

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 REPORT TO THE 76TH SESSION OF THE GENERAL ASSEMBLY

Amnesty International submits this document in response to the [call for inputs](#) issued by the Special Rapporteur on the rights to freedom of peaceful assembly and of association to inform his report to the 76th session of the General Assembly. This contribution focusses on global trends and includes some country examples.

CLIMATE JUSTICE ACTIVISM (QUESTION 1)

We consider that climate justice activism includes all those activities carried out by a variety of individuals, communities, groups and organizations who fight for the right to a healthy environment and for access to land and territory, as well as against human rights violations connected to natural resources exploitation (illegal logging, misuse of water resources, damaging extractive industries and agribusiness) and against other activities that result in pollution, environmental degradation and land seizures; and against human rights violations connected to climate change mitigation and adaptation projects (including conservation and carbon capture); as well as those campaigning to effect changes in government policies to protect our right to a safe climate.

The activities of climate justice activists encompass peaceful assemblies (including in some cases acts of civil disobedience such as blocking traffic or access to building sites, mines and corporate or government offices), litigation (in national, regional and international courts), advocacy and lobby from the local to the international level (participating in global meetings and demanding climate action), and documentation and denunciation of abuses. Digital activism has connected groups and causes scattered across the globe (for example with Telegram/Whatsapp groups and via social media platforms), as well as helped publicizing little known causes and bringing them to the attention of an international audience.

Examples of this activism include: [Marinel Ubaldo](#) (Philippines); [Sengwer Community](#) (Kenya); [Amazonian Indigenous Communities](#) (Ecuador); [Mother Nature Cambodia](#) and the Prey Lang Community Network (Cambodia), [Extinction Rebellion](#) (UK, Finland and elsewhere), to name a few. Although many of these activists have suffered serious retaliations (from criminalization, to intimidation, and physical attacks including killings), their work has shone a powerful light on the human rights effects of climate change and environmental degradation and in many cases has been instrumental to strengthen climate action from governments and corporations. In Finland for example, young climate activists have led movements such as

Extinction Rebellion and Fridays for Future, carrying out effective advocacy towards Finland's climate goals which are among the most ambitious in the world.

UNIQUE CHALLENGES AND THREATS TO PEACEFUL ASSEMBLY AND ASSOCIATION RIGHTS FACED BY CLIMATE DEFENDERS (QUESTIONS 2,3 AND 4)

One of the main challenges that climate and environmental human rights defenders face is marginalization and exclusion from decision making processes on issues that affect them deeply.¹ People who are at the frontline of climate impacts and environmental degradation, continue to be excluded in the vast majority of cases from decision making regarding climate, disaster-risk reduction, and damaging projects that affect them and the environment, despite their lived experiences, the expertise and the knowledge they have accumulated, and the specific rights and needs they have, including their rights to be consulted or, in the case of Indigenous Peoples, to free, prior and informed consent. This exclusion from decision making is a human rights violation and perpetuates indignity, oppression and injustice. It is deeper when such activists face multiple and layered forms of discrimination based on race, gender, sexual orientation, ethnicity, religion, occupation, location, social and migratory status, amongst many other factors. It also means that climate change mitigation and adaptation (and sometimes even conservation) projects and policies frequently lead to human rights violations and increased inequality, rather than improving the lives of the most at-risk, as so do many large development, infrastructural and commercial projects.

Another major challenge faced by the struggle for climate justice is the hostility and violence meted out to environmental human rights defenders. Killings are a particularly pressing issue: of the over [300 defenders](#) killed every year, about 70% are people defending the environment, access to land and Indigenous rights, with high levels of impunity. They are often the targets of death threats, intimidation, smear campaigns, beatings, forced evictions, gender-based violence, racial and ethnic discrimination, judicial harassment and criminalization, arbitrary detention, torture, enforced disappearances, and murder.

