

PROTECTING ENVIRONMENTAL AND CLIMATE DEFENDERS IN EUROPE

OCTOBER
2023



CLIMATE ACTION NETWORK
Europe

BRIEFING PREPARED BY
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In Europe, recent months have seen an amplification in the number, scale and diversity of forms of public protest by environmentalists and climate activists. In France and Belgium, hundreds of people have been protesting against projects damaging the environment or climate. Other actions took place in Italy, the Netherlands and England, where protesters blocked traffic routes. Several sporting and cultural events have also been disrupted by activists.

The reasons motivating those actions are more legitimate than ever. Summer 2023 is the hottest one on record globally by a large margin, which led UN Secretary General António Guterres to say that 'Climate breakdown has begun'. The effects of climate change are increasingly visible as exemplified by recent dramatic extreme weather events, such as significant wildfires and local rainfall leading to deadly floodings. Climate change is only one of the three planetary crises and has deep interlinkages with air pollution and biodiversity loss.

Against this backdrop, the actions of environmental and climate activists or whistleblowers are a call to political decision-makers to urgently find solutions, but also a means of amplifying this message to a wider audience. These forms of protest tend to be disruptive but are, for the most part and with very rare exceptions, non-violent. Despite this peaceful character, the repression from public authorities is often massive, with many reported cases of heavy-handed policing, physical violence, detention and hefty fines.

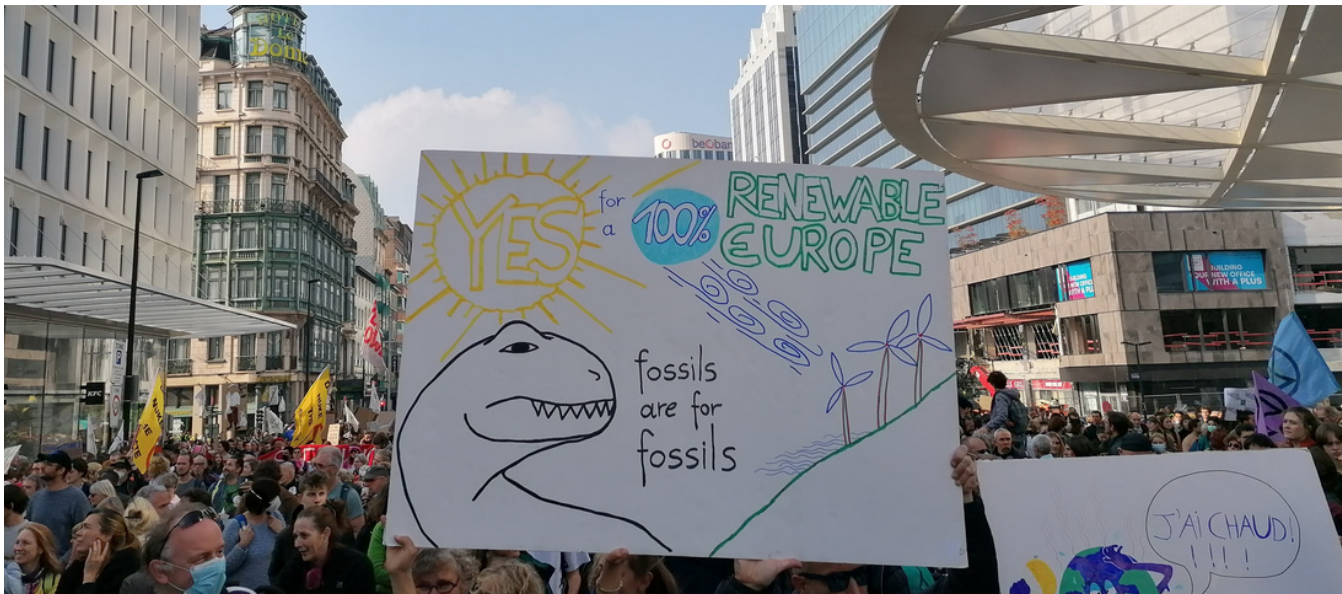
It should be recalled that the rights to demonstrate and to protest, including in defence of the environment or climate, are an integral part of a broader set of fundamental rights. These derive from the freedom of peaceful assembly and freedom of expression, protected in the Constitution of many countries, the Charter of Fundamental Rights of the European Union, as well as in the European Convention on Human Rights (Articles 10 and 11) and the International Covenant on Civil and Political Rights (Articles 19 and 21). These rights are fundamental to democracy. As the Commissioner for Human Rights at the Council of Europe, Dunja Mijatović, recently exposed:

"These rights are essential to a healthy pluralist democracy and human dignity because they enable people from diverse backgrounds and perspectives to express their views, hold their governments to account and participate in or stimulate public debate. In a democracy, public authorities must facilitate peaceful assembly and free expression, not stifle them".

Whistleblowing is similarly and increasingly protected around the world and Europe specifically. Whistleblowers, who reveal hidden actions or omissions that go against public interest, are specifically vital to the climate movement. The European Union adopted a Directive on Whistleblower Protection in 2019, which requires member states to establish comprehensive whistleblower protection laws.

Despite this positive legal context, the disproportionate stifling of environmental and climate defenders has very much increased in recent times. Only because these activists exercise their right to demonstrate and to protest, they face a wide range of threats:

- Criminalisation and penalisation; a lot of countries around the world are amending their legislation to increase the possibilities to start legal proceedings against environmental and climate defenders.
- Harassment and persecution; many environmental defenders are being harassed or threatened because of their activism, including in the European Union. This includes direct, cyber or media attacks against them.
- Stigmatisation; environmental and climate defenders are increasingly often compared to extremists and labelled as 'eco-terrorists', 'criminals', 'foreign agents' or other damaging terms. This fuels resentment towards their cause and can encourage the use of violence against them.



There cannot be climate justice with no respect for human rights. An open civic space is a prerequisite for individuals and civil society organisations to express their concerns on climate and the environment.

The good news is that many initiatives have been recently developed to provide protection to environmental activists, climate activists and whistleblowers facing these threats. These actions aim at providing different types of safeguard, depending on the specificity of each case, with a varying geographical scope of application.

The objective of this briefing is to shed light on several of these initiatives and ensure that activists, civil society organisations and members of the public have an easy-access document to find information on the protection of environmental defenders. Most of these initiatives are NGO-led (Climate Activists Defenders, Global Climate Legal Defense and Climate Whistleblowers), but one is a public protection mechanism rooted in international law (Aarhus Convention Rapid Response Mechanism). A short glossary is also included at the end of this briefing, with a simple definition of several key terms.

Initiatives aimed at the protection of environmental & climate defenders



Aarhus Convention Rapid Response Mechanism: Special Rapporteur on environmental defenders under the Aarhus Convention

This initiative was established under the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (Aarhus Convention). The Special Rapporteur's role is to take measures to protect any person experiencing or at imminent threat of penalization, persecution, or harassment for seeking to exercise their rights under the Aarhus Convention.

Under Article 3(8) of the Aarhus Convention, each Party must ensure that persons exercising their rights in conformity with the provisions of the Convention shall not be penalized, persecuted or harassed in any way for their involvement.

However, non-governmental organizations (NGOs) and other stakeholders have reported numerous cases in which environmental defenders in Parties to the Aarhus Convention have experienced surveillance, heavy fines, dismissal from employment, strategic lawsuits against public participation (SLAPPs), threats and intimidation, criminalization, detention, violence, and even murder.

At its seventh session (Geneva, 18-21 October 2021), the Meeting of the Parties to the Aarhus Convention therefore adopted decision VII/9 establishing a rapid response mechanism, in the form of a Special Rapporteur, for the protection of environmental defenders. In June 2022, Mr. Michel Forst was elected by the Meeting of the Parties, by consensus, as the first Special Rapporteur on environmental defenders under the Aarhus Convention.

Who is this initiative designed for?

The mandate of the Special Rapporteur on environmental defenders is to take measures to protect any person who is either:

- (a) Experiencing persecution, penalization or harassment, or;
- (b) At imminent threat of persecution, penalization or harassment in any way, for seeking to exercise their rights under the Aarhus Convention.

