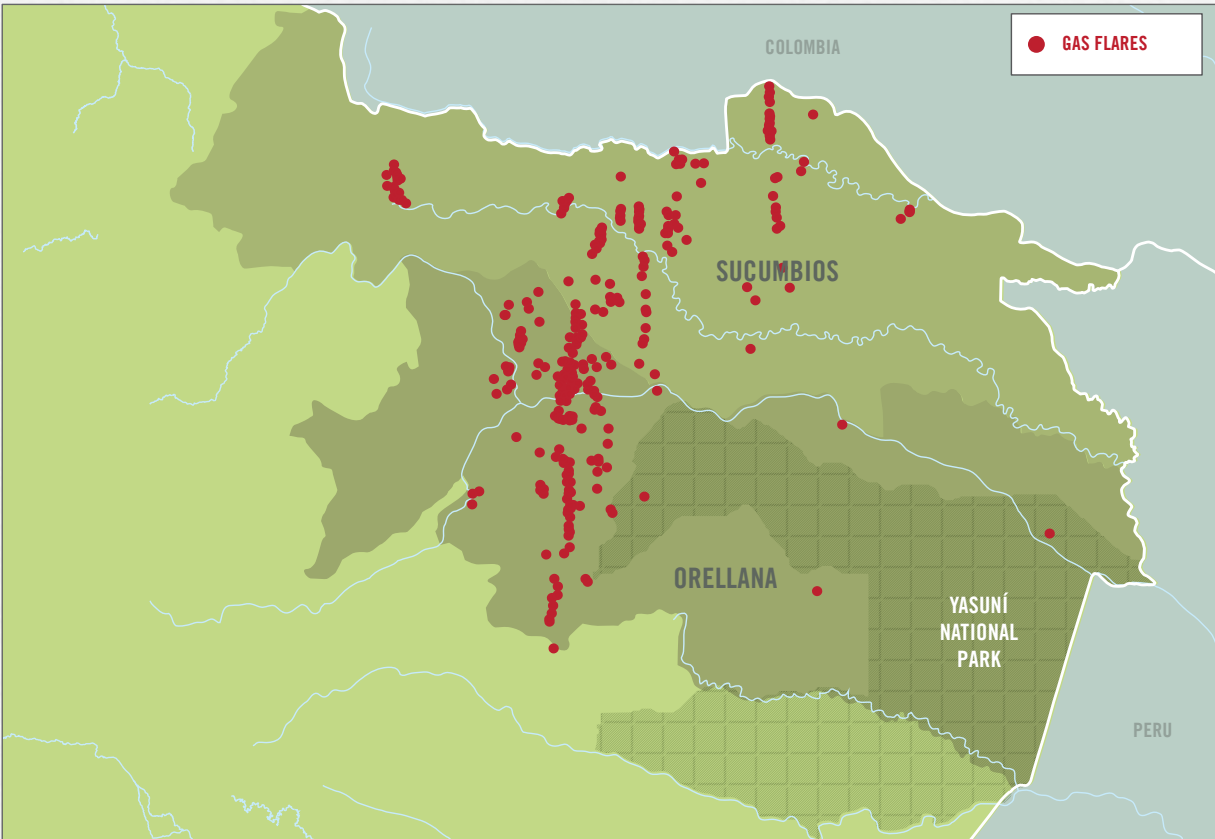
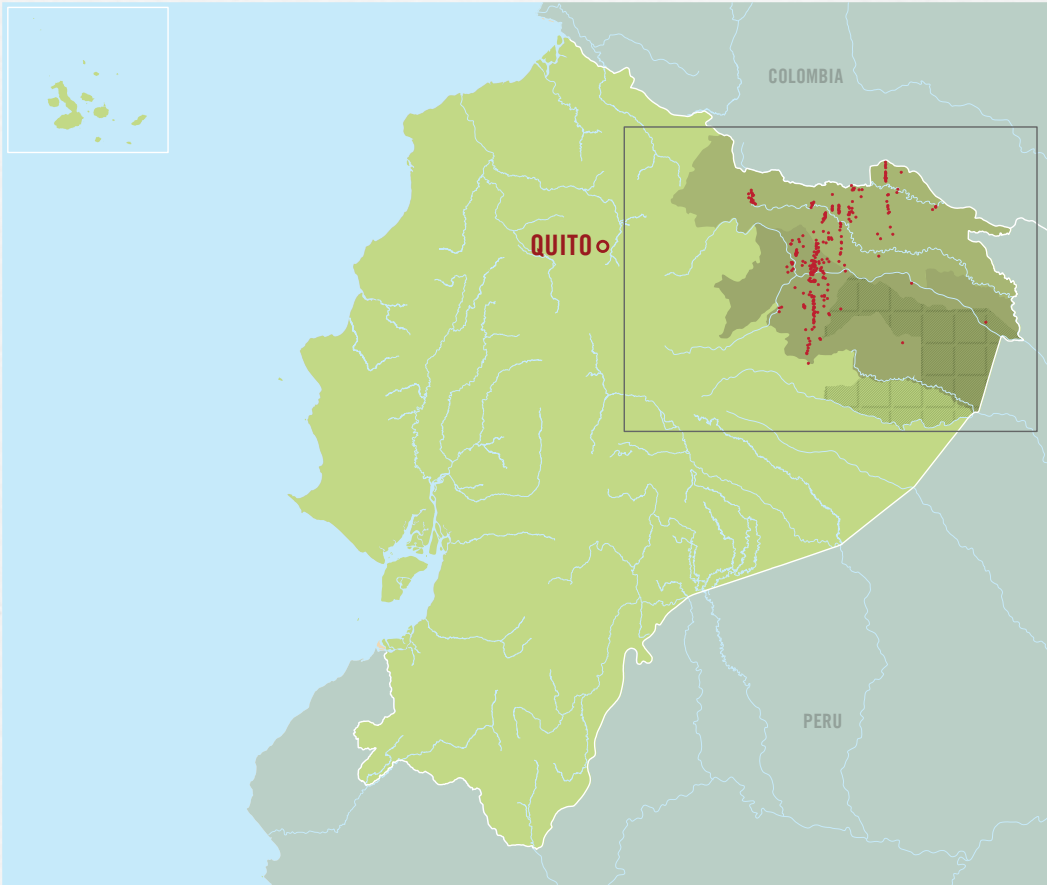
128. A total of 77 spaces for oil extraction with continuous flaring have been identified in the Yasuni Biosphere Reserve. See: <https://drive.google.com/file/d/18yzHVxs-F7MZiIDT4V7NGWASTwmEuZA7/view>


129. Interview with one of the nine plaintiffs, 18 August 2023.

130. Technologies are available that would prevent natural gas from being vented to the atmosphere or burned, by re-injecting it into the ground or using it as a source of energy. World Bank. “Gas Flaring Explained” (previously cited). Moreover, Ecuador’s Hydrocarbons Law (articles 34 and 39) establishes the public utility role of the natural gas obtained from oil exploitation, and the importance of not wasting it by venting to the atmosphere or flaring. The country, however, lacks the necessary infrastructure to exploit it.

131. Rights which are recognized in the Constitution of Ecuador and in the UN Resolution on the human right to a clean, healthy and sustainable environment.

ECUADOR



↑  Map prepared by Amnesty International. Sources: Facchinelli F, Pappalardo S E, Della Fera G, Crescini E, Codato D, Diantini A, Moncayo Jiménez D R, Fajardo Mendoza P, Bignante E and De Marchi M. 2021. Extreme citizens science for climate justice: linking pixel to people for mapping gas flaring in Amazon rainforest. <https://iopscience.iop.org/article/10.1088/1748-9326/ac40af>

As evidence of the impacts on the health of the local population, the legal representatives of the child and teenage girls submitted to the court a 2016 analysis measuring the variables that cause different types of cancer through exposure to oil pollution, including from gas flaring, in communities in the Ecuadorian Amazon.¹³² The nine plaintiffs, together with UDAPT, have complemented this legal action with a powerful public campaign using the slogan “Eliminate the gasflares and spark up life” (Eliminen los mecheros y enciendan la vida), and including marches and actions that have attracted the attention of the media and other national and international organizations. They have also spoken to people in their communities to raise awareness on the implications of living in close proximity to the gas flares.

The child and teenage girls have encountered difficulties in communicating with each other and with their lawyers, as they live in remote areas with frequent power and internet outages. But this has not stopped them. One of the plaintiff girls stated that she felt supported by her family members: “They encourage me to keep going, to continue the struggle, because at the end of the day we are doing harm to ourselves.”¹³³ They have not always been able to take part in the events relating to the lawsuit and the campaign, as they have had to balance this process with their daily activities, such as attending school and studying, as well as caring for relatives.

On 7 May 2020, a court dismissed the case, prompting the girls and young women, along with UDAPT, to appeal the ruling. Then, on 29 July 2021, the Provincial Court of Justice of Sucumbios acknowledged that the Ecuadorian State had disregarded the girls’ right to live in a healthy and ecologically stable environment, ignored their right to health, and violated its international obligations on climate change mitigation.¹³⁴ The court also ordered full reparation for damages, the gradual and progressive elimination of the gas flares,¹³⁵ that studies on their health impacts be conducted, and the establishment of oncological hospital care centres.

Ecuador continues to extract oil in the Amazon region through state-owned Petroecuador,¹³⁶ and continues to practice gas flaring, although it claims to be on track to comply with the ruling. Ecuador’s Ministry of Energy and Mines reported 457 flares in operation in February 2022, burning a total of 59.11 million cubic feet of gas per day.¹³⁷ In 2023, Petroecuador reported that it had shut down 112 flares near the populated areas of Orellana and Sucumbíos, in compliance with stage 1 of the ruling, and that it would publish a schedule for eliminating flares in stage 2 by 2030 as required by the ruling.¹³⁸

The plaintiff child and teenage girls and their legal representatives insist that this is not the case, that there are still gas flares near populated areas that the government should have removed by March 2023, and have shared videos on their social media channels to prove this.¹³⁹ They also claim that the flares have not been eliminated as required by the ruling, but have simply been extinguished and certain non-operational installations removed in some cases, and that gases continue to be released into the atmosphere.¹⁴⁰ In fact, the UDAPT reported in October 2023 that the judge responsible for enforcing the ruling in the flares action had fined the Ministry for the Environment pending such enforcement.¹⁴¹

“It is discouraging at times, because the State does not enforce what we have already achieved. A sense that they are not willing to uphold our rights. [But] I have also felt good about being part of the struggle... Because I know that if we continue to fight we will achieve what we have set out to achieve, which is to eliminate the gas flares.”¹⁴²

132. Clínica Ambiental. Informe de Salud [Health Report]. 2016. https://www.clinicambiental.org/wp-content/uploads/docs/publicaciones/informe_salud_tex.pdf

133. Interview with one of the nine plaintiffs, 18 August 2023.

134. Judiciary. Sentencia Corresponsiente al Juicio nro. 21201202000170, Segunda Instancia, número de ingreso 1 [Ruling in litigation no. 21201202000170, Second instance, entry 1]. <https://www.derechosdelanaturaleza.org.ec/wp-content/uploads/2021/05/mecheros-segunda-instancia.pdf>

135. The timeframe established was 18 months for flares considered a priority due to their proximity to populated areas, and December 2030 for flares not located near populated areas.

