



Convention on Access to Information,
Public Participation in Decision-making and
Access to Justice in Environmental Matters
(Aarhus Convention)

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UN Special Rapporteur on environmental defenders under the Aarhus Convention

Ref: ACSR/C/2024/26 (United Kingdom of Great Britain and Northern Ireland)
(Please use this reference in your reply)

12 March 2024

Excellency,

I have the honour to address you in my capacity as UN Special Rapporteur on environmental defenders under the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention).

As you may be aware, article 3 (8) of the Aarhus Convention 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 United Kingdom of Great Britain and Northern Ireland (United Kingdom) has been a Party to the Aarhus Convention since 2005.¹

At its seventh session (Geneva, 18–21 October 2021), the Meeting of the Parties to the Aarhus Convention adopted decision VII/9 on a rapid response mechanism to deal with cases related to article 3 (8) of the Convention.² Decision VII/9 establishes the rapid response mechanism in the form of an independent Special Rapporteur on environmental defenders under the authority of the Meeting of the Parties. At its third extraordinary session (Geneva, 23–24 June 2022), I was elected, by consensus, by the Meeting of the Parties as the Convention’s Special Rapporteur on environmental defenders.

In accordance with the mandate in decision VII/9, I write to bring to your attention information I have received concerning the alleged persecution, penalization and harassment of Mr. Daniel Shaw in connection with the exercise of his rights under the Aarhus Convention.

Mr. Shaw has participated in protests organized by Extinction Rebellion, Just Stop Oil and Insulate Britain since 2019 in an effort to raise awareness about the seriousness of the threat posed by climate change and the need for urgent government action. The aim of, for example, the Just Stop Oil protests which Mr. Shaw joined, is to call for an end to oil and gas licensing in the United Kingdom.

Based on the information received, Mr. Shaw is an environmental defender within the meaning of the ninth preambular paragraph of decision VII/9.³

According to the information received, as a result of Mr. Shaw’s involvement in organizing a peaceful environmental protest to call for urgent government action concerning the climate crisis, Mr. Shaw has been subject to the following alleged penalization, persecution and harassment:

¹ See https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=XXVII-13&chapter=27&clang=en.

² Available at: https://unece.org/sites/default/files/2022-01/Aarhus_MoP7_Decision_on_RRM_E.pdf.

³ Ibid.

Arrest and subsequent remand to prison

1. On 6 November 2022, Mr. Shaw was arrested near his parents' home on the charge of "conspiracy to cause a public nuisance" under the Police, Crimes, Sentencing and the Courts Act 2022. Based on the information received, the arrest followed a private Zoom call on 2 November 2022 during which Mr. Shaw discussed with the other attendees of the call the climate crisis and a proposed environmental protest. A journalist from the Sun newspaper, posing as a climate activist, had joined the call, secretly recorded the conversation and subsequently gave it to the police. Other attendees of the call were also arrested on conspiracy charges on the same day.
2. In the context of his arrest, around 20-25 police officers conducted searches of Mr. Shaw's parents' home, Mr. Shaw's home and Mr. Shaw's car.
3. The evidence used as the basis for Mr. Shaw's arrest was a transcript from the 2 November 2022 Zoom recording and 1200 pages of telephone records, listing the numbers called and the call duration of around ten individuals, including Mr. Shaw, over a period of several months in 2022.
4. Following his arrest on 6 November 2022, Mr. Shaw was taken to a police station in London where he was held for two nights. During this time, he was interviewed by police detectives regarding the planned Just Stop Oil protest to take place between 7 and 10 November 2022 on the gantries of the M25 motorway.
5. On 8 November 2022, Mr. Shaw was remanded to court while in police custody. Westminster Magistrates Court refused to grant him bail and he was remanded to prison.
6. On 17 November 2022, Mr. Shaw made a further request for bail which was refused by Southwark Crown Court due to concerns by the court about statements on the Just Stop Oil website referencing ongoing protest activity.
7. On 12 January 2023, the court again refused Mr. Shaw's request for bail due to statements on the Just Stop Oil website about ongoing protest activity.
8. On 22 February 2023, Mr. Shaw's third request for bail was granted, and he was released from prison on 27 February 2023. At the same time, a trial date for June 2024 was set to hear his criminal case. The trial date has now been confirmed for 24 June 2024.
9. In total, Mr. Shaw spent 113 nights in prison.
10. At the time of his arrest, and to date, Mr. Shaw has no criminal record or prior convictions.