Decision VII/9 recognizes that an “environmental defender” is “any person exercising his or her rights in conformity with the provisions of the Convention”. This includes individuals, groups, movements, communities, organisations, indigenous peoples, journalists, scientists and other persons - who may not necessarily see themselves as defenders, but who make use of their fundamental rights of freedom of expression, of association, and of assembly, to defend the environment.

Geographical scope of application

Any member of the public, Party to the Aarhus Convention, or the Convention’s secretariat can submit a complaint to the Special Rapporteur regarding the alleged penalization, persecution or harassment of persons seeking to protect the environment. The Special Rapporteur’s mandate covers penalization, persecution or harassment by any State body or institution of a Party to the Aarhus Convention (1), including those acting in a judicial or legislative capacity. It also covers penalization, persecution or harassment by private natural or legal persons that the Party concerned did not take the necessary measures to prevent.

The Special Rapporteur can also receive complaints concerning the alleged penalisation, persecution or harassment of environmental defenders outside the territory of a Party to the Aarhus Convention in cases where the threats they face are related either:

- (i) to acts or omissions by a State entity of a Party to the Aarhus Convention (for example a development bank of a Party financing a project in another country); or
- (ii) to the operations of international companies based in a Party to the Aarhus Convention.

(1) The Aarhus Convention is open to accession to any UN Member State. Currently, 46 States and the European Union are Parties to the Convention. The full list can be accessed [here](#).

Entering in contact with the Special Rapporteur

In order to submit a complaint to the Special Rapporteur:

- 1.Fill in the complaint form - available [here](#).
- 2.Send the completed form to the Special Rapporteur at: aarhus-envdefenders@un.org.

Information submitted to the Special Rapporteur will be kept confidential unless the complainant explicitly waives this right .

Taking into consideration that time is of the essence when it comes to the safety of environmental defenders, a complaint may be filed even if domestic remedies have not been exhausted.

The Special Rapporteur will consider any complaint, unless he determines that the complaint is:

- Anonymous, although anonymous complaints making credible allegations that can be independently verified may be pursued;
- An abuse of the right to make such a complaint;
- Manifestly unreasonable;
- Incompatible with the provisions of the decision establishing the rapid response mechanism or with the Convention;
- De minimis (too small to be meaningful or taken into consideration).

Effects of the complaint

The Special Rapporteur, whose work is supported by the Aarhus Convention secretariat, has various tools for addressing complaints and protecting environmental defenders quickly and effectively. These include writing letters of allegation to the Party concerned, issuing immediate and ongoing protection measures, using diplomatic channels, issuing public statements, or bringing the matter to the attention of other relevant human rights bodies, and of the concerned Governments and Heads of State. Protection measures will be tailored to each situation and could include several actions that the Party concerned is directed to take to ensure that environmental defenders are not subject to further persecution, penalization and harassment.

Useful information

<https://unece.org/env/pp/aarhus-convention/special-rapporteur>

<https://unece.org/environment-policy/public-participation/how-make-complaint-special-rapporteur>

Global Climate Legal Defense (CliDef)

CliDef aims to embolden climate defenders to challenge the fossil fuel industry by ensuring support is in place if they need legal help or encounter legal risk.

Who is this initiative designed for?

Climate defenders. They are defined as an individual, group, or community that takes action to:

1. challenge a fossil fuel-related project or the fossil fuel industry;
2. challenge a project with significant implications for the climate (e.g., deforestation);
3. address the impact of cause of climate change, including through resistance to insufficient or harmful measures; or
4. directly support, with funding or direct services, any of the above.

Geographical scope of application

Global, though current capacity is focused on North America, Africa, Europe, and Southeast Asia.

Entering in contact with Global Climate Legal Defense (CliDef)

For general enquiries, you can contact CliDef via their website [here](#).

If you have a request specifically about:

1. Europe, contact Charlie Holt at cholt@climatelegaldefense.org ;
2. Africa, contact Alfred Brownell at alfred@climatelegaldefense.org ;
3. North America, contact Betsy Apple at betsy@climatelegaldefense.org ;
4. Southeast Asia, contact Domnina Rances at domniuna@climatelegaldefense.org.