136. Up to the 1990s, US Chevron-Texaco was the company holding exploitation permits.

137. Flare inventory report submitted by the authority during one of the enforcement hearings on the ruling.

138. Ministry of Energy and Mines. “Ministerio de Energía y Minas comprometido con el cumplimiento de Sentencia de Apagado de Mecheros en la Amazonía” [Ministry of Energy and Mines committed to complying with the ruling on the shutting down of flares in the Amazon]. 20 March 2023. <https://www.eppetroecuador.ec/?p=16925>. Empresa Pública Petroecuador. “EP Petroecuador apagó 112 mecheros cercanos a los centros poblados de las provincias de Orellana y Sucumbíos” [EP Petroecuador shut down 112 flares located in the proximity of population centres in the provinces of Orellana and Sucumbíos]. 23 March 2023. <https://www.eppetroecuador.ec/?p=16918>

139. UDAPT. Youtube: ALERTA ROJA – “El Gobierno incumple la sentencia del caso mecheros” [RED ALERT – The Government fails to comply with the ruling in the flares action]. 2023. <https://www.youtube.com/watch?v=x4Mudan0pY>


140. UDAPT. Youtube: “Eliminar no apagar. Demostramos el incumplimiento de la sentencia en el caso mecheros” [Eliminate, not put out. We provide evidence of non-compliance with the ruling in the flares action]. 2023. https://www.youtube.com/watch?v=V2S03nrFJ_U

141. UDAPT. Facebook: Ministro de medio ambiente, agua y transición ecológica es sancionado por incumplir sentencia en caso mecheros [Minister for the environment, water and ecological transition fined for breaching the ruling in the flares action]. 5 October 2023. https://m.facebook.com/story.php?story_fbid=pfbidQ2nCcJeBaxddvgNXfz1yrxGhQbKj82Sf1ShefpVLahhjYBMZ8mw92CLJSJFoUknsQJI&id=100071398962533&sfnsn=wa&mibextid=9R9pXO

142. Interview with one of the nine plaintiffs, 18 August 2023.

5.1.2 THE WET'SUWET'EN NATION DEFENDS ITS TERRITORY AGAINST A PIPELINE IN CANADA



↑  Chief Na'moks of the Wet'suwet'en hereditary chiefs on a building site, 2023 © Amnesty International

The traditional territory of the Wet'suwet'en nation is divided into five clans – Gilseyhu, Laksilyu, Gitdumden, Laksamshu and Tsayu – and 13 groups of matrilineal house groups. Collective decisions are made through the feast system, which remains central to Wet'suwet'en government, law, social structure and world view.¹⁴³ The Wet'suwet'en have never sold, surrendered or in any way relinquished their collective title to their territories. They have continued to exercise their unbroken, unextinguishable and unceded right to govern and occupy their lands. Hereditary chief Gisday'wa stated that “our territory, our river and our mountains are sacred to us”.¹⁴⁴ Other members of the nation stated that “[our territory] is part of who we are as an Indigenous People” and that “the Wet'suwet'en do not own the land; we are simply caretakers for the next generation. We have a duty to the land, the animals, the water, everything that sustains us. The Earth can survive without us, but we cannot survive without the Earth”.¹⁴⁵

The Wet'suwet'en nation, under the governance of its hereditary chiefs,¹⁴⁶ is protecting its ancestral and unceded territories against the construction of the Coastal GasLink (CGL) pipeline.¹⁴⁷ The CGL pipeline, owned by TC Energy (formerly TransCanada), will transport fracked gas to a proposed LNG Canada processing plant, which is the largest single private sector infrastructure project in the private sector and one of the largest energy investments in Canadian history.¹⁴⁸ The pipeline project was approved by the British Columbia (BC) Oil and Gas Commission (now the BC Energy Regulator) and has the support of the governments of Canada and the province of British Columbia.¹⁴⁹ If construction of the 670 km-long pipeline is completed, it will divide the Wet'suwet'en territory into two. Pipeline construction is being carried out without the free, prior and informed consent of the hereditary chiefs, which constitutes a violation of the Wet'suwet'en law, Canadian constitutional legislation,¹⁵⁰ and Canada's international human rights obligations.

143. Office of the Wet'suwet'en. <http://www.wetsuweten.com/>

144. Interview with Wet'suwet'en hereditary chief Gisday'wa, 2023.

145. Interviews with Wet'suwet'en hereditary chief Na'Moks and a Wet'suwet'en defender, 2023.

146. Wet'suwet'en hereditary chiefs are the authorities of the nation, in accordance with Wet'suwet'en law and as affirmed by the Delgamuukw-Gisday'wa decision of the Supreme Court of Canada. Supreme Court of Canada. *Delgamuukw v. British Columbia*. [1997] 3 SCR 1010. <https://www.canlii.org/en/ca/scc/doc/1997/1997canlii302/1997canlii302.html?autocompleteStr=Delgamuukw%20&autocompletePos=1>

147. Coastal GasLink. <https://www.coastalgaslink.com/>

148. Government of Canada. “Government of Canada confirms support for largest private investment in Canadian history”. 24 June 2019. <https://www.canada.ca/en/innovation-science-economic-development/news/2019/06/government-of-canada-confirms-support-for-largest-private-investment-in-canadian-history.html>. Gidimt'en Checkpoint. “History and Timeline”. <https://www.yintahaccess.com/historyandtimeline>

149. TC Energy. Coastal GasLink Pipeline Project receives all remaining BC Oil and Gas Commission construction permits. 5 May 2016. <https://www.tcenergy.com/announcements/2016/2016-05-05coastal-gaslink-pipeline-project-receives-all-remaining-bc-oil-and-gas-commission-construction-permits/>. Coastal GasLink. About Coastal GasLink. <https://www.coastalgaslink.com/about/>

150. Canadian Constitutional Law. 1982. Annex B of the Constitution Act 1982 (United Kingdom). 1982, c 11, s. 35(1). <https://laws-lois.justice.gc.ca/eng/const/page-13.html>

CANADA



↑ Map prepared by Amnesty International. Sources: Coastal GasLink and Office of the Wet'suwet'en.

Pipeline construction is already causing environmental damage and degradation of the Wet'suwet'en nation's territory, as well as altering their traditional cultural practices and ways of life. The Wedzin Kwa River is one of the remaining clean sources of drinking water and salmon spawning grounds in the territory, and the Wet'suwet'en hereditary chiefs have expressed their concern that the gas pipeline project will harm the river.

According to hereditary chief Na'Moks, "the construction of the pipeline is damaging our territory. It affects our rivers, which are our sources of drinking water and our food security, and an integral part of our culture. CGL has already brought heavy machinery into one of our salmon bearing rivers".¹⁵¹ A Wet'suwet'en woman land defender stated that, since pipeline construction began "they've pretty much wiped out our largest berry patches, so we haven't been able to collect as much harvest as we usually get for our families. We used to drink clean water year-round. Ever since they've been here, for the last two years, we get yellow water for a period and we can't drink it". "We have to make sure that we're protecting the land. So it's not being overused and it's not being damaged. Because if even one spill in the river happens with gasoline, we can't use that water source", claimed another defender.¹⁵²

In the face of imminent degradation and destruction of their territory, Wet'suwet'en land defenders are collectively taking a number of actions to defend their land against the pipeline, and preserve their culture and way of life. Since 2009, the nation has built cabins and culturally significant structures, such as a feast hall, on their ancestral territory as acts of land defence and as a means of affirming Wet'suwet'en jurisdiction over their territory. A Wet'suwet'en woman defender shared that "our resistance to this project is our existence here... We can't allow anyone to run us off our territory and erase who we are. In our day-to-day practices, we have a spiritual connection to the land. Our survival as a people depends on that connection."¹⁵³

The hereditary chiefs have developed a free, prior and informed consent protocol that requires any visitors to the territory to seek their permission in order to enter.¹⁵⁴ CGL/TC Energy has never received this permission nor consent to operate in the territory. Consequently, the Wet'suwet'en hereditary chiefs applied to the authorities and the company for a staying order on the pipeline construction works in February 2019, and issued notices for employees of CGL to be evicted in January 2020 and November 2021.¹⁵⁵

As a result of their defence of their territory against the construction of the pipeline, Wet'suwet'en land defenders are regularly harassed, intimidated, surveilled, forcibly removed, and criminalized by the Royal Canadian Mounted Police (RCMP), its Critical Response Unit (previously the Community-Industry Response Group, C-IRG),¹⁵⁶ employees of CGL/TC Energy, and the pipeline company's private security, Forsythe, who operate under an injunction granted to CGL/TC Energy by the Supreme Court of British Columbia (BCSC).¹⁵⁷ Between January 2019 and March 2023, the RCMP conducted at least four large-scale raids against the camps set up by Wet'suwet'en land defenders.¹⁵⁸ According to media reports, the

151. Interview with Wet'suwet'en hereditary chief Na'Moks, 2023.

152. Interview with a Wet'suwet'en defender, 2023.

153. Interview with a Wet'suwet'en defender, 2023.

154. Office of the Wet'suwet'en. "Natural Resource Project Development Protocol". <http://www.wetsuweten.com/territory/mining/>. BCSC. Coastal GasLink Pipeline Ltd. v. Huson. 2019 BCSC 2264. <https://www.canlii.org/en/bc/bcsc/doc/2019/2019bcsc2264/2019bcsc2264.html?autoCompleteStr=2019%20BCSC%202264&autoCompletePos=1>

155. Gidimt'en Checkpoint. "Gidimt'en Evict Coastal GasLink from Wet'suwet'en Territory". 2021. <https://static1.squarespace.com/static/5c51ebf73e2d0957ca117eb5/t/619168973821566fa355db65/1636919447456/PressReleaseDay50.pdf>

156. This unit of the RCMP was created in 2017 to address energy industry incidents and related public order, national security and crime issues. On 9 March 2023, the Civilian Review and Complaints Commission launched a systemic investigation into the activities and operations of the C-IRG. Government of Canada. RCMP. "Community-Industry Response Group (C-IRG)". <https://bc-cb-rcmp-grc.gc.ca/ViewPage.action?siteNodId=23&languageId=1&contentId=66492>. Government of Canada. Civilian Review and Complaints Commission for the RCMP. "CRCC Launches Systemic Investigation of the RCMP "E" Division Community-Industry Response Group (C-IRG)". 9 March 2023. <https://www.crcc-ccetp.gc.ca/en/newsroom/crcc-launches-systemic-investigation-rcmp-e-division-community-industry-response-group-cirg>

157. In December 2018, the BCSC granted CGL an interim injunction restraining the defendants from blockading the Morice Forest Service Road in Wet'suwet'en territory. In December 2019, the BCSC granted an interlocutory injunction, including enforcement provisions. BCSC. Coastal GasLink Pipeline Ltd. v. Huson. 2018 BCSC 2343. <https://www.canlii.org/en/bc/bcsc/doc/2018/2018bcsc2343/2018bcsc2343.html?searchUrlHash=AAAAAQAPY29hc3RhbCBnYXNsaW5rAAAAAAE&resultIndex=4>. BCSC. Coastal GasLink Pipeline Ltd. v. Huson (previously cited).

158. BCSC. Coastal GasLink Pipeline Ltd. v. Huson (previously cited). Amnesty International. Criminalization of Wet'suwet'en land defenders (previously cited). "Canada: RCMP raid of Wet'suwet'en territory a 'flagrant attack' on Indigenous rights". 31 March 2023. <https://amnesty.ca/human-rights-news/rcmp-raid-wetsuweten-territory/>. "Canada: Indigenous land defenders criminalized, surveilled and harassed as pipeline construction continues on Wet'suwet'en territory". 20 January 2023. "Canada: Construction of pipeline on Indigenous territory endangers land defenders". 3 October 2022. <https://www.amnesty.org/en/latest/news/2022/10/canada-pipeline-indigenous-territory-endangers-land-defenders/>

police, equipped with military assault weapons, including snipers, helicopters and canine units, worked together with Forsythe Security to violently remove and arrest the Wet'suwet'en land defenders.¹⁵⁹ The BC Prosecutor's Office subsequently decided to criminally charge 19 land defenders, who could be imprisoned if found guilty. The application of criminal charges for taking part in peaceful protest is a disproportionate measure under international human rights standards.

Construction of the pipeline continues, without the free, prior and informed consent of the Wet'suwet'en nation and enabled by an ongoing RCMP and private security presence that continues to maintain surveillance and intimidate and harass these human rights defenders. Nevertheless, the Wet'suwet'en stand strong in their fight to protect their ancestral territory, culture and way of life.