The escalation of such attacks is often related to social tension leading to violence within communities, generated by a lack of adequate participation, genuine consultation, sufficient information and adequate alternatives and mitigation measures regarding resource exploitation projects driven both by states and private companies. In other cases, the violence is carried out by state security forces or private security agents acting on behalf of private business interests.² Killings such as that of Mexican environmental rights defender [Samir Flores Soberanes](#) in February 2019, after receiving death threats for his work defending the community's territory from a geothermal plant, are stark indications of the challenges that lie ahead. In many cases, environmental human rights defenders are also targeted with spurious criminal charges. For example, in Guatemala, [Bernardo Caal Xol](#) has been unfairly imprisoned for over two years for defending the rights of Mayan Q'eqchi communities affected by the construction of a hydroelectric project on the sacred Cahabón River in the department of Alta Verapaz. In Cambodia, three environmental activists from Mother Nature Cambodia - Long Kunthea, Phun Keoraksmeay, and Thun Ratha were [convicted](#) and sentenced to jail terms in May 2021 for seeking to raise concerns about the infilling and privatization of lakes in Phnom Penh. In Madagascar, Clovis Razafimalala, who campaigns against the illegal trafficking of timber, has been criminalized over many years. In December 2020, he faced a [new hearing](#) on the same old spurious charges, in a continuation of injustice that he has been the target of since 2016.

Added to this, the increasing attacks to civil society space, with growing barriers to the rights to privacy, freedom of expression, assembly and association across much of the world,³ present a difficult and often dangerous environment for human rights defenders who want to protest and organize activities to demand

¹ For example, see: Guardian, *Activists protest at 'sidelining of social justice' at UN climate talks*, Dec 2019, www.theguardian.com/environment/2019/dec/12/activists-protest-un-climate-talks

² Amnesty International, *Deadly but Preventable: Attacks, killings and enforced disappearances of those who defend human rights*, 5 December 2017, Index: ACT 30/7270/2017, www.amnesty.org/en/documents/ior30/O174/2019/en/; Global Witness, *Defending Tomorrow: The climate crisis and threats against land and environmental defenders*, 2020; 350.org, *Human rights abuses by fossil fuel companies*, 2020, https://drive.google.com/file/d/1k-aQMpzKPIlNeelr9Ar_w6iR3JOVQ44rR/view.

³ Amnesty International, *Human rights defenders under threat*, 16 May 2017, Index: ACT 30/6011/2017, <https://www.amnesty.org/en/documents/act30/6011/2017/en/>; Amnesty International, *Laws designed to silence: the global crackdown on civil society organizations*, 21 February 2019, Index: ACT 30/9647/2019, www.amnesty.org/en/documents/act30/9647/2019/en/; Civicus, *State of Civil Society report 2019*, www.civicus.org/index.php/state-of-civil-society-report-2019

climate action. For example, in the UK, in October 2019 protesters in London faced mass arrests and a [blanket ban on protests](#), which eventually brought demonstrations to an end. Two years later, this 2021, the UK government has put forward a new [policing bill](#) which would give police sweeping powers to crack down on protests. In India, draconian laws such as the UAPA (Unlawful Activities Prevention Act) and the crime of “sedition” have been used to clamp down on protesters, journalists and climate activists, who have also faced targeted digital surveillance. For example, Fridays for Future activist Disha Ravi was arrested and charged with sedition simply for allegedly editing a protest toolkit.⁴ In the [Philippines](#), the 2020 Anti-terror Act also threatens climate activists, with its vague and overbroad definition of terrorism, which may criminalize a whole host of legitimate activities, including peaceful protest. In [France](#), the Global security law approved in April 2021 established mass surveillance, including via drones, and seriously violates the rights to privacy, freedom of expression and peaceful assembly – the Constitutional Council [ruled](#) in May 2021 several of its articles to be in contradiction with the constitution.

In the USA, the protests against the [Dakota Access Pipeline](#) led to repression in the form of [SLAPPs](#) (strategic lawsuits against public participation, commonly used globally to discourage environmental activism) but also in the form of unnecessary and excessive use of force. In addition, some US state governments and the federal government have [moved to enact new legislation to curtail the right to protest](#), with increased penalties for those who protest against pipelines.

