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Item 73 (b) of the preliminary list\*

**Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms**

## **Tipping points: human rights defenders, climate change and a just transition**

### **Note by the Secretary-General**

The Secretary-General has the honour to transmit to the General Assembly the report of the Special Rapporteur on the situation of human rights defenders, Mary Lawlor, in accordance with Human Rights Council resolution [52/4](#).

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\* [A/80/50](#).



## **Report of the Special Rapporteur on the situation of human rights defenders, Mary Lawlor**

### *Summary*

In this report, the Special Rapporteur on the situation of human rights defenders examines contributions by human rights defenders to addressing climate change and achieving a just transition, despite the risks they face.

## I. Introduction

1. Climate change is a human rights crisis. Changes in the atmosphere, ocean and biosphere caused by anthropogenic emissions are already undermining the protection and realization of human rights for people in every region of the world, including the rights to food, clean drinking water, health, housing and life. Without rapid and far-reaching action by States to reduce emissions now, global warming will continue to increase and with it, the devastatingly negative effects on human rights will multiply. If effective action is not taken immediately, with radical reductions in emissions needed by 2030, the potential to mitigate the impact on human rights will decrease as risks cascade, interact and compound. All of this will have the greatest impact on the people already most affected by injustice in our societies and will play out on a massive scale, with an estimated 3.3 to 3.6 billion people living in contexts that are highly vulnerable to the effects of climate change.<sup>1</sup>

2. Almost nowhere is this reality being met by States with the necessary response. This is despite States' legal obligations under the Paris Agreement, which in its preamble makes the link between climate change and human rights clear, stating:

Parties should, when taking action to address climate change, respect, promote and consider their respective obligations on human rights, the right to health, the rights of Indigenous Peoples, local communities, migrants, children, persons with disabilities and people in vulnerable situations and the right to development, as well as gender equality, empowerment of women and intergenerational equity.<sup>2</sup>

3. For decades, people all over the world have been calling on their governments to take the action needed to mitigate the effects of climate change, making the link between climate change and human rights and advocating for a just transition. As their calls have fallen on deaf ears, and the climate crisis and all its risks have spiralled, they have found new energy and ways to protest and organize, as the gravity of the situation has demanded. These people are exercising the right to defend human rights. They should be supported and engaged with by States. Yet the opposite is happening. While there are some cases where these human rights defenders are being engaged with in good faith by authorities, this is far from universal. A strong trend, damningly, is towards obstruction, repression and criminalization aimed at safeguarding private interests and the unjust, unsustainable status quo.

## II. Methodology

4. The Special Rapporteur requested inputs for the present report in March 2025 and received 147 submissions from 58 countries, including 8 from States (Brazil, Cameroon, Cuba, Guatemala, Mauritius, Mexico, Norway and Slovenia) and 6 from national human rights institutions. The report also draws on case work carried out by the Special Rapporteur through the communications process since May 2020, and meetings with human rights defenders working on the issue.

<sup>1</sup> Hoesung Lee and José Romero, eds., "Summary for policymakers", in *Climate Change 2023: Synthesis Report – Contribution of Working Groups I, II and III to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change* (Geneva, Intergovernmental Panel on Climate Change, 2023), p. 5.

<sup>2</sup> Paris Agreement under the United Nations Framework Convention on Climate Change p. 2.

### III. Legal framework

5. There is a nebulous web of legal instruments relevant to State obligations on climate change and human rights. The purpose of this report is not to provide an overview of such legal instruments. The Special Rapporteur does, however, wish to reiterate the relevance of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms in this context, and notes that it has been largely ignored in discussions on the topic to date.<sup>3</sup>

6. The Declaration was adopted by consensus at the fifty-third session of the General Assembly. While non-binding, it provides a framework for the exercise of the right to defend human rights. Article 1 states “Everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels”.

7. Article 12.1 of the Declaration reinforces this, stating that “Everyone has the right, individually and in association with others, to participate in peaceful activities against violations of human rights and fundamental freedoms”.

8. Article 1 and article 12.1 of the Declaration make clear that the right to defend human rights encompasses the right to oppose human rights violations by peaceful means. In the view of the Special Rapporteur, this includes not only violations which have already occurred or which may be in motion, but also risks of violations and the root causes of threats to human rights.