"Climate change is impacting the growth of our food crops and destroying our salmon, destroying the food for the moose and deer. Everybody's going to be impacted if we just continue to stay silent and be comfy in our own homes and carry on with what we do. It's going to impact your children, your grandchildren, no matter where you live. And it's time for people to join forces and force our Government and the industry to hear us".¹⁶⁰

159. The Narwhal. "Land defenders arrested on Wet'suwet'en territory as RCMP enforces Coastal GasLink injunction". 18 November 2021. <https://thenarwhal.ca/rcmp-arrests-wetsuweten-coastal-gaslink/>

160. Interview with a Wet'suwet'en woman defender, 2023.

5.2 PROTECTION OF CARBON SINKS AND BIODIVERSITY

Human rights defenders, groups and organizations in the Americas also strive to prevent the destruction of ecosystems that naturally balance the climate. As highlighted by the IPCC, the conservation and restoration of carbon sinks, such as peatlands, wetlands, grasslands, mangroves and forests, is an essential climate change mitigation strategy to limit global warming to below 1.5°C.¹⁶¹ One of the world's major carbon sinks, which has mobilized individuals, groups and organizations defending human rights in the Americas and other parts of the world, in particular Indigenous Peoples, is the Amazon.¹⁶²

At the forefront of defending these carbon-rich ecosystems are the people and groups living in them, mainly Indigenous Peoples and Afro-descendants, but also others, such as racialized groups, and campesino and rural communities. All of these have a traditional relationship with nature and knowledge that has for generations allowed them to contribute to the conservation of land, water, biodiversity and ecosystems, including forests.¹⁶³ They can help combat deforestation through land tenure, forest management and conservation, and strengthened local governance.¹⁶⁴ The IPCC itself has recognized that working with and involving Indigenous Peoples and local communities in decision-making, as well as recognizing the inherent rights of Indigenous Peoples, is essential for the success of climate change mitigation.¹⁶⁵

In Colombia, the Association for Comprehensive Sustainable Development of La Perla Amazónica (*Asociación de Desarrollo Integral Sostenible de La Perla Amazónica*, ADISPA), led by defender Jani Silva, is a campesino community organization that has been managing and protecting the Peasant Reserve Zone of La Perla Amazónica (ZRPCA), in the department of Putumayo in the south of Colombia, since 2008.¹⁶⁶ The wealth of natural resources in the region, including oil, and its strategic location, have made the area highly attractive for armed groups and exploitation projects. The ZRPCA has developed an Alternative Land Use Plan for the Protection of the Area, which covers environmental protection through environmental conservation areas and would make the exploitation of natural resources impossible.¹⁶⁷

In Argentina, which has experienced intense heat waves, droughts and forest fires affecting large areas of the country, endangering land and livelihoods, more than 380 civil society organizations have backed draft legislation to protect wetlands.¹⁶⁸ The initiative seeks to create a National Inventory of Wetlands, which would be classified online pursuant to the provisions of the country's forestry law.¹⁶⁹ Congress has not yet approved the proposed law, which has been pending for more than 10 years, but organizations and activists continue to mobilize to achieve this.¹⁷⁰

161. Amnesty International. Stop burning our rights! (previously cited).

162. W.S. Walker et al. "The role of forest conversion, degradation, and disturbance in the carbon dynamics of Amazon indigenous territories and protected areas". 27 January 2020. <https://doi.org/10.1073/pnas.1913321117>

163. UN. Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment (A/74/161). Safe climate (A/74/161). 15 July 2019. <https://www.ohchr.org/en/special-procedures/sr-environment/safe-climate-report>

164. UN. Special Rapporteur on the rights of indigenous peoples. The impacts of climate change and climate finance on indigenous peoples' rights (previously cited).

165. IPCC. Climate Change 2023: Synthesis Report (previously cited).

166. In 1996, the Colombian government created the figure of ZRCs (campesino reserve zones) with the aim of driving and stabilizing campesino economies, overcoming the causes of social conflict affecting them, and creating the conditions for achieving peace and social justice in the area. Ministry for Agriculture and Rural Development. Decree 1777 of 1996. Art. 1. Amnesty International. Why do they want to kill us? (previously cited)

167. Amnesty International. Colombia: Hope at Risk (previously cited). Why do they want to kill us? (previously cited)


168. Wetlands in Argentina represent 21% of the national territory and play an important role in fire and flood control. The fires in the Paraná Delta and in Corrientes in recent years, added to their environmental consequences, have once again put the proposal for a wetlands law on the agenda.

169. Amnesty International. Argentina: Human Rights Postponed (AMR 13/5823/2022). 23 January 2023. <https://www.amnesty.org/en/documents/amr13/5823/2022/en/>

170. Amnesty International. Report 2022/23 (previously cited).

5.2.1 ARTISANAL FISHERFOLK FROM SANTANDER PROTECTING MARSHLANDS IN COLOMBIA



↑  Yuly Velásquez, president of FEDEPESAN, 2022 © Óscar Castaño/Amnesty International

The Federation of Artisanal, Environmental and Tourist Fisherfolk of the Department of Santander (Federación de Pescadores Artesanales Ambientalistas y Turísticos del departamento de Santander, FEDEPESAN) is a group comprised by approximately 500 fisher families organized in seven associations of the San Silvestre wetlands road to El Llanito and the village of Bocas del Rosario in Puerto Wilches, located in the region of the Magdalena Medio, in the department of Santander, in northeastern Colombia. The artisanal fisherfolk started coming together to defend the environment in 2019, although the grassroots organizations making up the group have been working in the area for nearly 20 years

“Our association is a grassroots movement to protect our ecosystems, which are under threat from corporate activity here in the Magdalena Medio. Our resistance in the territory is a way of protecting the environment. No one knows the area better than we do, we belong here,” said Yuly Velásquez, president of FEDEPESAN and legal representative of the Association for the Stewardship of Water, Flora and Fauna (ASOGEAFF), one of the associations included in FEDEPESAN.¹⁷¹

FEDEPESAN works to protect the water sources surrounding the city of Barrancabermeja, in particular the San Silvestre wetland, which provides the city (population 191,000) with drinking water.¹⁷² The Federation has publicly denounced that the wetlands have been polluted by the companies operating in the region and dumping waste into them. One of such companies is Ecopetrol, Colombia’s largest oil company operating the country’s largest oil refinery in Barrancabermeja. Ecopetrol has denied any involvement in the pollution.¹⁷³

Ecopetrol has been the subject of allegations of environmental crimes and has also been singled out as being involved in human rights violations in the context of the armed conflict and social and political violence in the country.¹⁷⁴ In 2018, there was an oil spill at an oil well known as Lizama 158 in Barrancabermeja.¹⁷⁵ The spill severely damaged plants and wildlife, causing the death of fish in the

171. Interview with Yuly Velásquez, 2022.

172. CREDHOS. Conflictos socioambientales en la región del Magdalena Medio. Entre la degradación ambiental y la resistencia comunitaria. [Social and environmental conflicts in the Magdalena Medio región. From environmental degradation to community resistance]. Barrancabermeja. 2021 p. 14-15.

173. Amnesty International. Colombia: Hope at risk (previously cited). Ecopetrol. “Acerca de Ecopetrol” [“About Ecopetrol”]. <https://www.ecopetrol.com.co/wps/portal/Home/es/NuestraEmpresa/QuienesSomos/acerca-de-ecopetrol>

174. José Alvear Restrepo Collective of Lawyers. El rol de las empresas en el conflicto armado y la violencia sociopolítica [The role of corporations in the armed conflict and social and political violence]. 2020. https://www.colectivodeabogados.org/wp-content/uploads/2020/05/resumen_ejecutivo_informe_a_la_cev.pdf. CREDHOS. “Estado: Ecopetrol, Guerra y Petróleo” [“State: Ecopetrol, War and Oil”]. 2021.

175. Ecopetrol. “Comunicados publicados por Ecopetrol sobre el evento Lizama 158” [Statements published by Ecopetrol on the Lizama 158 event]. March and April 2018. <https://rb.gv/gUulo>. Ministry for the Environment, Colombia. “Ministerio de Ambiente corrobora en visita de campo que pozo La Lizama 158 está sellado” [The Ministry for the Environment verifies in a field visit that the Lizama 158 well

COLOMBIA



↑ Map prepared by Amnesty International. Sources: Geoportal of the Agustín Codazzi Geographic Institute (IGAC), Ministry of Health of the Government of Colombia and Pan American Health Organization.

wetlands area, which affected the production of small local fishing enterprises.¹⁷⁶ Ecopetrol was found responsible and sanctioned by the National Environmental Licensing Agency (ANLA) for not taking the necessary measures to repair mechanical deficiencies identified at the well.¹⁷⁷

Colombia's wetlands, which include marshlands, are of enormous importance to the country, covering almost 26% of its territory.¹⁷⁸ However, these water sources and the species that live in them are threatened by intensive livestock farming and agriculture, deforestation, urbanization, mining and infrastructure development.¹⁷⁹

According to Yuly Velásquez, president of FEDEPESAN, "...before, you could drink the water, the fish were healthy, you could wash your clothes in the marsh. But everything has changed since companies and business groups arrived. Many of the fish are sick, their numbers are decreasing every year, and the water has a foul smell. It is very difficult to make a living from the marsh. And because there are few options, we have no choice but to risk getting sick."¹⁸⁰

One of the activities carried out by FEDEPESAN to protect the biodiversity of the marshes is the monitoring of the situation of the Antillean manatee, an endangered species.¹⁸¹ Artisanal fishermen also monitor the marshes to record and document water pollution, participate in institutional spaces such as fishing councils, and speak out publicly on the situation.

FEDEPESAN also meets with local authorities and Ecopetrol to follow up on their environmental protection obligations, carries out community work, including removing solid waste from the marshes, and ensures recognition and support for its members so that they are able to carry out their work. If agreements are not reached, FEDEPESAN organizes strikes and protests. They have also criticized the methods of restocking of fish using larvae, because, they claim, they end up as food for species that are not native to the area, thus altering the natural ecosystem of the marshes.

Because of their work, both Yuly and Oswaldo Beltrán – also a member of the FEDEPESAN board – and their family have suffered attacks and threats. In July 2022, two unidentified assailants shot at Yuly. She was unharmed, but the bodyguard assigned to her by the National Protection Unit (UNP) (she had previously received threats and was under protection) was wounded.¹⁸² Both have been forced to leave the marshlands. Members of the organization providing them with legal assistance, the Regional Corporation for the Defence of Human Rights (CREDHOS), which has been working in the region for more than thirty years, have also been subjected to similar attacks.¹⁸³

Despite the challenges they face in defending human rights, FEDEPESAN members do not give up hope. In Yuly's words, they are "amphibious campesinos without land". "We are amphibians, we are women of the water."¹⁸⁴ Her dream is that the entire area of marshland protected by the association will become an ecological corridor, with a walkway explaining the species that currently exist and those that have disappeared, as well as information on possible consequences if the marshes and their biodiversity are not preserved.

is sealed]. 31 March 2018. <https://archivo.minambiente.gov.co/index.php/noticias-minambiente/3723-ministerio-de-ambiente-corrobora-en-visita-de-campo-que-pozo-la-lizama-158-esta-sellado>. Ombudsperson's Office. @DefensoriaCol (en X). 27 March 2018. <https://twitter.com/DefensoriaCol/status/978691154756734976>

176. CREDHOS. Conflictos socioambientales en la región del Magdalena Medio. Entre la degradación ambiental y la resistencia comunitaria. [Social and environmental conflicts in the Magdalena Medio región. From environmental degradation to community resistance]. Barrancabermeja. 2021.

177. Herrera Carrascal, G. Principio de oportunidad. Estudio del caso Lizama (pozo Lizama 158). Un caso exitoso para la reparación de los daños a la naturaleza en Colombia [Principle of opportunity. Study of the Lizama case (Lizama 158 well). A successful case of reparation of damages to nature in Colombia]. Universidad Externado de Colombia. October 2022. <https://bdigital.uexternado.edu.co/server/api/core/bitstreams/a8ec74f5-f335-4b1e-9b24-6c3d97a28056/content>

178. Colombia has 11 wetlands (including the marshes) of international importance according to Ramsar.

179. Alexander von Humboldt Institute for Research on Biological Resources. "Humedales: un tesoro anfibio que sobrevive en el 26 por ciento de Colombia" [Wetlands: an amphibian treasure that survives in 26% of Colombia]. 2 February 2021. <http://humboldt.org.co/es/boletines-y-comunicados/item/1593-humedales-un-tesoro-anfibio-que-sobrevive-en-el-26-por-ciento-de-colombia>

180. Interview with Yuli Velásquez, 2022.

181. International Union for the Conservation of Nature. Red List of Threatened Species. <https://www.iucnredlist.org/species/22103/9356917>


182. Amnesty International. Colombia: Hope at risk (previously cited).

183. Amnesty International. Colombia: Hope at risk (previously cited).

184. Amnesty International interview with Yuly Velásquez and Oswaldo Beltrán of FEDEPESAN, 2023.

5.2.2 THE GROWING OF BABASSU COCONUT BY AFRO-DESCENDANT WOMEN IN BRAZIL



↑  Members of the Maranhão Women's Network breaking babassu coconuts, 2023 © Amnesty International

The Maranhão Women's Network (Rede Mulheres do Maranhão, RMM) cooperative is made up of 15 communities located along the Carajás railway line.¹⁸⁵ The network is coordinated by 12 women and 15 business associations, benefiting a total of 200 women from the region. Among them, there are four groups of coconut breakers who extract the coconut flesh and several factories producing oil, soap, sweets and other products from the coconuts.

