

## **Time to protect environmental defenders and ensure their safe participation in international forums relating to the environment and climate change**

*A joint statement by international and regional human rights experts, in the context of COP29\**

Environmental defenders are both on the front lines in the fight against environmental violations in their communities, cities, and countries, and the driving force behind efforts to address the triple planetary crisis of pollution, biodiversity loss and climate change. Yet, every day, as they strive to protect people and the planet, they pay a heavy price for doing so.

Despite growing recognition at the regional and international level of the essential role environmental defenders play, recent years have seen a global increase in the frequency and severity of threats and attacks against them. While COPs should be an exemplary United Nations (UN)-led model for the safe participation of environmental defenders in international forums relating to the environment and climate change, each year environmental defenders face significant challenges for their efforts to have their voices heard in these forums. This shows that much more needs to be done to ensure the required safe participation. With COP29 taking place in Baku, Azerbaijan, from 11 – 22 November, we consider it to be an important occasion to reiterate the urgent need for States to recognise and protect environmental defenders in all circumstances and to guarantee their safe participation in international forums relating to the environment and climate change.

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### *Strengthened recognition of the human right to a clean, healthy and sustainable environment*

In recent years, several important steps have been taken to strengthen the recognition of the right to a clean, healthy and sustainable environment as a human right. The UN General Assembly did precisely that in August 2022,<sup>1</sup> following its recognition by the UN Human Rights Council in 2021.<sup>2</sup> In light of these developments at the international level, in 2022 the Committee of Ministers of the Council of Europe called on its Member States to recognise this right at national level,<sup>3</sup> as the European Parliament had already done in its 2021 call for EU Member States to recognise the right in the Charter of Fundamental Rights of the European Union.<sup>4</sup>

The right to a clean, healthy and sustainable environment has long been recognised in a number of treaties, including in the [Protocol of San Salvador](#) (1969)<sup>5</sup> of the Inter-American Commission of Human Rights, the [African Charter on Human and Peoples' Rights](#) (1991),<sup>6</sup> the Convention on Access to Information, Public Participation in Decision-making, and Access to Justice in Environmental Matters ([Aarhus Convention](#), 1998),<sup>7</sup> and, more recently, in the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean ([Escazú Agreement](#), 2018).

### *Strengthened recognition of environmental defenders*

Along with efforts to reaffirm the interlinkage between human rights and the environment and to guarantee the right to a clean, healthy and sustainable environment for all, specific steps have been taken in recent years to strengthen the recognition and protection of environmental defenders at the regional and international level.

The [Escazú Agreement](#) includes detailed requirements for the protection of environmental defenders.<sup>8</sup> Likewise, the [Aarhus Convention](#) requires each Party to protect environmental defenders from penalisation,

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<sup>1</sup> United Nations General Assembly, [A/RES/76/300](#).

<sup>2</sup> United Nations Human Rights Council, [A/HRC/RES/48/13](#).

<sup>3</sup> Committee of Ministers of the Council of Europe, [Recommendation CM/Rec\(2022\)20](#).

<sup>4</sup> European Parliament, [resolution of 9 June 2021 on the EU Biodiversity Strategy for 2030: Bringing nature back into our lives \(2020/2273\(INI\)\)](#), §143.

<sup>5</sup> Article 11 of the Protocol of San Salvador

<sup>6</sup> Article 24 of the African Charter on Human and Peoples' Rights.

<sup>7</sup> Article 1 of the Aarhus Convention.

<sup>8</sup> Article 9 of the Escazú Agreement

persecution or harassment.<sup>9</sup> In 2019, the UN Human Rights Council specifically recognised the contribution of environmental defenders to the enjoyment of human rights.<sup>10</sup> In 2021, a rapid response mechanism to protect environmental defenders was established under the Aarhus Convention, in the form of a [Special Rapporteur on Environmental Defenders](#). This is the first international mechanism specifically safeguarding environmental defenders to be established under a legally binding instrument.