9. Articles 12.2 and 12.3 of the Declaration further make clear that not only is the right to defend human rights a right held by all persons, but that everyone has a right to be protected by the State from reprisals resulting from their exercise of it. Article 12.3 states that “everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms.”

10. Article 12.3 goes on to clarify that the right to defend human rights and to be protected in doing so extends to situations where the enjoyment of human rights is undermined by non-State actors.

11. The Paris Agreement has been followed by several authoritative court judgments which further emphasize the connection between climate change and human rights. This includes the 2024 judgment of the European Court of Human Rights in the case of *Verein KlimaSeniorinnen Schweiz and Others v. Switzerland*, in which the Court found the following:

[there are] sufficiently reliable indications that anthropogenic climate change exists, that it poses a serious current and future threat to the enjoyment of human rights guaranteed under the [European] Convention [on Human Rights], that States are aware of it and capable of taking measures to effectively address it, that the relevant risks are projected to be lower if the rise in temperature is limited to 1.5°C above pre-industrial levels and if action is taken urgently, and that current global mitigation efforts are not sufficient to meet the latter target.<sup>4</sup>

<sup>3</sup> A/RES/53/144.

<sup>4</sup> European Court of Human Rights, Grand Chamber, *Case of Verein KlimaSeniorinnen Schweiz and Others v. Switzerland*, Application No. 53600/20, Judgment, 9 April 2024, para. 436.

12. The *KlimaSeniorinnen* case ruling was followed in May 2024 by the advisory opinion of the International Tribunal for the Law of the Sea, which recognized climate change as an existential threat to humanity posing human rights concerns.<sup>5</sup>

13. In light of the above, the relevance of the Declaration on Human Rights Defenders and the right to defend human rights when it comes to combating climate change should be beyond doubt.

14. This conclusion is reinforced by the recent recognition of the enjoyment of a clean, healthy, sustainable environment as a human right.<sup>6</sup> International consensus on the subject built on progressive regional recognition in the African Charter on Human and Peoples' Rights (1981), the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights (1988), the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (Aarhus Convention) (1998) and the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement) (2018). These regional agreements, in turn, paved the way for the acknowledgement by States of the importance of the right to defend human rights in efforts to protect the environment, including in the context of climate change, at the Human Rights Council in 2019.<sup>7</sup>

## IV. Trends

### A. Finding solutions: successes and contributions at the local, national and international levels

15. The legal framework outlined above should be respected and promoted by States. They should protect the right to defend human rights put at risk by climate change. In doing so, they would align themselves with the reality already seen around the world, since irrespective of State support or in its absence, in every region and at all levels of society people have long been taking action to see emissions contributing to global warming reduced, to adopt measures to mitigate the impacts of climate change and make a just transition reality.

16. In Brazil, the Landless Rural Workers Movement (MST) has been implementing the concept of peoples' agrarian reform for more than a decade, seeking egalitarian structural changes in the use of land and natural resources in the country. In 2020, in response to the surging level of deforestation in the Brazilian Amazon and the threat of eviction of rural workers from the Movement's sustainable settlements, the Movement launched the national plan to plant trees and produce healthy food, seeking

<sup>5</sup> International Tribunal for the Law of the Sea, *Request for an Advisory Opinion Submitted by the Commission of Small Island States on Climate Change and International Law*, Advisory Opinion No. 31, 21 May 2024, para. 66. Further clarification on State obligations concerning climate change under international human rights law is expected in advisory opinions of the Inter-American Court of Human Rights and the International Court of Justice, which had not been published as of the finalizing of the present report. An advisory opinion from the African Court on Human and Peoples' Rights may also be issued, following a request made by civil society in May 2025.

<sup>6</sup> Human Rights Council resolution [48/13](#); and General Assembly resolution [76/300](#).