The breakers or 'quebradeiras' of babassu coconut – a palm fruit that has traditionally been harvested and processed by Quilombola black and mestizo women –¹⁸⁶ collect, extract and process these plants as a means of subsistence. The mobilization of the coconut breakers in the northeast of Brazil is historic. For more than three decades, these women have united around the Interstate Movement of Babassu Coconut Breakers (MIQCB), which has fought for the recognition and access to land for nearly half a million women who have stood up to the agricultural and livestock industry in the north-eastern region of Brazil.¹⁸⁷

The Women's Network was created in 2014, when the 'bandequeiras' (snack vendors) still sold their produce at the train windows along the Carajás railway. When the trains were fitted with air conditioning, the windows were closed and the need for new sources of income arose. "We see ourselves as defenders of the environment and the climate because what we do protects the 'babaçuais', the babassu palm trees. We fight for sustainability, we try to preserve the environment, to protect nature, to reforest the riverbanks and take care of the palm groves and the ancestral practice of the babassu coconut breakers," said Silvana Barbosa, president of the network.¹⁸⁸

Maranhão is the Brazilian state with the highest rates of poverty and extreme poverty in the country.¹⁸⁹ It also comprises the boundaries of Brazil's two most important biomes, the Amazon and the Cerrado savanna. This area where Silvana and the breakers live is known as the Legal Amazon, an area rich in the country's native plants and wildlife that forms a transition between the humid tropical forest and the drier areas of the north-east. This forest of coconut groves is made up of the native babassu palm.

185. RMM. <https://redemmaranhao.com.br/>. Vale. "Logística". <https://www.vale.com/pt/logistica>

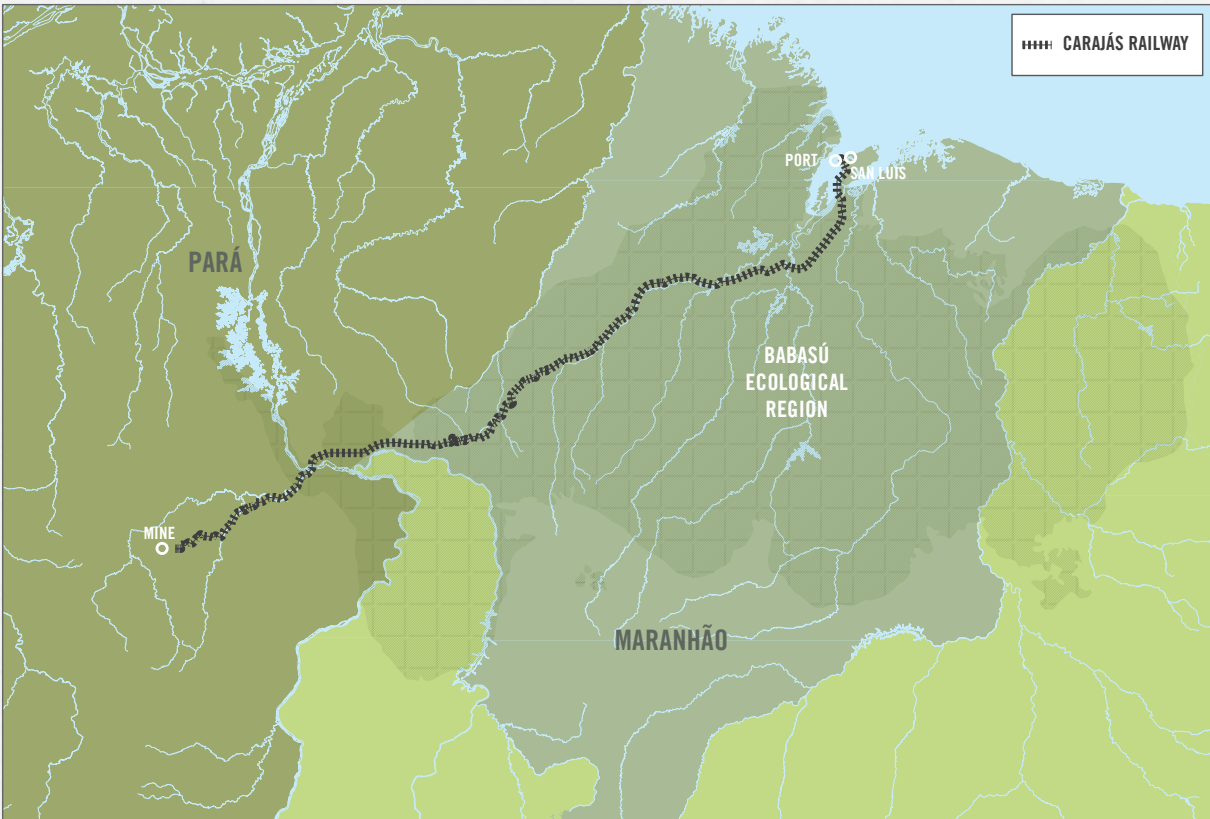
186. The Quilombolas are Brazilian communities of Afro-descendants who resisted historical oppression, specifically slavery. The population is 1.32 million people, 0.65% of the total population. IBGE. Demographic census 2022. 2023. <https://biblioteca.ibge.gov.br/visualizacao/livros/liv102016.pdf>


187. MIQC. <https://www.miqcb.org/>

188. Interview with nine women members of the RMM cooperative, 2023.

189. 57.7% and 21.1 % of the population live in poverty or extreme poverty, respectively. IBGE. Síntese de Indicadores Sociais [Synthesis of social indicators]. 2022. <https://biblioteca.ibge.gov.br/visualizacao/livros/liv101979.pdf>

BRAZIL



↑  Map prepared by Amnesty International. Source: Brazilian Institute of Geography and Statistics (IBGE), "New social cartography of the babassu trees: social mapping of the ecological region of the babassu trees" from the New Social Cartography of the Amazon Project - NSCAP/State University of Maranhão and Maranhão Women's Network.

Brazil is the world's largest soybean producer and also one of the largest producers of meat,¹⁹⁰ two of the main drivers of deforestation in the country.¹⁹¹ According to the latest government data, the area under deforestation alert in the Amazon fell by 33.6% in the first half of 2023, compared to the same period of the previous year,¹⁹² following some of the most devastating years for this tropical forest.¹⁹³ However, the Cerrado saw an increase in the area under deforestation alert of 21% in the same period.¹⁹⁴ These biomes have been identified by the IPCC as vulnerable to climate change.¹⁹⁵

“The authorities need to stop deforestation, because farmers are cutting down too many palm trees and too much of the forest itself. The farmers put poison in the pindovas (small, developing palm trees) to stop them from growing. They cut down the palm trees to plant grass for cattle. This should not be happening. Where a coconut falls, it grows, but the farmers kill it before it can develop. Most farmers see it as a plague. A babassu palm lives for about 20 years and grows to a height of 15 to 20 metres. So, over a period of 20 years, many new babassus can grow,” said Silvana.¹⁹⁶

Following four years of the Jair Bolsonaro government, which encouraged deforestation and the extraction of natural resources, and thanks to the mobilization of Indigenous Peoples and other human rights defenders, groups and organizations, Brazil's newly elected president Luiz Inácio Lula da Silva announced in late 2022 that he would promote the protection of the country's biomes.¹⁹⁷ At the Amazon Summit held in Belém in August 2023, Brazil and the other seven State parties to the Amazon Cooperation Treaty adopted a general plan to protect the rainforest. This included active participation and respect for the rights of Indigenous Peoples and local communities, the creation of a safe environment for human rights defenders, and the promotion, strengthening and recognition of sustainable production and consumption practices.¹⁹⁸ However, civil society organizations pointed out that the countries in the region lacked the ambition to achieve zero deforestation by 2030, as well as a clear roadmap for the realization of the territorial rights of Indigenous Peoples.¹⁹⁹

Respect for the rights of Indigenous Peoples and traditional communities has been one of the main failings of the Brazilian state. For example, the Senate approved a draft bill that seeks to make profound changes to the process of demarcation of Indigenous lands, significantly limiting the right to self-determination and traditional territory, despite a ruling by the Federal Supreme Court.²⁰⁰ These same failings also apply to Afro-descendant peoples, particularly black women, whose living conditions are affected by structural obstacles arising from gender discrimination, racism and the intersection of the different forms of discrimination they face. Members of the network claim that they are not protected in terms of rights, such as the right to health, as they continue to work breaking coconuts while sitting on the cold ground, with no comfort or security. They also report the lack of adequate infrastructure for educating their children, accessing clean water and moving around the region.

190. US Department of Agriculture. Soybean 2023. October 2023. <https://ipad.fas.usda.gov/cropexplorer/cropview/commodityView.aspx?cropid=2222000>. Livestock and Poultry: World Markets and Trade. 12 October 2023. https://apps.fas.usda.gov/psdonline/circulars/livestock_poultry.pdf

191. Amnesty International. Brazil: From forest to farmland – Cattle illegally grazed in Brazil's Amazon found in JBS's supply chain (AMR 19/2657/2020). 5 July 2020. <https://www.amnesty.org/en/documents/amr19/2657/2020/en/>

192. Ministry for the Environment and Climate Change. Government of Brazil. “Alertas de desmatamento na Amazônia caem 34 % no semestre” [Deforestation alerts in the Amazon fall 34% in six months]. 6 July 2023. <https://www.gov.br/mma/pt-br/alertas-de-desmatamento-na-amazonia-caem-34-no-semestre>

193. Ministry for Science, Technology and Innovation. Government of Brazil. “Estimativa de desmatamento por corte raso na Amazônia Legal para 2021 é de 13.235 km²” [Estimated deforestation by clear-cutting in the Legal Amazon for 2021 is 13,235 km²]. 2021. <https://www.gov.br/inpe/pt-br/assuntos/ultimas-noticias/divulgacao-de-dados-prodes.pdf>

194. Ministry for the Environment and Climate Change. Government of Brazil. “Alertas de desmatamento na Amazônia caem 34 % no semestre” [Deforestation alerts in the Amazon fall 34% in six months]. (previously cited).