### *Increasing threats and attacks against environmental defenders around the world*

Despite the strengthened recognition of the right to a clean, healthy and sustainable environment and the need to protect the defenders of this right, environmental defenders face increasing threats and attacks around the world.

Beyond the dreadful number of killings – civil society documentation points to [close to 200 murders in 2023](#), which is almost certainly an underestimate – the obstacles that environmental defenders face in retaliation for their efforts to protect the environment range from stigmatisation and defamation campaigns, online threats, verbal and physical attacks targeting them as well as their friends and families, to unfounded administrative sanctions, restrictions of their freedoms of peaceful assembly and association, and arbitrary arrests and detention. Attempts to silence environmental defenders through strategic litigation against public participation (SLAPPs), brought against defenders by companies or state actors, are also a rapidly growing and concerning trend in many countries.

In demanding government action – and protesting against inaction – to address pollution, biodiversity loss and climate change, or where opposing large scale projects, including those meant to foster the energy transition such as mega dams, photovoltaic panels' fields, or lithium mines, environmental defenders are exposed to grave risks. While the nature and levels of risks vary between countries and regions, on all continents they are increasing at a fast pace, and come from both State and non-State actors, including private companies. Among environmental defenders, small-scale and subsistence farmers, indigenous communities, women, youth, the elderly and working-class defenders are particularly at risk.

***While COPs should be an exemplary UN-led model for the safe participation of environmental defenders in international forums relating to the environment and climate change, each year the significant challenges that environmental defenders face for their efforts to have their voices heard in these forums shows that much more needs to be done to ensure the required safe participation***

### *The much-needed participation of environmental defenders in COPs*

Every year, the COP provides a tough reminder that insufficient progress has been made since the adoption of the Paris Agreement under the UN Framework Convention on Climate Change (UNFCCC) in 2015, when States committed to take the necessary measures to limit global warming to 1.5°C.

For this goal to be met through a just and a human rights-based approach, individuals and groups defending the human right to a clean, healthy and sustainable environment, in particular those on the front lines of climate change, must be able to meaningfully and safely participate in discussions at the COPs.

So long as this fails to be the case, those most affected by climate change and environmental breakdown will continue to suffer a double penalty – seeing their environment, well-being and livelihoods destroyed first by pollution, biodiversity loss and climate change, and then again by large-scale projects and other government decisions supposedly carried out to address the climate crisis. This can already be seen, for instance, with a number of energy transition and extractive projects, including those being developed on territories of Indigenous and other traditional peoples without free, prior and informed consent.

### *Existing rules and hindrances to the safe participation of environmental defenders to COPs*

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<sup>9</sup> Article 3 (8) of the Aarhus Convention

<sup>10</sup> United Nations Human Rights Council, [A/HRC/RES/40/11](#).

In 2023, the Subsidiary Body for Implementation of the UNFCCC rightly stressed that “*host country agreements should reflect the purposes and principles of the Charter of the United Nations [...] with a view to ensuring that UNFCCC sessions and mandated events are convened at a place where human rights and fundamental freedoms are promoted and protected, and where all participants are effectively protected against any violations or abuses*”.<sup>11</sup> [UNFCCC rules](#) also mention explicitly that sessions and mandated events need to be convened in places where human rights and fundamental freedoms are promoted and protected.

Yet civil society participation at the COPs has repeatedly been hindered. This has included obstruction of defenders’ participation through cumbersome accreditation processes; complex and inconsistent rules governing attendance and speaking rights; prohibitive costs and visa barriers to travel to the COP locations; exclusion from the venues at which the negotiations actually take place; and under-representation of certain segments of civil society.

In addition to these procedural obstacles, many environmental defenders have faced threats and [reprisals](#) before, during and after COPs, as a result of their participation. This has included State-sponsored smear campaigns, travel bans, and arbitrary arrests and detention. It has generated increased [international attention](#) regarding the importance of ensuring safe participation at COPs, as well as [civil society calls](#) for the UNFCCC secretariat to make host agreements public and ensure that they comply with international standards and human rights law.