Effects

CliDef secures the legal help climate defenders need by:

1. building, strengthening, and expanding a network of diverse lawyers and legal organizations that provide legal advice and representation;
2. raising funds and serving as an intermediary grantmaker to fast-track resources for legal defense and support; and
3. directly providing legal advice, strategy, and coordination.

Useful information

- <https://www.climatelegaldefense.org/>



Climate Activists Defenders

Climate Activist Defenders (CAD) aims to protect the lives and well-being of frontline climate justice activists (CJAs) working under oppressive and dangerous conditions. CAD therefore provides emergency response and safety resources, while building a support network inside the climate justice movement.

Who is this initiative designed for?

CAD supports Climate Justice Activists, in the broadest sense, facing threats due to their activism, focused on youth and most affected people and areas (MAPA) grassroots, prioritising global south activists. CAD has a holistic approach to safety and security to offer useful support to specifically female, lesbian, inter, non-binary, trans-, a-gender (FLINTA), indigenous and LGBTQIA activists who campaign for climate justice, against fossil fuel extraction, for the freedom of speech on intersecting topics.

Geographical scope of application

CAD works closely within the youth climate movement and aims to redirect individuals to the best suitable support provider, depending on the need. In many countries, climate activism is criminalised and heavily intersected with human rights issues for women's rights, freedom of speech etc. CAD provides emergency assistance for activists working under oppressive conditions, facing physical, mental, digital or legal threats by their governments or other actors. CAD can be approached by all Climate Justice Activists, especially from conflict areas and areas affected by the climate crisis. CAD is connected to resources for legal, digital, narrative, wellbeing and physical support and has supported activists from Afghanistan, Ukraine, Uganda, Namibia, Balochistan, Mexico, Colombia, Russia, Libya, Mexico, Iran, Kenya, Sudan and Lebanon.

Entering in contact with Climate Activists Defenders

For any general queries, comments or questions, please reach out to: info@climateactivistdefenders.org. For any help request, please reach out to: +491777649238 Whatsapp/Signal; or help@climateactivistdefenders.org.

Effects

As soon as our capacities allow, a team member will respond to your request and help you assess the situation and potential mitigation strategies (assessing the risk, developing a landing plan coming home, check digital safety set-up, support relocation if needed, connecting to psychologists etc.). You will be supported along the way to solve or mitigate the threat you are facing as far as our resources allow.

Useful information

- <https://climateactivistdefenders.org>



Climate Whistleblowers (CW)

CW is an NGO dedicated to the protection of climate whistleblowers. CW protects individuals who expose climate-related wrongdoing and ensures that their disclosures are impactful.

Who is this initiative designed for?

From a banker denouncing a fossil financing project to a government scientist being silenced, from an employee denouncing greenwashing practices to an engineer revealing mass deforestation, many can turn into climate whistleblowers. CW is the first organization to focus on climate whistleblowers, which will help protect people from climate crime and more generally foster sustainable development.

Geographical scope of application

CW seeks to protect whistleblowers as well as strategically litigate and advocate on their behalf where their disclosures are climate-related. CW's geographical scope is international, as it depends on where climate whistleblowers contact us from.

Entering in contact with Climate Whistleblowers

You can contact us through info@climatewhistleblowers.org.

The easiest way to securely communicate with us by email is to do so by using an email address from [Protonmail](#). Protonmail offers free accounts and allows users to create such accounts anonymously. We use Protonmail as its email provider and thus any email you send us from a Protonmail address will be end-to-end encrypted by default. To be better protected, you can also use a [VPN](#).

You can also contact CW through secured messaging applications Signal ([download here](#)), WhatsApp ([download here](#)) or Telegram ([download here](#)), on the following number: +33 7 52 02 46 97.

All messages sent through these applications are encrypted on your phone before being sent, and can only be decrypted by the intended recipient.