195. IPCC. Climate Change 2022: Impacts, Adaptation and Vulnerability. Contribution of Working Group II to the Sixth Assessment Report of the IPCC. Cambridge University Press. 2022. https://report.ipcc.ch/ar6/wg2/IPCC_AR6_WGII_FullReport.pdf

196. Interview with nine women members of the RMM cooperative, 2023.

197. Amnesty International. Report 2022/23 (POL 10/5670/2023). 2023. <https://www.amnesty.org/en/documents/pol10/5670/2023/en/>. Report 2021/22 (POL 10/4870/2022). 2022. <https://www.amnesty.org/en/documents/pol10/4870/2022/en/>. Report 2020/21 (POL 10/3202/2021). 2021. <https://www.amnesty.org/en/documents/pol10/3202/2021/en/>

198. Declaración de Belém. 9 August 2022. https://www.gov.br/mre/pt-br/canais_atendimento/imprensa/notas-a-imprensa/declaracao-presidencial-por-ocasio-da-cupula-da-amazonia-2013-iv-reuniao-de-presidentes-dos-estados-partes-no-tratado-de-cooperacao-amazonica

199. Amazon Watch. “Amazon nations failed to protect the rainforest and our collective future”. 10 August 2022. <https://amazonwatch.org/news/2023/0810-amazon-nations-failed-to-protect-the-rainforest-and-our-collective-future>

200. The Articulation of Indigenous Peoples of Brazil (APIB). On the same day that the Supreme Court concluded the Time Frame trial, the Senate approved Bill 2903, considered a genocidal threat to indigenous peoples in Brazil. 28 September 2023. <https://apiboficial.org/2023/09/28/on-the-same-day-that-the-supreme-court-concluded-the-time-frame-trial-the-senate-approved-bill-2903-considered-a-genocidal-threat-to-indigenous-peoples-in-brazil/?lang=en>. Amnesty International. Brazil: Additional Information: Bill continues to threaten indigenous rights (Urgent Action AMR 19/6903/2023). 20 June 2023. <https://www.amnesty.org/en/documents/amr19/6903/2023/en/>

However, through dialogue they have been able to develop their work sustainably. They have talked to the communities, especially the women, to understand their needs and find alternative livelihoods. They have also spoken with local authorities to promote their work and gain recognition in the area, although they claim that the babassu resource and the products they make from it are undervalued. Yet most of the opposition they face comes from their partners. Some women have stopped participating in network projects because their partners prevent them from going anywhere. “Male chauvinism is rampant,” said Antônia Maria Alves and Maria Antônia Santos Lopes, members of Todo Dia, one of the RMM enterprises.²⁰¹

In early 2023, the network received an award for projects that contribute to the preservation of the planet. This has been an important incentive for the women to continue their work. “The award came at just the right moment. We had never received an award before and this one served to recognize our work as environmental defenders.”²⁰²

201. Interview with nine women members of the RMM cooperative, 2023.
202. Interview with nine women members of the RMM cooperative, 2023.

5.3 ADAPTATION TO CLIMATE CHANGE, LOSS AND DAMAGE

There are two other key elements in addressing the climate crisis in which human rights defenders, groups and organizations play a critical role. One of these is adaptation, which refers to the environmental, social and economic adjustments that are made to limit or avoid current or potential impacts of global warming, such as floods or droughts.²⁰³ Adaptation measures taken by States should contribute to progressively ensuring the enjoyment and fulfilment of economic, social and cultural rights, such as housing, food, culture, access to water and a healthy environment, especially in already vulnerable communities.²⁰⁴ There are many options for adaptation, including early warning systems, climate-resilient infrastructure, adaptation of housing, use of sustainable crops, more efficient water and food use mechanisms, or the protection of forest and marine ecosystems such as mangroves.²⁰⁵ The second element is unavoidable loss and damage resulting from irreversible global warming due to historical emissions and the slow implementation of mitigation and adaptation measures.²⁰⁶ Such loss and damage constitute violations of human rights, such as the right to life, health or housing, displacement, loss of traditions and culture, and others, and reparation must therefore be provided.²⁰⁷

For adaptation measures and reparation of loss and damage to be effective, affected populations must be involved in the entire planning, implementation and monitoring process, as well as in the allocation of resources at both local and international levels.²⁰⁸ Where adaptation measures are insufficient and reparation is inadequate or indeed harmful to human rights, defenders, groups and organizations, in particular environmental defenders and the most affected communities, have reported negative impacts – including violations of human rights such as the right to consultation and free, prior and informed consent, the right to freedom of expression and assembly, and the right to life and physical integrity –²⁰⁹ and are looking for ways of adapting to climate change.

In Chile, for example, women human rights defenders have organized to address the water scarcity affecting the population in the province of Petorca. The water situation is not only linked to an episode of drought, but also to economic activity in the area, in particular the use of land for the intensive cultivation of avocados and citrus fruits. Chilean women human rights defenders have reported illegal water extractions and have pushed for community management of this resource.²¹⁰

203. IPCC. "Glossary". <https://apps.ipcc.ch/glossary/>

204. Amnesty International. Stop burning our rights! (previously cited)

205. IPCC. Climate Change 2022: Impacts, Adaptation and Vulnerability (previously cited).

206. IPCC. Climate Change 2022: Impacts, Adaptation and Vulnerability (previously cited). Amnesty International. Stop burning our rights! (previously cited).

207. Amnesty International. Stop burning our rights! 2021 (previously cited).


208. IPCC. Climate Change 2022: Impacts, Adaptation and Vulnerability (previously cited). UN. Special Rapporteur on the rights to freedom of peaceful assembly and of association. Exercise of the rights to freedom of peaceful assembly and of association as essential to advancing climate justice (previously cited). Special Rapporteur on the rights of indigenous peoples. The impacts of climate change and climate finance on indigenous peoples' rights (previously cited).

209. UN. Special Rapporteur on the rights of indigenous peoples. The impacts of climate change and climate finance on indigenous peoples' rights (previously cited).

210. Newsweek en español. "La lucha de las Mujeres Modatima en Chile es vital, igual que el agua que defienden" [The struggle of the Modatima Women in Chile is vital, as is the water they are defending]. 5 June 2021. <https://newsweekespanol.com/2021/06/lucha-mujeres-modatima-chile-agua/>

5.3.1 THE INNU NATION OF PESSAMIT IN THE FACE OF THE CLIMATE CRISIS IN QUEBEC



↑  View of a dam in the Pessamit reserve, 2022 © Camille Ducroquet/Amnesty International

Pessamit is an indigenous community of the Innu Nation, located in the Côte-Nord region of the province of Quebec, Canada, at the mouth of the St. Lawrence and Betsiamites Rivers.²¹¹ The reserve, as defined by the Indian Act,²¹² covers an area of approximately 256 km² and has a population of about 4,000 people.²¹³ However, the Innu's ancestral territory, the Nitassinan, is much larger, spanning around 138,000km². The Innu have never ceded this territory to either the federal or the provincial governments. In 2005, the Pessamit community began legal proceedings to formally claim their ancestral territory.²¹⁴

Adélard Benjamin from the Pessamit Innu Council, and Éric Kanapé, land guardian, recall that one of the triggers for their mobilization on climate change in the early 2000s was coastal erosion and the fact that they could no longer hold their annual ceremony there. “At the current rate of erosion, we estimate that a neighbourhood of Pessamit will be gone in 10 years’ time, and that’s being optimistic. The problem affects between 40 and 50 families,” affirmed Adélard.²¹⁵

The effects of legislation, colonialist and racist policies,²¹⁶ climate change, hydroelectric power projects and logging have negatively affected the biodiversity of Nitassinan and thus the way of life of the Pessamiulnuat (Pessamit people). They have spoken up against deforestation and hydroelectricity projects, most of them built and managed by the state-owned company Hydro-

211. Amnesty International. Urgence climatique en territoire Innu: l'innuaitun en péril [Climate emergency in Innu territory : the Innuaitun in peril] (AMR 20/6175/2022). 3 November 2022. <https://amnistie.ca/sinformer/2022/canada/canada-rapport-urgence-climatique-en-territoire-innu-linnu-aitun-en-peril>

212. The Indian Act of 1876 established a system of reserves to control indigenous territory and settle nomadic Indigenous peoples. Reserves represent a tiny fraction of the territory that each indigenous nation considers its own, and ownership lies with the federal government. The provincial government has the power to grant mining, logging and hydroelectric permits in territory once inhabited by Indigenous Peoples. Therefore, the obligation to obtain the free, prior and informed consent of Indigenous Peoples in such cases does not fully apply throughout Canada, including Quebec.

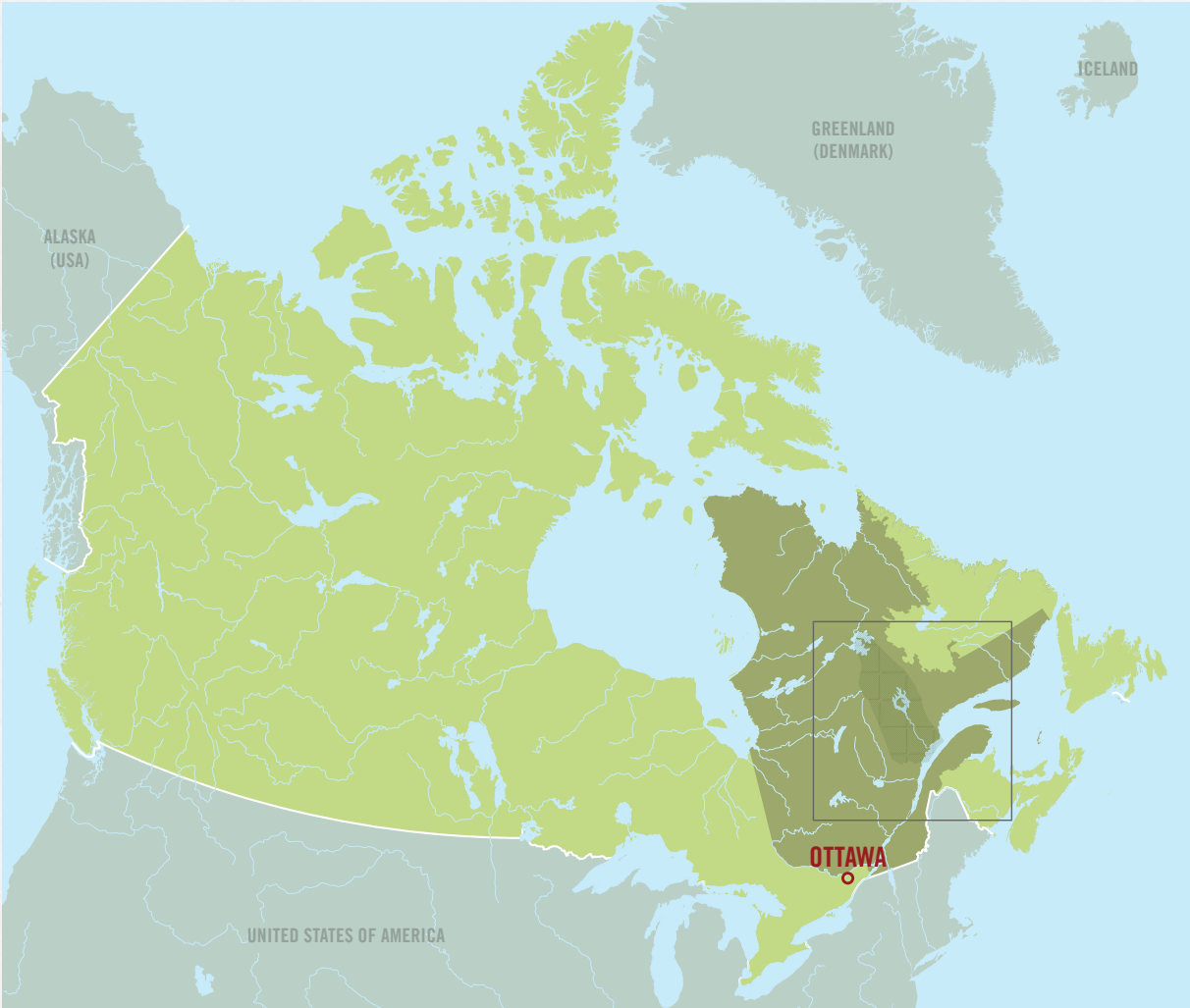
213. Pessamit Innu Council. <https://pessamit.org/>. Government of Canada. “Indigenous Services Canada”. <https://canada.ca/en/indigenous-services-canada.html>

214. Superior Court of Quebec. First Nation of Betsiamites v. Canada (Attorney General), 2005 CanLII 21668 (QC CS). 2005. <https://www.canlii.org/en/qc/qccs/doc/2005/2005canlii21668/2005canlii21668.html>

215. Interview with Adélard Benjamin and Éric Kanapé, 2023.

216. In Canada, the National Inquiry into Missing and Murdered Indigenous Women and Girls; in Quebec, the Public Inquiry Commission on relations between Indigenous Peoples and certain public services, as well as other initiatives, have for several years revealed the extent of discrimination caused by government policies towards Indigenous Peoples. These policies and practices perpetuate systemic and ongoing racism against First Nations, Métis and Inuit. Public Inquiry Commission on relations between Indigenous Peoples and certain public services in Québec. Final report. 2019. https://www.cerp.gouv.qc.ca/fileadmin/Fichiers_clients/Rapport/Final_report.pdf. Truth and Reconciliation Commission of Canada. “Reports”. <https://nctr.ca/records/reports/>. National Inquiry into Missing and Murdered Indigenous Women and Girls. Reclaiming Power and Place. 2019. <https://www.mmiwg-ffada.ca/final-report/>.