***COP29, taking place in Baku, Azerbaijan, from 11 to 22 November 2024, provides an important occasion to reiterate the urgent need for States to recognise and protect environmental defenders in all circumstances, and to guarantee their safe participation in international forums relating to the environment***

*Azerbaijan’s obligations to ensure the protection and safe participation of environmental defenders, including at COP29*

As a host country for COP29, Azerbaijan [should commit](#) to uphold international human rights law before, during and after the conference, and to ensure that participants can exercise their human rights without fear of intimidation and reprisals. And act in accordance with such commitment. As a Party to the Aarhus Convention, Azerbaijan also has a binding obligation to protect environmental defenders<sup>12</sup> and to promote their participation in international forums like the COP.<sup>13</sup>

*An alarming wave of arrests, prosecution and detention of human rights defenders in Azerbaijan*

Despite this, while Azerbaijan has been preparing to host COP29 in Baku, recent months have been marked by an [alarming wave of arrests and criminal cases](#) against human rights defenders in the country, including journalists and independent media, and several of us have received [complaints](#) concerning threats and reprisals against environmental defenders specifically.

These allegations amplify our existing concerns as to whether environmental defenders present at COP29 will be able to participate freely, meaningfully and safely in the conference. It is time for Azerbaijani authorities to end any form of harassment against critics; to immediately and unconditionally release those in arbitrary detention; and to guarantee an enabling environment for human rights-related activities more broadly.

*We call on States to demonstrate leadership to protect environmental defenders and promote their safe participation in COPs*

The [UN Declaration on Human Rights Defenders](#)<sup>14</sup> guarantees the right to defend rights, including the right to a clean, healthy and sustainable environment and all the rights that rely on its fulfilment. The Declaration also places an obligation on States to ensure people can exercise the right free from violence, threats, hindrance

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<sup>11</sup> Subsidiary Body for Implementation of the UNFCCC, [FCCC/SBI/2023/10](#), §130, and [FCCC/SBI/2024/13](#), §185.

<sup>12</sup> Article 3 (8) of the Aarhus Convention.

<sup>13</sup> Article 3 (7) of the Aarhus Convention.

<sup>14</sup> Available at: <https://www.ohchr.org/en/special-procedures/sr-human-rights-defenders/declaration-human-rights-defenders-different-languages>.

and insecurity, wherever they operate. Environmental defenders who wish to participate in the COPs must have a proper seat at the negotiating table, without facing reprisals for doing so.

As already highlighted by the UN Special Rapporteur on human rights defenders<sup>15</sup> and the UN Special Rapporteur on Environmental Defenders under the Aarhus Convention last year in the context of COP28,<sup>16</sup> States must demonstrate leadership, both at COP29 and in future climate negotiations, to protect environmental defenders both within and outside their borders, and to promote their participation in international forums relating to the environment and climate change. This is not only a responsibility for all UN Member States, but also a binding obligation for the 46 States and European Union that are Parties to the Aarhus Convention, as well as the 17 States that are Parties to the Escazú Agreement.

For too long, States have not wanted to hear uncomfortable truths that would disrupt business as usual. It is now urgent that they do much more to comply with their international obligations.

Environmental defenders must be properly listened to, and their words acted upon. There is no time to lose.

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<sup>15</sup> Available at: <https://www.ohchr.org/en/press-releases/2023/11/uae-must-ensure-cop28-inclusive-says-un-expert>

<sup>16</sup> Available at: [https://unece.org/sites/default/files/2023-12/SR\\_EnvDefenders\\_Aarhus\\_Statement\\_COP28\\_02.12.2023.pdf](https://unece.org/sites/default/files/2023-12/SR_EnvDefenders_Aarhus_Statement_COP28_02.12.2023.pdf)