Bail conditions and request for variation of bail

11. The bail conditions imposed on Mr. Shaw on 22 February 2023 were the following:
 - a. To live and sleep at his home address each night;
 - b. To observe a curfew between 10 pm and 7 am, subject to electronic monitoring;
 - c. Not to contact directly or indirectly the twelve named co-defendants;
 - d. Not to enter within a mile radius the M25 motorway (except in a vehicle) save to attend pre-arranged appointments with solicitors, medical professionals or attend court;

- e. Not to participate in any climate change demonstration;
 - f. Not to be in possession of any climbing equipment, superglue, duct tape or adhesive in a public place;
 - g. Not to affix yourself to any human being, road surface, furniture or signage.
12. On 29 May 2023, Mr. Shaw made a request for variation of bail conditions to remove the condition not to participate in any climate change demonstrations. Based on the information received, this request was declined and, as of the date of this letter, Mr. Shaw continues to be subject to all but one of the bail conditions imposed on 22 February 2023. The sole bail condition no longer in place is the 10 pm to 7 am curfew, and related electronic monitoring, which was removed as a bail condition in the summer of 2023.

Without prejudging the accuracy of the above allegations, I express my serious concern about the above sequence of events that appear to show that Mr. Shaw has been subject to significant penalization, persecution and harassment simply for taking part in a Zoom call at which a proposed peaceful environmental protest was discussed.

I am particularly troubled regarding the following aspects.

First, Mr. Shaw was held in prison on remand for 113 days, and repeatedly refused bail, for having taken part in a Zoom call at which peaceful environmental protest was discussed.

Second, upon being granted bail in February 2023, he has been subject to a list of harsh bail conditions. This included, from February to summer 2023, being bound to a 10 pm to 7 am curfew and an electronic ankle tag. More than twelve months later, he is still required to live and sleep at his home address each night. This amounts, in effect, to a travel ban and constitutes a significant restriction on his freedom of movement and his right to a private and family life.

Third, a further significant restriction on Mr. Shaw's right to a private life is the bail condition banning him from having any contact with the twelve named co-defendants, some of whom may be close personal friends and emotional supports.

Fourth, I am deeply concerned about the bail condition – still in place despite Mr. Shaw's applications to have it removed – prohibiting Mr. Shaw from participating in “any climate change demonstration”. Given that Mr. Shaw has no criminal record and has never engaged in violent protest, I fail to see any legitimate purpose being pursued in prohibiting Mr. Shaw, for more than a year already, from exercising his rights to freedom of expression and assembly in the form of participation in any climate change protests.

Given that Mr. Shaw's trial will not take place until late June 2024, Mr. Shaw has been living subject to the above severe bail conditions and with the prospect of his impending criminal prosecution for charges of “conspiracy to cause a public nuisance” hanging over him for a significant period of time. This imposes a significant psychological burden on a peaceful environmental defender like Mr. Shaw with no prior criminal convictions. I cannot see how Mr. Shaw's lengthy period of remand in prison, coupled with his harsh bail conditions, are reasonable, proportionate or pursue a legitimate public purpose with respect to an environmental defender, with no criminal convictions, who simply took part in a Zoom call at which peaceful environmental protest was discussed.⁴

⁴ See the Compliance Committee's findings on communication ACCC/C/2014/102 (Belarus),

On this point, it is important that I draw to your attention that the Aarhus Convention Compliance Committee has made clear that article 3 (8) of the Convention “is not limited in its application to acts of public authorities as defined in article 2, paragraph 2, of the Convention, but rather covers penalization, persecution or harassment by any State body or institution, including those acting in a judicial or legislative capacity”.⁵ Therefore, conduct by the police, the prosecution service and the judiciary in the course of Mr. Shaw’s arrest, lengthy custodial remand and harsh bail conditions, as well as when conducting the criminal prosecution, may trigger the United Kingdom’s obligations under article 3 (8).