CANADA



↑  Map prepared by Amnesty International. Source: Government of Canada and Marc Bacon from the Pessamit Innu Council.

Québec, which have contributed to flooding, destruction of land and forests and disruption of fisheries, with negative and irreversible impacts on their customs, traditions, way of life and rights as Indigenous Peoples.²¹⁷

The Innu territory, in the heart of the boreal forest, was used by the Pessamiulnuat to fish for salmon and shellfish, to trap otters, beaver, mink and lynx, to hunt hare, partridge, moose, wolf and minashkuau-atiku (the Innu term for woodland caribou), and to gather berries and medicinal plants. Today, the Pessamiulnuat have had to adapt to the new climate context. They are now more dependent on processed foods from shops, which further undermines the traditions and food security they used to enjoy. A more sedentary way of life, linked to colonialist policies and the altering of the landscape by the forestry and hydropower industries, means that the community is no longer able to travel to the territory to share Indigenous knowledge, including the language, between generations.²¹⁸

The Pessamiulnuat have expressed their wish to protect not only their entire territory, the Nitassinan and the reserve, but also their capacity for adaptation and resilience. “We have had fires this year, we had fires in 1991, Pessamit had to be evacuated. We suffered torrential rains from Katrina in 2005. We have been experiencing the consequences of climate change for years, and we are still experiencing them today. Preparedness is a must. More serious events are on the horizon, and we have to take care of the environment,” warned Adélard.²¹⁹

The Pessamit Innu Council works with universities to study the impact of climate change on its territory. The Council also runs its own projects, such as the Betsiamites River Salmon Restoration Project, and has a dedicated budget to monitor the Nitassinan, including regular visits to the territory. In addition to this, it lobbies provincial authorities for the creation of an Innu-led protected area in the Pipmuakan region to protect Innu culture and the woodland caribou.

Éric explains that they have worked intensively in recent years with organizations such as SNAP Quebec and Nature Quebec to raise awareness on these and other issues. “We were present at COP15 (of the Convention on Biological Diversity) to present our protected area project to a wider international audience. We have participated in all available forums set up by the government of Quebec. Nothing has been achieved. The government’s caribou protection strategy was to have been launched in June, but it is now July and we are still waiting. We will presumably be consulted on it again. For the protected area, the government of Quebec has proposed something else, and we are now at the public consultation stage with our own community.”²²⁰

Pessamit members are demanding that the federal and provincial authorities respect their rights and pay compensation for the damage caused by the forestry and hydropower industries in their territory. They also demand to be considered as key stakeholders in the planning and implementation of climate change adaptation policies and measures. They believe that their knowledge, and the sharing of such knowledge, is an important tool for climate justice.

And lastly, they want to be fully recognized as joint stewards of Nitassinan land and resources, on an equal footing with the government of Quebec. “Canadians and the people of Quebec must acknowledge the mistakes of the past, because we have experienced them. They need to believe in us and in reconciliation, because reconciliation means working together for Quebec and for Canada. They have to realize that we know how to manage the land, and that we also want to protect our territory,” argues Adélard.²²¹

217. Thirteen hydroelectric power plants and 16 hydroelectric dams have been built on their ancestral territory since 1952. Only one was carried out with free, prior and informed consent. Amnesty International. Any tidal wave could drown us (previously cited).

218. Amnesty International. Any tidal wave could drown us (previously cited).

219. Interview with Adélard Benjamin and Éric Kanapé, 2023.

220. Interview with Adélard Benjamin and Éric Kanapé, 2023.

221. Interview with Adélard Benjamin and Éric Kanapé, 2023.

5.4 THE FIGHT FOR A JUST ENERGY TRANSITION THAT RESPECTS HUMAN RIGHTS

Reducing our reliance on fossil fuels, as a necessary step to cutting carbon emissions and limiting global warming levels to no more than 1.5°C, requires an energy transition. A transition that needs to be carefully managed. On the one hand, it is essential to use renewable energies²²² in the electricity, heating and transport sectors. At the same time, States must adopt measures to reduce energy consumption, for example by implementing regulations on energy efficiency, the circular economy, or the use of public transport, among others.²²³ The energy transition must also be fair, which means it must be environmentally, socially and economically sustainable, in a way that guarantees human rights for all, and that redresses existing inequalities, including ensuring access to energy, especially for the lowest income and most marginalized groups. For example, while it is important to replace combustion vehicles with electric vehicles, battery production requires a massive increase in the extraction of minerals such as lithium from arid ecosystems that are already severely affected by climate change. This could lead to violations of human rights such as access to water, a healthy environment or the free, prior and informed consent of Indigenous Peoples.²²⁴ Moreover, the profits from the exploitation of these natural resources do not usually go to the communities from which they are sourced, perpetuating their condition of inequality and exclusion.

In the Americas, Amnesty International and other human rights organizations have documented the ways in which Indigenous Peoples, Afro-descendants, other racialized individuals and groups, and campesino and rural communities are defending human rights, such as the right to consultation and free, prior and informed consent, to public participation and to a healthy environment, when faced with the construction of hydroelectric dams.²²⁵ One of the most paradigmatic examples in the region is the struggle of the Lenca people against the construction of the Agua Zarca dam in Honduras, which was brought to public attention with the murder of human rights defender Berta Cáceres in 2016.²²⁶

In southern Mexico, communities of the Oaxaca Indigenous Peoples, some organized around the Assembly of the Indigenous Peoples of the Isthmus in Defence of Land and Territory, have opposed the construction of wind farms on their lands due to the lack of their free, prior and informed consent and the severe impacts of such wind farms on their agriculture, land and livelihoods.²²⁷ Something similar happened in northern Colombia. La Guajira department has the largest desert area in the country and is rich in natural resources such as coal, gas and salt. Fifty-seven wind farms are either operational, planned or proposed to be built by 2034.²²⁸ However, there is a scarcity of drinking water, public services and, crucially, a lack of food security for the Wayúu people living in the area.²²⁹

222. Renewable energy is energy that is produced from natural resources such as the sun, wind, water or biomass, and is naturally replenished while it is being used.

223. Amnesty International. Stop burning our rights! (previously cited).

224. Amnesty International. Powering change: Principles for businesses and governments in the battery value chain (ACT 30/3544/2021). October 2022. <https://www.amnesty.org/en/documents/act30/3544/2021/en/>. Stop burning our rights! (previously cited).

225. Business & Human Rights Resource Centre "Rapid rise in rights abuses by renewable energy companies in Latin America". 6 August 2021. <https://www.business-humanrights.org/en/from-us/media-centre/rapid-rise-in-rights-abuses-by-renewable-energy-companies-in-latin-america/>. Amnesty International. A recipe for criminalization (previously cited). "We are defending the land with our blood" (previously cited). "Brazil urged to suspend Belo Monte dam project". 2 June 2011. <https://www.amnesty.org/en/latest/press-release/2011/06/brazil-urged-suspend-belo-monte-dam-project/>.

226. Amnesty International. "Honduras: Brutal murder of indigenous leader, a tragedy waiting to happen". 3 March 2016. <https://www.amnesty.org/en/latest/press-release/2016/03/honduras-brutal-murder-of-indigenous-leader-a-tragedy-waiting-to-happen/>.

227. Amnesty International. Threats due to wind farm opposition continue (Urgent Action AMR 41/016/2013). 5 April 2013. <https://www.amnesty.org/en/documents/amr41/016/2013/en/>


228. Joanna Barney (Indepaz). Por el mar y la tierra guajiros, vuela el viento Wayuu [Wayuu winds over Guajiro land and sea]. February 2023. <https://indepaz.org.co/por-el-mar-y-la-tierra-guajiros-vuela-el-viento-wayuu/>

229. IACHR. REDESCA. Visit to Colombia: REDESCA observes serious challenges for the guarantee of ESCER in La Guajira. 30 November 2022. https://www.oas.org/en/iachr/jsForm?File=/en/iachr/media_center/preleases/2022/265.asp. ONIC. "Comunicado de los y las jóvenes huelguistas del Pueblo Wayuu y Afro de La Guajira" [Comunicado of the young strikers of the Wayuu and Afro people of La Guajira]. 12 October 2021. <https://www.onic.org.co/comunicados-regionales/4386-hasta-que-la-dignidad-se-haga-costumbre>.

Amnesty International. Several indigenous organizations threatened (Urgent Action AMR 23/9242/2018). https://www.amnesty.org.uk/files/2018-11/UA18218a.rtf?UGISGrmWjQawwA6qLJrogt24F11o_rh=

5.4.1 LITHIUM MINING IN INDIGENOUS ARGENTINEAN TERRITORY



↑  Salinas Grandes, Jujuy, Argentina, 2018 © Demian Marchi/Amnesty International

The Kolla and Atakama nations and peoples have lived and cared for the territory of the Salinas Grandes basin and the Guayatayoc Lagoon for generations, with a population of around 7,000 people spread over 33 communities. Twenty-two of them are located in the province of Jujuy and the rest in the province of Salta, in northwestern Argentina, in the part of the altiplano known as Puna, near the border with Chile and Bolivia.²³⁰ Their cosmovision includes an intimate and spiritual relationship with their ancestral territory, which is not only the source of their livelihoods, but also an inextricable part of their history, culture and identity.²³¹

The Salinas Grandes are a natural wonder, a semi-desert region with a vast salt flat. Together with the Guayatayoc Lagoon, they are at the centre of the debate on the future of the environment, development and the Indigenous Peoples of the area. They are part of the so-called “lithium triangle”, an area straddling Chile, Argentina and Bolivia that is estimated to contain more than half of the world’s reserves of lithium,²³² a mineral found in the brine beneath large salt flats and salt pans. In the race to transition to renewable energy sources, lithium has become a strategic mineral, as one of the key components of rechargeable batteries and power storage units.²³³

With the news of the discovery of “white gold” in the provinces of Jujuy and Salta in 2010, the 33 communities began to organize around the Indigenous Peoples Roundtable for the Salinas Grandes Basin and the Guayatayoc Lagoon, to raise awareness that lithium mining on their lands has a negative impact on their livelihoods and violates their human rights. Lithium extraction may involve the use of a technique that has been questioned for its potential environmental impact, as it requires large amounts of water in a region with a water deficit.²³⁴ In addition, the area and the salt flat are still central to the communities’ subsistence activities, which include artisanal salt production, agriculture and small-scale livestock farming. Lithium mining could therefore have a negative impact on Indigenous Peoples’ access to rights such as water, food, a healthy environment and culture. The communities in Salinas Grandes and Guayatayoc Lagoon also claim that their right to free, prior and informed consent has not been respected. Mining concessions are approved by provincial governments on the basis of environmental impact reports prepared by the companies concerned, but the communities claim that there is often no participation or consultation involved.²³⁵

230. Deborah Pragier. “Indigenous communities facing the exploitation of lithium in their territories: similar contexts, different responses”. Polis [Online], 52. 2019. <http://journals.openedition.org/polis/16838>

231. See: https://www.territorioindigena.com.ar/Casos?id_conflicto=207

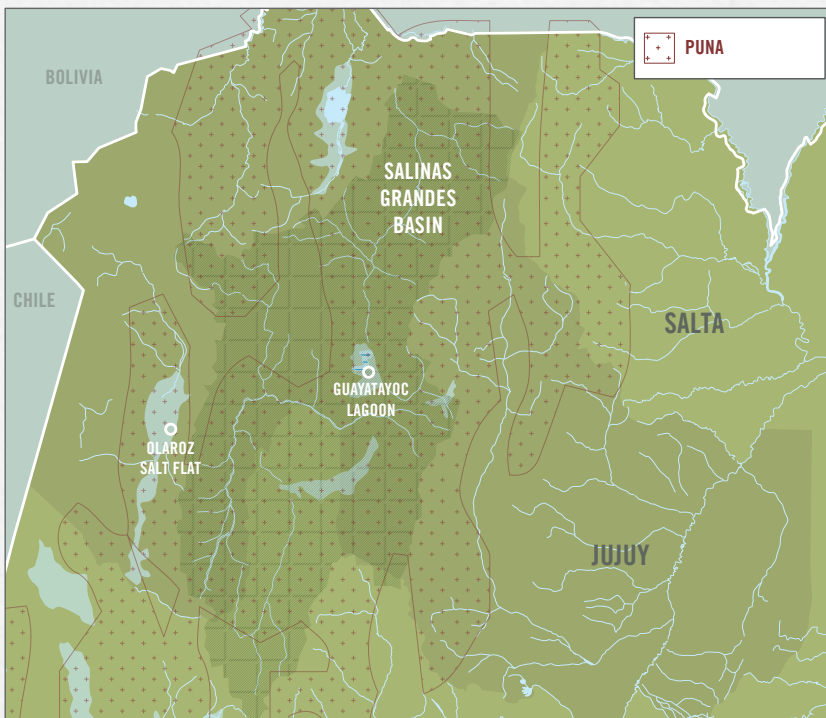
232. United States Geological Survey. United States Government. “Lithium”. 2023. <https://pubs.usgs.gov/periodicals/mcs2023/mcs2023-lithium.pdf>


233. Amnesty International et al. Powering change (previously cited).

234. Ministry of Productive Development of the Nation. Secretariat of Mining. Government of Argentina. Lithium report (in Spanish) October 2021. https://www.argentina.gob.ar/sites/default/files/informe_litio_-_octubre_2021.pdf

235. The National Constitution provides that “... original domain of the natural resources existing in their territory is vested in the

ARGENTINA



↑  Map prepared by Amnesty International. Source: National Geographic Institute (IGN) and Ministry of Environment and Sustainable Development of the Republic of Argentina.

