

## **First European Forum on Environmental Human Rights Defenders**

### **From the Protection of Defenders to the Effectiveness of Environmental Obligations**

**Council of Europe, Strasbourg | 3–4 June 2026**

**Working Synthesis – Draft for Further Discussion**

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#### **Core Thesis**

The Forum revealed less a simple normative gap than a dual challenge: an effectiveness gap in the implementation of existing environmental and human rights obligations, and an unresolved question concerning the substantive benchmark of what European environmental governance is ultimately meant to protect.

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#### **1. Executive Summary**

The two days of the Forum did not constitute a simple sequence of testimonies and institutional responses. Taken together, they provided a multi-layered picture of contemporary European environmental governance.

Day 1 primarily highlighted the circumstances under which Environmental Human Rights Defenders (EHRDs) enter into conflict: situations where existing environmental obligations, participation rights, impact assessment procedures and access to information become effective too late, too weakly or under conditions of structural power imbalance.

Day 2 brought these experiences into the institutional arena and raised the question of how states, the Council of Europe, UN mechanisms, National Human Rights Institutions, ombuds institutions, courts and civil society networks should respond.

A common thread ran through both days: rights, standards and procedures already exist in many areas. Their practical effectiveness, however, remains uneven, fragmented, dependent on resources and frequently delayed.

At the same time, Day 2 demonstrated that many actors regard a binding right to a clean, healthy and sustainable environment within the Council of Europe framework as necessary. The Forum did not present a choice between stronger implementation and new rights. Rather, it suggested that standards require implementation, and implementation requires clear standards.

One of the most significant findings was that Environmental Human Rights Defenders are not merely individuals in need of protection. They function as early warning systems, holders of local knowledge, translators between concrete environmental harm and abstract legal obligations, and actors of democratic accountability. Their presence often indicates that earlier governance mechanisms have not functioned adequately.

**2. Comparative Reading of Day 1 and Day 2**

<b>Dimension</b>	<b>Day 1</b>	<b>Day 2</b>
Primary Function	Diagnosis of conflicts and protection gaps from the perspective of defenders	Translation of these experiences into the institutional sphere
Dominant Focus	Implementation gap: rights and procedures operate too late or too weakly	Effectiveness and responsibility: implementation combined with a binding environmental benchmark
Role of Defenders	Affected persons, sources of knowledge and early warning systems	Governance actors and contributors to democratic accountability
Main Problem	Conflicts emerge before protest and litigation, in information, participation and assessment procedures	Institutions respond, but implementation, state participation and follow-up remain uncertain
Guiding Motif	Prevention before conflicts escalate	Legal standards are only as strong as their implementation
Open Question	Why do people find themselves in the role of defenders at all?	How can these experiences be translated into binding procedures and accountability?

### **3. Protection of Environmental Human Rights Defenders**

Both days demonstrated that protection cannot be understood solely as a security issue.

Day 1 highlighted concrete risks: SLAPPs, criminalization, loss of employment, surveillance, repression, financial pressure and personal threats.

Day 2 shifted the discussion toward institutional responses. Effective protection requires anti-SLAPP mechanisms, access to legal assistance, early dismissal of abusive litigation, adequate funding and public recognition of the role played by defenders.

The key synthesis is that protection does not begin with attacks on defenders. Protection begins where governance systems are designed in ways that prevent individuals from becoming the last line of defense in the first place.

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### **4. The Implementation Gap: Norms, Procedures and Reality**

A central theme throughout both days was the gap between existing legal norms and their practical effectiveness.

Day 1 illustrated this through concrete conflicts. Aarhus rights, environmental assessments, participation procedures and access to justice often exist formally but become effective too late or remain largely procedural.

Day 2 confirmed this diagnosis from an institutional perspective. Courts, ombuds institutions and international organizations repeatedly referred to implementation, monitoring, capacity constraints and access barriers.

The Forum therefore suggests that European environmental governance is not characterized primarily by a lack of norms, but by weaknesses in operational effectiveness. The central challenge lies in translating legal obligations into decision-making practice.