<sup>7</sup> Human Rights Council resolution [40/11](#).

to plant 100 million trees over 10 years.<sup>8</sup> By December 2023, the Movement counted 25 million trees planted.<sup>9</sup>

17. In Colombia, in 2015, Afro-descendent and Indigenous communities from the Atrato River basin, accompanied by the non-governmental organization Siembra, launched legal action against the State for its failure to prevent intensive illegal mining and logging in the area and the impact on their human rights and the environment. Despite State opposition, the communities fought the case to the Colombian Supreme Court, which in 2016 ruled in their favour,<sup>10</sup> recognizing the legal personhood of the Atrato River and ordering the creation of two guardians for it: one State-based and one-community based. This gave rise to the creation of the Guardians of the Atrato,<sup>11</sup> a collegiate, inter-ethnic body of local community representatives who have since been leading protection and restoration of the River's basin, in a pioneering model of conservation.

18. In Germany, years of protest, public solidarity and legal action in opposition to the planned razing of the Hambach forest to make way for emission-heavy lignite (brown coal) mining by the energy company RWE, led to the preservation of the forest in 2020.<sup>12</sup>

19. In Andhra Pradesh, India, Dalit women human rights defenders have been developing small-scale but widespread climate-resilient farming practices based on the principles of food sovereignty since 2007,<sup>13</sup> while simultaneously bringing the voices of marginalized groups to discussions on global climate policy.<sup>14</sup>

20. In the Philippines, following the devastation of Typhoon Haiyan in 2013, locals on the Pacific coast in southern Leyte began working with the Leyte Centre for Development to restore thousands of kilometres of mangrove forests and plant hundreds of hectares of trees to protect the communities in the area from future storms, likely to be more intense as a result of climate change. The Centre reports that, when Typhoon Rai hit in December 2021, the mangroves protected more than 3,000 people in two communities from strong sea surges brought about by the storm.<sup>15</sup>

21. Indigenous human rights defenders, on the front lines of both the impacts of climate change and transition mineral extraction in many parts of the world,<sup>16</sup> have united to develop principles for a just transition from the fossil-fuel economy, defining this as a transition that upholds human rights, social equity, cultural integrity and the full participation of Indigenous Peoples.<sup>17</sup> Despite historic and continuing violence from State and non-State actors, Indigenous human rights defenders have stood steadfast at the forefront of efforts to prevent deforestation in some of the world's most critical forests,<sup>18</sup> linking their struggle for land rights, the protection of

<sup>8</sup> See <https://mst.org.br/2020/09/17/mst-holds-national-tree-planting-campaign-throughout-brazil/>.

<sup>9</sup> See <https://mst.org.br/2024/06/26/nurseries-and-joint-effort-how-the-landless-rural-workers-movement-intends-to-plant-100-million-trees-by-2030/>.

<sup>10</sup> Colombia, Supreme Court, Ruling T-622/16 of 2016.

<sup>11</sup> See <https://atrato.centrosiembra.org/arquitectura-para-la-implementacion/#LaComision>.

<sup>12</sup> Submission from the German Institute for Human Rights.

<sup>13</sup> See [www.ddsindia.com/www/default.asp](http://www.ddsindia.com/www/default.asp).

<sup>14</sup> Submission from the International Dalit Solidarity Network; and <https://idsn.org/resources/case-stories/upper-caste-farmers-grow-money-we-grow-food/>.

<sup>15</sup> Submission from the Leyte Centre for Development.

<sup>16</sup> Submission from the Business and Human Rights Resource Centre and Instituto de Estudios para el Desarrollo y la Paz.

<sup>17</sup> See <https://iprights.org/index.php/en/all-news/declaration-of-indigenous-peoples-participants-in-the-conference-on-indigenous-peoples-and-the-just-transition>; and [www.indigenoussummit.org/summit-outcome](http://www.indigenoussummit.org/summit-outcome).

<sup>18</sup> See [www.wri.org/insights/indigenous-peoples-local-communities-use-satellite-data-deforestation](http://www.wri.org/insights/indigenous-peoples-local-communities-use-satellite-data-deforestation).

which has been found to be crucial in reducing emissions,<sup>19</sup> to combating climate change.<sup>20</sup>

## **B. Support for human rights defenders: good practice by States and other actors**

22. While the successes of human rights defenders working on climate change and a just transition are many, the examples of States supporting their work are not as common, yet they do exist.