According to the Environment and Natural Resources Foundation (FARN), based on information provided by the mining companies, preliminary conclusions are already available on the water and geological risks in the Salinas Grandes and Guayatayoc Lagoon and Olaroz-Cauchari basins if an evaporation method is used without re-injecting water into the groundwater system. The risks include irreversible degradation of freshwater reserves and land subsidence, with consequences for the communities' ancestral salt harvesting practices.²³⁶

Since 2011, the Roundtable has reported this situation to local and national judicial authorities and international human rights bodies.²³⁷ In 2014 and 2015, the communities prepared a collective instrument of consultation and free, prior and informed consent procedure for their communities, called Kachi Yupi, based on their own culture, traditions and community history. This instrument is a programme that defines how the State and private parties should act to respect the territories of Indigenous Peoples and not violate their rights.²³⁸

In 2019, the communities discovered the existence of a public tender from Jujuy province for the state mining company Jujuy Energía y Minería Sociedad del Estado (JEMSE) for the granting of new exploration permits on their land.²³⁹ Communities from the Jujuy basin immediately staged public protests against the tender and expressed their opposition to lithium exploration.²⁴⁰ A few days after the demonstrations, the Jujuy government acknowledged that the companies had not been authorized to carry out exploration activities in all of the communities, and called upon them to stop such activities.²⁴¹

In the same year, the communities of Salinas Grandes and Guayatayoc Lagoon and FARN, one of the organizations providing assistance in the process, initiated proceedings for an environmental injunction to prevent the serious and irreversible damage that lithium and borate mining would cause to these water basins. The country's Supreme Court of Justice (CSJN) issued a resolution in 2023 requesting information from the provincial governments of Salta and Jujuy and from the national government on all the permits issued for lithium and borate exploration and exploitation in the basins.²⁴²

Instead of guaranteeing respect for human rights, the Jujuy government has continued to obstruct freedom of expression and peaceful protest in the province, including by Indigenous Peoples. In 2022, it introduced a bill to reform the provincial constitution and restrict protests by banning road blockades and the "usurpation of public spaces". The reform was rushed through on 16 June 2023, without the consent of civil society, which took to the streets in peaceful protest and was violently repressed by the local authorities.²⁴³ Both the IACHR and the UN have expressed concern about the situation in Jujuy.²⁴⁴ Despite this, the local authorities carried out around 40 arrests in July, some of them during searches, including

provinces" (Art. 124). The General Environmental Law mandates the State to carry out environmental impact assessments for any activity that may result in environmental degradation.

236. FARN. Estudio de los recursos hídricos y el impacto por explotación minera de litio [Analysis of water resources and the impact of lithium mining]. August 2019. https://farn.org.ar/wp-content/uploads/2020/06/FARN-Estudio-de-los-recursos-hi%CC%81dricos-y-el-impacto-por-explotacio%CC%81n-minera-de-litio_compressed.pdf

237. UN. Special Rapporteur on the rights of indigenous peoples. The situation of indigenous

peoples in Argentina (A/HRC/21/47/Add.2). 4 July 2012. <https://undocs.org/Home/Mobile?FinalSymbol=A%2FHRC%2F21%2F47%2FAdd.2&Language=E&DeviceType=Desktop&LangRequested=False>.

CIJ. "Se realizó en la Corte audiencia pública por el otorgamiento de permisos para la explotación de litio y borato en Jujuy" [Public Hearing held in Court for the granting of permits for exploitation of lithium and borate in Jujuy]. 28 March 2012.

<https://www.cij.gov.ar/nota-8848-Se-realiz--en-la-Corte-audiencia-p-blica-por-el-otorgamiento-de-permisos-para-la-explotaci-n-de-litio-y-borato-en-Jujuy.html>. Indigenous Peoples Roundtable for the Salinas Grandes Basin and the Guayatayoc Lagoon.

Informe Paralelo al Comité DESC. 2011. https://www2.ohchr.org/english/bodies/cescr/docs/ngos/JujuySalta_Argentina47.pdf. Committee on ESCR. Concluding observations (E/C.12/ARG/CO/3). 14 December 2011. <https://undocs.org/Home/Mobile?FinalSymbol=E%2FC.12%2FARG%2FCO%2F3&Language=E&DeviceType=Desktop&LangRequested=False>.

238. Communities of Salinas Grandes and Guayatayoc Lagoon. Kachi Yupi – Huellas de la Sal. 17 December 2015. <https://farn.org.ar/kachi-yupi-huellas-de-la-sal/>

239. FARN et al. "Preocupación por avance minero sin consulta a comunidades indígenas en Jujuy" [Concern regarding mining activities without consultation to Indigenous communities in Jujuy]. 22 January 2019. <https://amnistia.org.ar/preocupacion-por-avance-minero-sin-consulta-a-comunidades-indigenas-en-jujuy/>

240. FARN. "Comunidades indígenas denuncian el avance de la minería de litio en Jujuy" [Indigenous communities denounce the progress of lithium mining in Jujuy]. 6 February 2019. <https://farn.org.ar/comunidades-indigenas-denuncian-el-avance-de-la-mineria-de-litio-en-jujuy/>

241. Government of Jujuy province. 19 February 2019. <https://www.facebook.com/GobiernoDeJujuy>

242. CSJN. CSJ 2637/2019. 28 March 2023. <https://farn.org.ar/wp-content/uploads/2023/03/litio-corte-FALLO-CSJ-2637-2019.pdf>

243. Amnesty International. "Argentina: Amnesty International demands immediate end to state repression in Jujuy". 22 June 2023. <https://www.amnesty.org/en/latest/news/2023/06/argentina-end-state-violence-in-jujuy/>

244. IACHR. "Argentina Must Respect Standards for Use of Force During Protests in Jujuy Province". 20 June 2023. https://www.oas.org/en/iachr/jsForm?File=en/iachr/media_center/preleases/2023/127.asp. Representante de la Oficina Regional para América del Sur de la ACNUDH. Carta al Sr. Gobernador de Jujuy [Representative of the OHCHR Regional Office for South America. Letter to the Governor of Jujuy]. 20 June 2023. https://www.argentina.gob.ar/sites/default/files/2023/06/argentina-carta_gobernador_de_jujuy-20-06-2023.pdf

the arbitrary detention of human rights defender Alberto Nallar.²⁴⁵ Amnesty International was able to verify that the Jujuy provincial police carried out arbitrary arrests and used illegal force and other practices to repress social protest in the context of these mobilizations.²⁴⁶

Communities from Jujuy have been camping out peacefully outside the Supreme Court in Buenos Aires since August, under the slogan “Up with rights, down with reform”. Verónica, a woman from Salinas Grandes, wants to make people aware of their 13-year struggle: “They want to do business with foreigners, with corporations”. Verónica stressed that they are defending the water for the whole of Argentina. “We have to make sacrifices to save the planet. People, wild animals and domestic animals live on our lands; we are defending the rights of all of them. Our grandparents defended our rights, and now we are defending the rights of future generations. Salinas Grandes is under threat; everyone must join the fight”.²⁴⁷

245. Amnesty International. “Criminalización de la protesta en Jujuy: Amnistía Internacional y Andhes denuncian la detención del abogado Alberto Nallar ante Naciones Unidas” [Criminalization of protest in Jujuy: Amnesty International and Andhes condemn the detention of lawyer Alberto Nallar before the United Nations]. 17 August 2023. <https://amnistia.org.ar/criminalizacion-de-la-protesta-en-jujuy-amnistia-internacional-y-andhes-denuncian-la-detencion-del-abogado-alberto-nallar-ante-naciones-unidas/>. “Acción urgente global de Amnistía Internacional por un abogado y defensor de derechos humanos detenido en Jujuy” [Amnesty International global urgent action for lawyer and human rights defender detained in Jujuy]. 14 July 2023. <https://amnistia.org.ar/accion-urgente-global-de-amnistia-internacional-por-un-abogado-y-defensor-de-derechos-humanos-detenido-en-jujuy/>

246. Amnesty International. Argentina: Violent repression and criminalization in response to protests in Jujuy”. 5 October 2023.

<https://www.amnesty.org/en/latest/news/2023/10/argentina-repression-criminalization-protests-jujuy/>

247. Interview with Verónica, 11 August 2023.

6. CONCLUSIONS AND RECOMMENDATIONS



The six examples included in this paper, and the references to other contexts documented by Amnesty International and other organizations, experts and human rights and climate action bodies, show how human rights defenders, groups and organizations, including those defending the environment, are contributing to climate justice across the Americas. The majority of these are Indigenous Peoples, as in the examples from Argentina and Canada, Afro-descendants, as in Brazil, or campesino and fishing communities, as in Colombia. Many are led by or include girls, adolescents and women, such as the nine girl activists in Ecuador or the coconut breakers in Brazil. And, most importantly, in all cases the defence is carried out collectively.

Given their experience, it is essential that these human rights defenders, groups and organizations participate meaningfully in decision-making spaces on environmental and climate justice issues, and States must guarantee this right without discrimination.²⁴⁸ Meaningful participation must be tailored to the specific characteristics of the different groups, taking into account whether they are girls, youth and women, Indigenous Peoples, Afro-descendants, other racialized people and groups, or campesino and rural communities, as well as the different intersections between them.²⁴⁹ Meaningful participation “makes decision-making more informed and sustainable, and public institutions more effective, accountable and transparent. This, in turn, enhances the legitimacy of State decisions and their ownership by all members of society” and requires a “long-term commitment by public authorities”, “genuine political will” and “a shift in mindset regarding the way of doing things”.²⁵⁰

It is important to note that the climate emergency is taking place in a historical context marked by a patriarchal, racist and extremely unequal system, which is influenced by colonialism, has public policies and economic activities based on extractivism,²⁵¹ and is particularly violent for women, girls and persons with sexual diversity, Indigenous Peoples and Afro-descendants, and other racialized individuals and groups.²⁵² Therefore, as the UN Special Rapporteur on Racism Tendayi Achiume pointed out, “States, multilateral actors and transnational corporations must anchor governance, oversight and evaluation of the extractivist economy in the principles of sovereign equality, the right to self-determination of all peoples, and the right to development”.²⁵³

248. Article 21 of the Universal Declaration of Human Rights and Article 25 of the International Covenant on Civil and Political Rights.

249. Human Rights Council. Recognizing the contribution of environmental human rights defenders to the enjoyment of human rights, environmental protection and sustainable development (previously cited).