A further layer concerns institutional fragmentation. Obligations relevant to environmental protection, health, participation, access to information and the protection of Environmental Human Rights Defenders are already embedded in different legal regimes: environmental law, human rights law, administrative procedures, international agreements and the case law of regional courts.

As a result, these obligations may exist, but are often interpreted and applied separately. In practice, protection systems may fail to operate as a coherent architecture and instead remain fragmented into parallel instruments.

From this perspective, the implementation gap identified throughout the Forum is also a coherence gap. The challenge is not only to apply existing norms more consistently, but to make their interconnections visible and effective within concrete decision-making processes.

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## **5. The Right to a Clean, Healthy and Sustainable Environment**

Day 2 complemented the implementation perspective with a discussion about legal benchmarks.

While Day 1 primarily highlighted the insufficient effectiveness of existing obligations, Day 2 included strong calls for a binding right to a clean, healthy and sustainable environment within the Council of Europe system.

This demand does not emerge in isolation. In 2021, the Parliamentary Assembly of the Council of Europe proposed a draft additional protocol to the European Convention on Human Rights addressing this right. The Forum connected this ongoing process with the concrete experiences and protection needs of Environmental Human Rights Defenders.

The discussion did not frame new rights as a substitute for implementation. Rather, it revealed a tension: a new right remains weak if it is not implemented, while implementation remains uncertain if the substantive benchmark of protection is insufficiently defined.

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## **6. Impact Assessment and Prevention**

Impact assessment emerged as one of the strongest connecting themes of both days.

Day 1 repeatedly raised a fundamental question:

### **Who assesses the assessors?**

Day 2 deepened this discussion by focusing on independence, health impacts, social consequences, human rights implications and local capacities.

Environmental, social and human rights impact assessments appear as key instruments of preventive governance. They can reduce conflicts when they

are conducted early, independently, transparently, participatively and with access to effective remedies.

At the same time, they can themselves become part of the governance gap when dominated by project proponents or shaped by decisions that have effectively already been made.

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## **7. Access to Information, Participation and Justice**

The Aarhus logic ran through both days.

Access to environmental information, participation in decision-making and access to justice are not merely corrective mechanisms. They are prerequisites for effective prevention.

Day 1 demonstrated how delayed or incomplete information intensifies conflict.

Day 2 highlighted that participation can become practically impossible when procedures become increasingly complex, technical and accelerated, while defenders lack time, financial resources and legal support.

Participation therefore represents not only a legal entitlement, but also a question of capacity.

Another structural question became visible at least implicitly during the Forum: Environmental Human Rights Defenders often do not only defend their own rights, but concrete living systems – rivers, forests, landscapes, ecosystems and ecological relationships. Yet within the European human rights system, environmental harm is still largely addressed indirectly through its impact on individual human beings.

Recent legal developments reveal a growing tension between the European and Inter-American human rights systems. While the Inter-American Court of Human Rights increasingly approaches environmental and climate protection in ecocentric, collective and intergenerational terms, the European Court of Human Rights remains more closely tied to individualised and anthropocentric legal reasoning.

This raises a central question for Europe: can Environmental Human Rights Defenders be effectively protected, if the living systems they defend remain only indirectly protected within the European human rights framework?

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## **8. Corporate Harm and Transnational Responsibility**

Corporate-related environmental harm was a recurring theme throughout the Forum.

Day 1 emphasized the interaction between corporate power, weak procedures and state tolerance or inaction.

Day 2 expanded the chain of responsibility to include parent companies, investors, banks, EU institutions, international financial institutions, digital platforms, local authorities and states.

The Forum demonstrated that environmental governance can no longer be understood solely through a national lens. European responsibility extends beyond European borders. Supply chains, financial flows, trade agreements and resource strategies have become environmental governance decisions in their own right.

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## **9. State Responsibility and Institutional Absence**

One of the most politically significant observations of Day 2 was the limited participation of state representatives.