Effects

Through their work as lawyers, journalists, and activists, experienced whistleblowers' advocates behind CW have learned to protect them and ensure their disclosures are impactful. It empowers climate whistleblowers through its legal, scientific, and human network.

TCW's work is to protect whistleblowers according to their wishes and needs by creating a safe space for them to whistleblow. CW looks to improve their security and future well-being and adaptation to life after the whistleblowing. When they decide to blow the whistle publicly, CW will help them build their narrative and establish a positive presence as figures of climate whistleblowing. CW empowers not only specific whistleblowers but other climate whistleblowers by fighting the general feeling of helplessness so many of them have.

Such revelations will also empower civil society, media and authorities, as it will give them essential information to investigate and raise awareness on a subject as prejudicial as climate change.

Useful information

Contact us: info@climatewhistleblowers.org or +33 7 52 02 46 97

Visit our website: www.climatewhistleblowers.org



Aarhus Convention

The Convention on access to information, public participation in decision-making and access to justice in environmental matters (the Aarhus Convention) is the leading international agreement on environmental democracy. This treaty protects every person's right to live in a healthy environment. It guarantees the public key rights on environmental issues, including a protection against penalisation, persecution or harassment when exercising these rights. Currently, 46 States and the European Union are Parties to the Convention.

Civil disobedience

The purpose of civil disobedience acts is to denounce an injustice by intentionally breaking the law in a non-violent way. Internationally, civil disobedience meets four criteria: The action must be public, non-violent, oppose an abusive law and the perpetrators must accept the legal decisions taken against them. A well-known example in history is Rosa Parks' refusal to leave her bus seat, violating a law that required racial segregation in buses.

Criminalisation or penalisation

Criminalisation refers to the act or process of making something illegal, while penalisation refers to the act of punishing.

Environmental defender

The UN defines environmental human rights defenders as "individuals and groups who, in their personal or professional capacity and in a peaceful manner, strive to protect and promote human rights relating to the environment, including water, air, land, flora and fauna".

European Convention on Human Rights

The main instrument for human rights protection in Europe is the European Convention on Human Rights. This international treaty was adopted in 1950 to protect people's human rights and fundamental freedoms. It applies to all 46 member countries of the Council of Europe, an international organisation founded after the second world war to promote democracy, rule of law and human rights protection in Europe. The Council of Europe is separate from (and much larger than) the European Union.

Freedom of peaceful assembly

Everyone has the rights to freedom of peaceful assembly and association, which are essential components of democracy. The right of peaceful assembly includes the right to hold meetings, sit-ins, strikes, rallies, events or protests, both offline and online. This right is protected by article 20 of the Universal Declaration of Human Rights, Article 21 of the International Covenant on Civil and Political Rights, Article 12 of the Charter of Fundamental Rights of the EU and Article 11 of the European Convention on Human Rights.

Freedom of expression

Everyone has the right to freedom of expression. This right includes freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This right is protected by article 19 of the Universal Declaration of Human Rights, Article 19 of the International Covenant on Civil and Political Rights, Article 11 of the Charter of Fundamental Rights of the EU and Article 10 of the European Convention on Human Rights.

Harassment

Illegal behaviour towards a person that causes mental or emotional suffering, which includes repeated unwanted contacts without a reasonable purpose, insults, threats, touching, or offensive language ([Cambridge online Dictionary](#)).

Strategic Lawsuit Against Public Participation (SLAPP)

Groundless or abusive lawsuits, disguised as defamation actions or alleged constitutional and/or civil rights violations, that are initiated against journalists or activists because they exercise their political rights and/or their freedom of expression and information regarding matters of public interest or social significance (more information in this [briefing](#) from the European Parliament).

Whistleblowing

Whistleblowing is a term and a concept that carries different meanings around the world. At its basic level, it is when a citizen or employee exposes secretive acts of corruption, injustice, abuse of power or public health threats. The action or omission exposed by the whistleblower can be illegal, but it can also be immoral or against the general interest. What distinguishes whistleblowing from other kinds of reporting is that whistleblowers are in the position to suffer retaliation and reprisals, and that the inside information they have is critical in halting or preventing crimes, scandals and other threats to the public well-being.



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