In [Cambodia](#), the widely-criticized Law on Associations and Non-Governmental Organizations (LANGO) is routinely used to restrict the legitimate activities of environmental groups and activists. The law requires mandatory registration for all CSOs and associations in contravention of Art. 22 ICCPR, among many other problematic provisions. The authorities brand unregistered organisations as “illegal” to delegitimize their environmental protection activities. Organization Mother Nature Cambodia has been deemed “illegal” due to its non-registration under LANGO, providing the pretext for the government to interfere with its activities and arrest young activists. The authorities have also referenced this law to justify their ongoing marginalization of grassroots communities from engaging in forest protection activities, such as the Prey Lang Community Network (PLCN) which organises approximately 400 volunteers, most of whom are Indigenous Kuy, who monitor illegal logging in the Prey Lang forest. The Ministry of Environment has arbitrarily banned PLCN from entering Prey Lang since early 2020, citing both the LANGO and the Law on Protected Areas, which is selectively enforced against independent and grassroots forest defenders. In Iran, [8 conservationists](#) affiliated with the Persian Wildlife Heritage Foundation were sentenced to [lengthy prison sentences](#) in 2020, following an unfair trial on trumped up spying charges. They were subjected to torture and other ill-treatment to extract “confessions”.

COVID-19 presented a new set of [challenge for all activists](#), including environmental and climate defenders, as freedom of movement and assembly were curtailed in many countries to implement lockdowns. In some cases, such restrictions were enforced in a punitive fashion, with blanket bans on demonstrations or with use (or threat of use) of excessive force by police. “[Fake news](#)” legislation has been used to indiscriminately to silence critics expressing opinions on a wide range of issues.

Faced with government inaction on climate and with exclusion from decision-making processes, some climate activists have resorted to civil disobedience to make their concerns heard. This has increased the risk of crackdowns on public assemblies and the excessive use of force by police, such as the blanket ban on Extinction Rebellion protests in London, UK in 2019, the use of [pepper spray](#) against peaceful climate [activists blocking a street](#) in central Helsinki, Finland in October 2020, or the repression against climate protesters in Australia (see separate submission). In some cases, activists using civil disobedience have been characterised as [extremists](#), and in many countries across Latin America, such as [Peru and Paraguay](#), environmental human rights defenders who mobilize are characterised as “trouble makers” “rebels” and are criminalized.

⁴ Amnesty International, *India: Government must stop crushing farmers’ protests and demonizing dissenters*, 9 February 2021, <https://www.amnesty.org/en/latest/news/2021/02/india-government-must-stop-crushing-farmers-protests-and-demonizing-dissenters/>; The Guardian, “Disha Ravi: the climate activist who became the face of India’s crackdown on dissent”, 18 February 2021, <https://www.theguardian.com/world/2021/feb/18/disha-ravi-the-climate-activist-who-became-the-face-of-indias-crackdown-on-dissent>

Online harassment and smear campaigns⁵ of environmental and climate activists, particularly women, young people, indigenous peoples and those opposing business interests, are aimed at stopping their activism. For example, in Honduras, members of indigenous and international organizations were [smeared and accused](#) on TV of being “liars, opponents of development and enemies of the Honduran people”.

Even at events specifically dedicated to discussing climate change, activists have been hampered or have faced reprisals. For example, in 2015, in [France](#) 26 climate change activists were ordered to assigned residence for the whole duration of the COP21 climate summit in Paris in an abusive application of the emergency measures in the context of the state of emergency. In 2018, at the COP24 climate summit in Poland, the Polish government adopted [legislation](#) to prevent activists, NGOs and the general public from holding spontaneous assemblies outside the talks. Demonstrators had to notify the city authorities in advance or risk prosecution and the police were given extra powers to put conference participants under enhanced surveillance without their knowledge. In addition, over a [dozen activists](#) were refused entry to the country or deported while on their way to the UN climate change conference. In 2019, [Arshak Makichyan](#), a climate change activist based in Russia who had been protesting solo due to the highly restrictive Russian legislation on the right to peaceful assembly, was arrested on his return from the Madrid COP25, in relation to his demonstrations.

RECOMMENDATIONS TO STATES (QUESTION 5)

In order to achieve ambitious and human rights-consistent climate action, it is imperative that human rights defenders, in line with human rights law and standards,⁶ are able to defend and promote human rights without fear of punishment, reprisal and intimidation, and that they are able to exercise their human rights, including to freedom of expression, association, assembly. This also means that those affected by climate change and proposed climate measures, are provided access to information and meaningful participation in environmental decisions. In addition, all people whose rights are affected by climate change or climate-related measures, as well as environmental human rights defenders who have suffered human rights violations, must have access to effective remedy. In addition, public recognition of the important role of environmental human rights defenders will help strengthen their safety and participation.