Day 1 had generated numerous messages directed at states and public institutions.

Day 2 revealed that many states were not sufficiently present to engage with those messages.

Institutional absence thus became a governance issue in itself.

Accountability presupposes presence. Discussions about state obligations require state actors willing to engage.

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## **10. Health, the Human Body and Living Conditions**

Day 2 brought the health dimension more prominently into focus.

Environmental degradation appeared not merely as an ecological issue, but as a direct cause of illness, anxiety and physical vulnerability.

This shifts environmental governance away from a purely technical discussion toward the conditions of life itself.

Air, water, soil, food systems, toxic exposure and the social determinants of health are deeply interconnected. Effective environmental assessment

therefore requires ecological, social and health dimensions to be addressed together.

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## **11. Digital Space and Public Debate**

Another important theme was the growing significance of digital attacks against defenders.

Online harassment, disinformation campaigns and delegitimizing narratives are not merely communication problems. They shape public opinion and thereby influence the political space available for environmental action.

When defenders are portrayed as extremists or opponents of development, participation is weakened before formal participation processes even begin.

The integrity of public debate therefore becomes a prerequisite for effective environmental governance.

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## **12. Care, Relationship and the Living World**

Beneath the language of institutions and human rights, a deeper relational dimension emerged throughout both days.

Participants repeatedly spoke of care for rivers, forests, land, territories, water, communities and future generations.

Day 2 explicitly recognized this dimension as one of the roots of defender engagement.

This perspective points beyond procedural questions toward broader questions concerning ecological relationships and the interconnectedness of human and non-human life.

The underlying question becomes:

Does environmental law merely protect human claims to a healthy environment, or does it also recognize ecological integrity as a value worthy of consideration in its own right?

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## **13. Implications for Future Environmental Governance**

The two days of the Forum point towards a broader structural question:

**How can existing environmental and human rights obligations become timely, reviewable and effective in real-world decision-making?**

This question concerns the practical dimension of environmental governance. The central issue is not only the recognition of rights, but their operationalization in drafting processes, impact assessments, public participation, administrative decision-making, implementation, monitoring and review.

Across very different contexts, participants repeatedly pointed to the same challenge: environmental conflicts often emerge where information, participation, impact assessment and accountability mechanisms fail to operate early enough or effectively enough.

The Forum therefore suggests that the central challenge facing European environmental governance is not merely the adoption of new standards, but the translation of existing obligations into institutional practice.

At the same time, several contributions raised a deeper question concerning the substantive benchmark of environmental protection. Discussions on watershed governance, community stewardship, indigenous perspectives, care and ecological relationships pointed beyond procedural issues and towards broader questions about ecological integrity, interdependence and the relationship between humans and the living world.

Whether future environmental governance will be limited to the protection of human interests in a healthy environment, or will increasingly recognize ecological integrity itself as a relevant point of reference, remains an open question.

In this context, Rights of Nature should not be understood primarily as a litigation instrument, but as a possible benchmark and relational framework for asking what ecological systems require in order to maintain their integrity, regeneration and continuity.

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## 14. Conclusion

The two days of the Forum can be condensed into a single observation:

**Without effective procedures, strong rights remain weak.**

**Without a clear ecological benchmark, procedures do not sufficiently know what they are meant to protect.**

Day 1 highlighted the diagnosis: existing environmental and human rights obligations frequently fail to become effective in time.

Day 2 highlighted the institutional response: implementation, accountability and a binding environmental benchmark must be considered together.

The central challenge is therefore not only to protect Environmental Human Rights Defenders more effectively, but to embed environmental obligations into decision-making processes early enough, independently enough and effectively enough that people do not become defenders only because all other safeguards have failed.

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**Working Draft – Independent analytical synthesis prepared by Hans Leo Bader, a participant of the First European Forum on Environmental Human Rights Defenders. This document does not represent the views of the organizers, the Council of Europe, the United Nations or any participating institution.**

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