I also express my serious concern about the apparent role played by the United Kingdom private media in bringing about Mr. Shaw’s arrest, and in particular the covert recording of Mr. Shaw’s conversation with other members of the public by a journalist from the Sun, which forms the key evidence on the basis of which Mr. Shaw has been prosecuted. Infiltration and unauthorized recording of this nature seriously interfere with the private life of members of the public, like Mr. Shaw, and run counter to creating the necessary safe civic space to exercise fundamental rights in the context of the environmental defender’s efforts to protect the environment.

As it is my responsibility, under the mandate entrusted to me by the Meeting of the Parties to the Aarhus Convention, to seek to clarify all complaints brought to my attention, I would be grateful for your response to the following matters:

1. Please provide any information and/or comments you may have on the allegations set out in the present letter.
2. Please provide information on steps taken, if any, to dismiss the criminal proceedings against Mr. Shaw and immediately lift all bail conditions imposed on him.
3. Please provide information on legal and other safeguards such as trainings or guidance for law enforcement, prosecutors, judges and the media in place to protect and prevent any disproportionate interference with the private life of environmental defenders engaging in peaceful protest.
4. Please provide comments on the justification to prohibit Mr. Shaw, since February 2023, from participating in any climate change demonstrations, including the proportionality of this restriction on the exercise of Mr. Shaw’s fundamental rights.
5. Please provide information on internal investigations conducted, if any, in response to this letter into the proportionality of the remand period in prison of Mr. Shaw and of the subsequent bail conditions imposed on him. Please also provide information as to steps taken (i) to compensate Mr. Shaw, and (ii) to prevent environmental defenders that have been involved, in any way, in peaceful environmental protest being subject to disproportionate custodial remand in the future.
6. Please provide information as to steps taken, if any, in response to this letter.

ECE/MP.PP/C.1/2017/19, para. 69, <https://unece.org/fileadmin/DAM/env/pp/compliance/CC-58/ece.mp.pp.c.1.2017.19.e.pdf>.

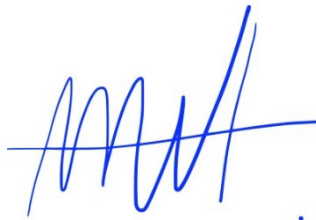
⁵ See the Compliance Committee’s findings on communication ACCC/C/2014/102 (Belarus), ECE/MP.PP/C.1/2017/19, para. 70, <https://unece.org/fileadmin/DAM/env/pp/compliance/CC-58/ece.mp.pp.c.1.2017.19.e.pdf>.

I would appreciate receiving your response within 60 days, that is by **11 May 2024**. After this date, the present letter and the response received from your Excellency's Government may be made public on the Aarhus Convention's website.⁶ They will also subsequently be reported upon in my report to the eighth session of the Meeting of the Parties in 2025.

While awaiting your response, I urge that all necessary interim measures be undertaken to halt the alleged persecution, penalization and harassment of Mr. Shaw and to prevent any further occurrences. In this regard, your Excellency's Government should take great care, when looking into the allegations in the present letter, that nothing is done that could put Mr. Shaw at risk of further persecution, penalization or harassment.

In the event that your investigations support or suggest the allegations to be correct, I urge you to ensure the prompt cessation of the alleged persecution, penalization and harassment of Mr. Shaw and to ensure the accountability of any person(s) responsible therefor.

Please accept, Excellency, the assurances of my highest consideration.



Michel Forst

UN Special Rapporteur on environmental defenders under the Aarhus Convention

To: His Excellency, Lord David Cameron, Secretary of State for Foreign, Commonwealth and Development Affairs of the United Kingdom of Great Britain and Northern Ireland

Cc: Mr. Tom Fuller, national focal point for the Aarhus Convention, Department for Environment, Food and Rural Affairs, United Kingdom of Great Britain and Northern Ireland

⁶ <https://unece.org/environmental-policy/public-participation/correspondence-regarding-complaints-special-rapporteur>.