States must:

- Publicly recognize, at the highest levels, the legitimate and important work of all human rights defenders, including those working on issues related to climate, access to land and the environment.
- refrain from using language that stigmatizes, abuses, disparages, or discriminates against environmental human rights defenders, including characterizing them as: “terrorists,” “enemies of the state,” “opponents,” “anti-development,” or “criminals”.
- take measures to address hate speech and harassment of activists and human rights defenders, including online.
- Respect, protect and fulfil the right to information, participation and remedy, as well as to freedom of expression and assembly in all climate policies and strategies in line with human rights law and Sustainable Development Goal 16 (peace, justice and strong institutions) by:
 - Putting in place transparent and inclusive processes to ensure everyone, including women, Indigenous peoples, communities affected by discrimination based on work and descent, minorities, children, persons with disabilities and other groups facing marginalization or discrimination are provided with equal opportunities to meaningfully participate in climate decision-making;

⁵ See, for example: Deutsche Welle, *What impact is hate speech having on climate activism around the world?*, Oct 2020, www.dw.com/en/what-impact-is-hate-speech-having-on-climate-activism-around-the-world/a-55420930; NBC News, *Young female climate activists face hateful abuse online. This is how they cope*, Nov 2019 www.nbcnews.com/news/world/young-female-climate-activists-face-hateful-abuse-online-how-they-n1079376

⁶ UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, 1998, UN Doc. A/RES/53/144. See also *Recognizing the contribution of environmental human rights defenders to the enjoyment of human rights, environmental protection and sustainable development*, 2019 UN DOC. A/HRC/RES/40/11; and *Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean*, 2018.

- Ensuring all environmental human rights defenders, including climate activists and those working to protect land, livelihoods and the environment can continue their legitimate work without fear of reprisals in a safe and enabling environment,
- Paying particular attention to those who face intersecting forms of discrimination, such as women human rights defenders and Indigenous human rights defenders;
- Bearing in mind the high level of deadly attacks on environmental human rights defenders and reigning impunity, states must also take all necessary measures to ensure such attacks are prevented, including by responding to threats, harassment, intimidation, and ensuring such attacks are thoroughly, promptly and independently investigated and those responsible brought to justice;
- Ensuring access to domestic and international administrative, judicial, legislative or other appropriate means to adjudicate claims of and provide effective remedies for human rights violations resulting from climate change or climate-related projects and measures, including when conduct within their jurisdiction harms the rights of people outside their borders.

In foreign policy States must:

- Substantially increase political and diplomatic effort given to the protection of environmental human rights defenders and urge other governments to guarantee, with adequate measures and sufficient resources, their protection.
- Implement robust, public-facing operational guidelines that help embassies to establish open, clear, secure, and sustained lines of communication with human rights defenders under threat
- Develop guidelines, in consultation with human rights defenders, civil society and media organizations, prioritizing the support and protection of human rights defenders as a foreign policy priority.

THE ROLE OF MULTILATERAL INSTITUTIONS (QUESTION 6)

The Declaration on human rights defenders is applicable to all environmental and climate defenders. Civil society and human rights defenders play a central role in ensuring that there is actual progress on climate and environmental standards. This is recognized, for example, in the Escazú Agreement and the 2019 UN Resolution on Environmental rights defenders, which includes a set of recommendations to ensure the necessary safe and enabling environment is in place so that activists can carry out their work without fear of reprisal. All regional and international multilateral institutions (such as all bodies and processes part of the UN, including the Security Council) and member states must apply these principles and reaffirm the central importance of environmental human rights defenders and their activism in overcoming the environmental and climate crisis.

The UN Environment Programme also has a specific policy recognizing the role of environmental defenders, the risks they face and the need to protect their right to campaign and mobilize for climate action – this policy should be strengthened and put into action.

Governments working in other multilateral forums such as the G7, G20 and BRICS should ensure that their discussions on, and proposed solutions for, addressing climate change and environmental issues include public recognition of the vital role of environmental human rights defenders.