250. Human Rights Council. Draft guidelines for States on the effective implementation of the right to participate in public affairs (A/HRC/39/28). 20 July 2018. <https://undocs.org/Home/Mobile?FinalSymbol=A%2FHRC%2F39%2F28&Language=E&DeviceType=Desktop&LangRequested=False>

251. “The industries, actors and financial flows, as well as the economic, material and social processes and outputs, associated with the globalized extraction of natural resources. The extractivism economy includes mineral and fossil fuel extraction, and monocultural large-scale agricultural, forestry and fishery operations.” Special Rapporteur on contemporary forms of racism. Global extractivism and racial equality (A/HRC/41/54). 14 May 2019. <https://www.ohchr.org/en/documents/thematic-reports/ahrc4154-global-extractivism-and-racial-equality-report-special>

252. Amnesty International. Stop burning our rights! (previously cited)

253. UN. Special Rapporteur on contemporary forms of racism. Global extractivism and racial equality (previously cited).

In some of the cases included in this report, the main issue that arises when defending rights in the context of climate change is failure of the State to respect the right to consultation and free, prior and informed consent of Indigenous Peoples. This has been reported by the Wet'suwet'en community in Canada and the communities of Salinas Grandes and Guayatayoc Lagoon in Argentina. Related to this, another issue that is often mentioned is that communities, whether Indigenous Peoples, Afro-descendants or campesino farmers, do not have legal title or any legal agreement over the land, despite being responsible for its care, and therefore their rights over it are not guaranteed.²⁵⁴

In most of the examples presented in this document, human rights defenders, groups and organizations report that the authorities have not been open to dialogue, but rather that they have been the target of attacks during protests, aimed either at a specific person (usually a leader) or an entire group. Where spaces for meaningful and legitimate dialogue with authorities or companies have been created, it has been through the initiative and pressure of human rights defenders, groups and organizations themselves. In general, their participation is limited to the local or national level. Engagement at the regional or international level is less common, either because they do not have access to the necessary information or participation mechanisms, or because they do not have sufficient resources to do so.

Several of the examples contained in this report include human rights defenders, groups and organizations that have reported negative impacts on their human rights from public and private business activities, such as the Indigenous Peoples of Canada, Argentina or Ecuador.

Amnesty International sets out below a series of recommendations to States, international bodies and business enterprises. They are general in nature, and focus on facilitating the work of individuals, groups and organizations defending human rights in the context of the climate crisis, in particular those protecting the environment.

TO STATES AND INTERNATIONAL ORGANIZATIONS

- Publicly recognize and celebrate the legitimate work of human rights defenders, groups and organizations that contribute to climate justice, including those that protect the environment, in particular Indigenous Peoples, Afro-descendants, other racialized people and groups, campesino and rural communities, children, youth and women.
- Respect, protect and guarantee the right to defend human rights in the context of the climate crisis, through public policies and laws aimed at preventing attacks and protecting the work of human rights defenders, groups and organizations in a comprehensive and consensual manner, with a differentiated approach that takes into account the vulnerabilities and human rights of Indigenous Peoples, Afro-descendants, other racialized people and groups, campesino and rural communities, children, youth and women, as well as the collective dimension of the defence of human rights.
- Respect, protect and guarantee the human rights exercised by human rights defenders, groups and organizations in the context of the climate crisis. In particular, the rights to freedom of expression, peaceful assembly and association, including activities such as collecting, obtaining and disseminating ideas and information; participating in government and the management of public affairs; accessing and communicating with international human rights bodies; and submitting proposals for policy and legislative reform at the local, national and international levels. States must guarantee the right of these individuals, groups and organizations to seek, receive and use resources from domestic, foreign and international sources, and ensure that administrative requirements do not restrict the right of association.
- Guarantee, through legislation and in practice, that peaceful assemblies for climate action can take place so that protests are facilitated and participants are not subject to attacks. The authorities must take urgent steps to remove all obstacles and undue restrictions put in place to prevent peaceful protests before, during and after such protests.
- Take appropriate measures, through judicial, administrative, legislative or other appropriate means, to ensure an end to impunity for attacks on human rights defenders, groups and organizations in the context of the climate crisis. Furthermore, that those who have suffered human rights violations have access to justice and effective redress, taking into account

254. Amnesty International. Stop burning our rights! (previously cited).

whether they are Indigenous Peoples, Afro-descendants, other racialized people and groups, campesino and rural communities, children, youth and women, as well as the collective nature of such defence.

- In the planning and design of national strategies, laws and plans – as well as climate mitigation and adaptation projects and initiatives and all other projects affecting climate and the environment –, including National Climate Change Adaptation Plans and Nationally Determined Contributions, adequate and meaningful public consultations must be carried out and the participation of human rights defenders, groups and organizations must be ensured without discrimination. Consent to proposed decisions must be sought, with consultations adapted to the context of participating individuals, groups and organizations. In the specific case of Indigenous Peoples, States must consult and cooperate with them and obtain their free, prior and informed consent before adopting measures that may affect them; they must also provide reparations in the event that they are deprived of land or property without their consent.
- Guarantee the right to remedy for human rights defenders, groups and organizations whose rights are affected by climate change or climate-related measures. In particular, States must ensure affordable, timely and non-discriminatory access to administrative, judicial, legislative or other appropriate means to adjudicate complaints of imminent and foreseeable human rights violations arising from climate change or climate-related measures – as well as past and ongoing violations –, including any conduct within their jurisdiction that may have undermined the rights of persons outside their borders. States must also ensure that human rights defenders, groups and organizations, as well as other victims, have access to comprehensive and effective remedies, including cessation, restitution and reparation, compensation, rehabilitation and satisfaction, and guarantees of non-recurrence.
- Guarantee access to information on the environmental and climate impacts of public and private activities, including greenhouse gas emissions or environmental impact assessments, and ensure that individuals or groups adversely affected by such activities have access to justice and redress. Ensure that such information is accessible without discrimination, whether for Indigenous Peoples, Afro-descendants and other racialized persons and groups, campesino and rural communities, children, youth or women.
- Guarantee access to land and legal security of tenure for all persons and groups, in particular Indigenous Peoples, Afro-descendants and other racialized persons and groups and campesino and rural communities, who have an ancestral cultural relationship with the land and depend on it for their livelihoods and access to food. Support and promote, through policies, laws and resources, any activities they undertake in the territory for their subsistence or to contribute to mitigating or adapting to climate change. Ensure that these people and groups have access to water, food, health and housing.
- Ensure that the demands of human rights defenders, groups and organizations working in the context of the climate crisis, including environmental defenders, are met, so that States may achieve the goals of the Paris Agreement, including the phasing out of fossil fuel dependency and a just energy transition.
- Require companies, including financial institutions (public and private), to fulfil their human rights responsibilities by regularly and publicly reporting on their human rights due diligence policies and their implementation, impact assessments, communications and consultations with potentially and actually affected rights holders, including human rights defenders, groups and organizations, as well as on measures to mitigate environmental risks related to the environment and climate change and its impact. In the event of violations, States must carry out investigations and take appropriate measures to redress them, such as ensuring reparation of damages.
- Ensure a clear legal framework that provides for sanctions against companies involved in the criminalization, stigmatization, abuse and violations of human rights defenders.

- Refrain from condoning, authorizing or ordering the commission of physical attacks against human rights defenders, groups and organizations in the context of their business activities, or from perpetrating verbal attacks aimed at discrediting or stigmatizing defenders.
- Refrain from abusing the legal system, including through strategic lawsuits against public participation (SLAPPs) to silence or intimidate defenders.
- Guarantee and facilitate freedom of press for media and journalists covering environmental and climate issues, and address misinformation related to these issues, for example by sharing reliable scientific information.
- The institutions organizing regional and international climate conferences, and the Parties to the United Nations Framework Convention on Climate Change (UNFCCC), must allow and facilitate the full and effective participation of human rights defenders, groups and organizations – including those protecting the environment – in decision-making processes at all levels of the Conference of the Parties process, as well as in other key processes where decisions relevant to achieving climate justice are discussed and taken. Such participation must take into account the knowledge and know-how of Indigenous Peoples, Afro-descendants and other racialized people and groups, rural and campesino communities, children, youth and women.
- Institutions organizing regional and international climate conferences and the Parties to the UNFCCC must ensure full respect for human rights, including the right to freedom of expression and peaceful assembly, in the context of the organization and delivery of climate conferences and other relevant events.
- In the framework of the UN Conference on Biodiversity, States must explicitly recognize the lands and territories of Indigenous Peoples as a distinct category of protected area.
- State parties to the Escazú Agreement must comply with their obligations under the regional treaty, including Article 9, which calls upon them to create a safe and enabling environment for individuals, groups and organizations defending human rights. To this end, the Economic Commission for Latin America and the Caribbean (ECLAC) and State parties must use all available means to facilitate the meaningful participation of all members of the public, in particular human rights defenders, in the consultations on the Plan of Action on human rights defenders. Ensure that these consultations are conducted under the principles of equality and non-discrimination, to guarantee that the outcomes truly reflect the interests and rights of all persons concerned in the region, in all their diversity. The process must adopt a gender and intersectional perspective, paying particular attention to facilitating the meaningful participation of Indigenous Peoples, Afro-descendant and campesino communities, women, children and youth. This requires an analysis of the factors that may facilitate or hinder the participation of the different groups and, where necessary, the development of a specific strategy and concrete measures to guarantee their effective access to information, participation and consultation and the free, prior and informed consent of Indigenous Peoples. For example, tools and alternatives should be put in place to facilitate consultation for people with limited or no access to the internet or technological devices.
- Latin American and Caribbean countries that are not yet parties to the Escazú Agreement must ratify and accede to this treaty as soon as possible. The ECLAC Secretariat and State parties to the Escazú Agreement must promote ratification and accession to the Escazú Agreement by all other Latin American and Caribbean countries.

TO BUSINESS ENTERPRISES


- Refrain from perpetrating physical or verbal attacks aimed at discrediting, stigmatizing or abusing the legal system for the purpose of silencing or intimidation, and avoid any other action that obstructs the work of individuals, groups and organizations defending human rights in the context of the climate crisis. Ensure that affected people have access to reparations.
- Refrain from obstructing the work of individuals, groups and organizations defending human rights, whether through their own activities or as a result of their business relationships.
- Refrain from lobbying governments, either directly or indirectly through trade associations, for the adoption of policies and decisions that perpetuate the carbon-based economy.
- Ensure that their operations and those of their subsidiaries and suppliers comply with international human rights standards, including those relating to a healthy environment, and climate change treaties. This includes conducting human rights impact assessments for each project, ensuring the participation of individuals, groups and organizations defending human rights, and respecting the rights of Indigenous Peoples, Afro-descendants and other racialized peoples and groups, campesino and rural communities, children, youth and women. This includes accountability for violations and reparation for the damage caused.
- Report on their greenhouse gas emissions and provide accountability for any human rights impacts or environmental damage that may result from their contribution to climate change. Ensure access to this information for human rights defenders, groups and organizations working for climate justice, including environmental defenders, in particular Indigenous Peoples, Afro-descendants, other racialized people and groups, campesino and rural communities, children, youth and women.
- Publicly condemn attacks on human rights defenders and develop policies to uphold their rights, including zero tolerance for any attacks on human rights defenders that may occur in connection with a company's operations or business relationships.
- Where appropriate, withdraw from business relationships with subsidiaries, suppliers or subcontractors involved in abuses against human rights defenders. These decisions must be based on the Guiding Principles, as should decisions on when and how to disengage.
- Cooperate transparently in independent fact-finding missions to assess the situation of human rights and human rights defenders in the places where they operate.
- Consider any potential adverse impacts on human rights defenders as part of their due diligence on human rights, and ensure that such due diligence on human rights is designed as a preventive measure aimed at ensuring that their operations do not increase the risks to human rights defenders.




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CONTACT US

 info@amnesty.org

 +44 (0)20 7413 5500

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HUMAN RIGHTS DEFENDERS IN THE AMERICAS SPEAKING UP ON THE CLIMATE CRISIS

This report highlights the work, achievements and proposals of human rights defenders, groups and organizations that are key actors in providing concrete responses to the serious challenges posed by the climate crisis across the Americas and beyond. These groups include Indigenous Peoples, Afro-descendants, other racialized persons and groups and campesino and rural communities working to defend territory, environment and sustainable livelihoods, as well as climate and environmental activists and all those who, individually or collectively, are taking action to pursue alternatives and offer just and inclusive solutions to mitigate climate change, transition to a fossil fuel free future, with environmentally-friendly renewable energy that upholds human rights and enables us to adapt to climate change, and provide reparations for the loss and damage that is already unavoidable.

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