



2 December 2023

**Statement of Michel Forst  
UN Special Rapporteur on Environmental Defenders under the Aarhus Convention  
on the occasion of COP28**

COP28 has started and with it, tens of thousands of people are now gathering in Dubai to discuss the future of our planet and of climate action. Being present here as the world's first Special Rapporteur on Environmental Defenders leads me to focus on an essential question that I will constantly bear in mind in the coming days: what place is really made available to environmental defenders and how safe is it for them to make their voices heard, to have their faces seen, in these international discussions?

My role is to protect environmental defenders from any form of harassment, intimidation, persecution, or criminalization coming from state or private entities. When I was elected in June 2022, reports of the challenges that defenders had faced during the COP in Glasgow were still in everybody's mind, and within six months, more alarming information was arriving from the following COP in Sharm el-Sheikh. It was rather obvious to me, from the beginning of my mandate, that the COPs were not exempt from risks for defenders and that these were spaces where I would need to be. As long as environmental defenders are willing to participate in the COPs, I am willing to do my best to ensure that they have a proper seat at the negotiating table and that they do not face reprisals for it.

In the last year, through my visits to various European countries, I have had the opportunity to assess the extent and gravity of the ongoing repression of environmental movements and activists. I had not anticipated that the criminalization of environmental activism had reached such a level that, within a year of my election, I would see peaceful environmental activists throughout Europe being explicitly compared to terrorists, or screaming in pain as they were being carried away by police officers using deliberately painful techniques, or being imprisoned for up to three years simply for exercising their right to protest. Similarly, although the use of organized crime or counterterrorism laws against environmental movements is far from being new, I had not foreseen that I would receive so many reports of activists placed under surveillance, phone tapped, or home raided.

I have also witnessed, through these country visits and my recent meetings with Inuit and Saami, how harmful the "green transition" can be, when decisions related to climate action are made without involving those who are on the frontlines. Countless decisions for the energy transition are still being made at the international, national, or local levels without meaningfully involving the communities most affected. These include Indigenous Peoples who see their lands, their rights, and their entire ways of life adversely affected. The Aarhus Convention requires that all those who may be affected by these decisions have the opportunity to effectively participate in them.

As we are about to celebrate, during COP28, the 75<sup>th</sup> anniversary of the Universal Declaration of Human Rights and the 25<sup>th</sup> anniversary of the UN Declaration on Human Rights Defenders, I am profoundly worried and saddened to be witnessing grave threats to environmental defenders and serious erosions of civic space in so many countries.

The triple environmental crisis of climate change, pollution and biodiversity loss is a major human rights challenge: the messages that environmental defenders are seeking to convey is in line with the many warnings from scientists about the catastrophe that awaits us. It cannot be addressed if those who are fighting against it are not heard. If those who are fighting against it see their fundamental freedoms restricted and their rights violated, simply for demanding that governments, businesses, and the whole of society address this crisis with the urgency needed to preserve the future of our planet and its species, including humankind.

Attempts at stifling the voice of environmental defenders, through restrictions on civic space and fundamental freedoms, only heighten the urgency to act. States must demonstrate leadership, including during COP28, to protect environmental defenders both within and outside their borders, and to promote their participation in international forums related to the environment, including the COPs. The 47 Parties to the Aarhus Convention are legally bound to do both of these: Aarhus Parties have a binding obligation to protect environmental defenders and to promote their participation in international forums like the COPs. Much more is needed to comply with these obligations, and the time to act is now.

## About the UN Special Rapporteur on Environmental Defenders under the Aarhus Convention

The mandate of [Special Rapporteur on Environmental Defenders](#) was established under the Convention on Access to Information, Public Participation in Decision-making, and Access to Justice in Environmental Matters ([Aarhus Convention](#)).

In October 2021, the Meeting of the Parties to the Aarhus Convention adopted, by consensus, [Decision VII/9 establishing a rapid response mechanism for the protection of environmental defenders](#) in the form of a Special Rapporteur on Environmental Defenders, to deal with cases related to article 3 (8) of the Convention. Article 3 (8) requires that: “Each Party shall ensure that persons exercising their rights in conformity with the provisions of this Convention shall not be penalized, persecuted or harassed in any way for their involvement.”

The role of the Special Rapporteur on Environmental Defenders is to take measures to protect any person experiencing, or at imminent threat of experiencing, penalization, persecution, or harassment for seeking to exercise their rights under the Aarhus Convention.

The Special Rapporteur on Environmental Defenders is the first mechanism specifically safeguarding environmental defenders to be established within a legally binding framework either under the United Nations system or other intergovernmental structure.

Mr. Michel Forst was elected by consensus as the first Special Rapporteur on Environmental Defenders at the [third extraordinary session](#) of the Meeting of the Parties to the Aarhus Convention, on 24 June 2022.

The Aarhus Convention is an international instrument open for accession to any UN Member State. There are currently [47 Parties](#) to the Aarhus Convention (the list is available [here](#)).

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