Within the UNFCCC, at COP26 states should adopt a new Action for Climate Empowerment (ACE) Work Programme on climate education, public participation and access to information, capable of promoting the effective implementation of human rights-consistent climate policies, including by:

- Ensuring that the new ACE Work Programme is rooted in human rights law, principles and standards and contains clear references to and is consistent with each state's human rights obligations and include relevant indicators, targets and benchmarks;
- Adopting a detailed work plan for the new ACE Work Programme;
- Providing for regular reporting obligations from state parties;
- Establishing a mechanism to ensure better information sharing among parties and better inclusion and implementation of all the elements of ACE across all the workstreams under the UNFCCC.

Reference list:

Human rights defenders under threat – A shrinking space for civil society, 16 May 2017, Index number: ACT 30/6011/2017, <https://www.amnesty.org/en/documents/act30/6011/2017/en/>

Deadly but preventable attacks: killings and enforced disappearances of those who defend human rights, 5 December 2017, Index number: ACT 30/7270/2017, <https://www.amnesty.org/en/documents/act30/7270/2017/en/>

Challenging power, fighting discrimination: A call to action to recognise and protect women human rights defenders, 29 November 2019, Index number: ACT 30/1139/2019, <https://www.amnesty.org/en/documents/act30/1139/2019/en/>

Daring to stand up for human rights in a pandemic, August 2020, ACT 30/2765/2020 <https://www.amnesty.org/en/documents/act30/2765/2020/en/>

Adenike Titilope Oladosu (Nigeria – ambassador of conscience award) and other climate activists: <https://www.amnesty.org/en/latest/news/2019/04/22-diverse-voices-to-follow-on-twitter-this-earth-day/>

Kenya: Sengwer evictions from Embobut Forest flawed and illegal, 15 May 2018, <https://www.amnesty.org/en/latest/news/2018/05/kenya-sengwer-evictions-from-embobut-forest-flawed-and-illegal/>

Indonesia, Open letter on the need to establish a prompt, impartial and thorough investigation into the death of environmental human rights defender Golfrid Siregar, 16 October 2019, <https://www.amnesty.org/download/Documents/ASA2112332019ENGLISH.pdf>

Cambodia: "Outrageous" conviction of five environmental activists must be overturned, 6 May 2021, <https://www.amnesty.org/en/latest/news/2021/05/cambodia-outrageous-conviction-of-five-environmental-activists-must-be-overturned/>

Cambodia's Prey Lang: how not to protect a vital forest, 13 April 2021, <https://www.amnesty.org/en/latest/news/2021/04/cambodias-prey-lang-how-not-to-protect-a-vital-forest/>

Cambodia: widespread illegal logging in prey lang rainforest amid ban on community patrols, 25 february 2021, <https://www.amnesty.org/en/latest/news/2021/02/cambodia-widespread-illegal-logging-in-prey-lang-rainforest-amid-ban-on-community-patrols/>

Cambodia: Harassment of forest defenders undermines struggle against climate change, 20 March 2020, Index number: ASA 23/2004/2020, <https://www.amnesty.org/en/documents/asa23/2004/2020/en/>

Brazil: Fence off and bring cattle (attacks on indigenous defenders mentioned) <https://www.amnesty.org/en/documents/amr19/1401/2019/en/>

Mexico: Environmental Rights Defender Killed: Samir Flores Soberanes, 26 February 2019, Index number: AMR 41/9893/2019, <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, 24 January 2019, Index number: AMR 41/9554/2019, <https://www.amnesty.org/en/documents/amr41/9554/2019/es/>

Ecuador: "They will not stop us" : Justice and protection for Amazonian Women, defenders of the land, territory and environment, 30 April 2019, Index number: AMR 28/0039/2019, <https://www.amnesty.org/es/documents/amr28/0039/2019/es/>

Americas: "We are defending the land with our blood: defenders of the land, territory and environment in Honduras and Guatemala", 1 September 2016, Index number: AMR 01/4562/2016, <https://www.amnesty.org/es/documents/amr01/4562/2016/es/>

Americas: A recipe for criminalization: Defenders of the environment, territory and land in Peru and Paraguay, 26 April 2018, Index number: AMR 01/8158/2018, <https://www.amnesty.org/es/documents/AMR01/8158/2018/es/>

Amnesty International: Recommendations to the G20 in 2019 on the important role of human rights defenders, 6 June 2019, Index number: IOR 30/0174/2019, <https://www.amnesty.org/en/documents/ior30/0174/2019/en/>