23. In Brazil, the Landless Rural Workers Movement was aided in their tree-planting programme by the federal authorities, who provided helicopters piloted by the federal highway police so seeds of endangered juçara palm and araucaria trees could be airdropped over land in Paraná. The action, which proved successful, was sponsored by Caixa Econômica Federal, a State-owned bank.<sup>21</sup>

24. In several States, such as Norway<sup>22</sup> and Slovenia,<sup>23</sup> their Governments have provided funds for national non-governmental organizations working on climate change and the protection of the environment.

25. Some States have adopted legislation recognizing the role of human rights defenders and offering them protection,<sup>24</sup> with several developing specific focuses on environmental defenders within the mechanisms created, such as Mexico.<sup>25</sup> In Indonesia, legislation has been developed to protect environmental defenders from spurious lawsuits.<sup>26</sup>

26. Other States have legislated to address structural enablers and causes of climate change, such as land grabs and deforestation, and empowered human rights defenders in the process. In Sierra Leone, in 2022, after more than a decade of advocacy by human rights defenders, the Government enacted legislation through a participatory and inclusive process<sup>27</sup> to strengthen communal land rights in the country, including the right to free, prior and informed consent for communities confronted with mining and agro-industrial monocultures.<sup>28</sup>

27. The above are good practices by States seeking to meet their obligations under the Paris Agreement and international human rights law and should be drawn on widely.

28. States should also look at the support from other actors for human rights defenders working on climate change and a just transition.

<sup>19</sup> See <https://blogs.worldbank.org/en/climatechange/indigenous-land-rights-critical-pillar-climate-action>.

<sup>20</sup> See <https://agenciabrasil.ebc.com.br/en/meio-ambiente/noticia/2024-11/indigenous-people-advocate-land-demarcation-reduce-climate-damage>.

<sup>21</sup> See [www.brasildefato.com.br/2024/06/04/landless-rural-workers-airdrop-4-000-kilos-of-seeds-using-a-federal-highway-police-helicopter/](http://www.brasildefato.com.br/2024/06/04/landless-rural-workers-airdrop-4-000-kilos-of-seeds-using-a-federal-highway-police-helicopter/).

<sup>22</sup> See <https://soknadssenter.miljodirektoratet.no/FrivilligeKlimaMiljoOrganisasjonerSkjema/Startside/Index?id=79#om-ordningen> (in Norwegian).

<sup>23</sup> See [www.ekosklad.si/nevladne-organizacije/javni-razpis-tm-nvo25-za-sofinanciranje-podnebnih-programov-vsebinskih-mrez-nevladnih-organizacij-za-podroje-trajnostne-mobilnosti](http://www.ekosklad.si/nevladne-organizacije/javni-razpis-tm-nvo25-za-sofinanciranje-podnebnih-programov-vsebinskih-mrez-nevladnih-organizacij-za-podroje-trajnostne-mobilnosti) (in Slovenian).

<sup>24</sup> See <https://ishr.ch/defenders-toolbox/national-protection/>.

<sup>25</sup> Submission from the Government of Mexico.

<sup>26</sup> Submission from the International Council of Environmental Law and others.

<sup>27</sup> See <https://greenscenery.org/sierra-leone-reforms-the-land-sector/>.

<sup>28</sup> See the Customary Land Rights Act (2022) and the National Land Commission Act (2022).

29. In Ecuador, the Ombudsperson supported Indigenous Peoples in their decades-long struggle against oil extraction in the Yasuní National Park,<sup>29</sup> joining their petition to the Constitutional Court for a binding referendum on the subject, which the State opposed. The referendum passed in 2023 in a major success for the human rights defenders involved and the climate, yet appallingly it remains unimplemented by the Government of Ecuador.<sup>30</sup>

30. The importance of such alliances was highlighted repeatedly in the submissions for this report, yet much more could be done.

31. Some companies involved in the energy transition have begun to recognize the role of human rights defenders advocating for a just transition. As a result of advocacy by human rights defenders and civil society, eight of the world's largest wind and solar energy companies have adopted public policies on respect for the rights of human rights defenders.<sup>31</sup> They must now put these policies into practice, and other companies in high-risk sectors for human rights defenders should follow suit, in particular the extractive industries and energy production.

## C. Holding States to account

32. In tandem with their work finding solutions and putting them into practice, for years human rights defenders around the world have been organizing and advocating to hold States to account for their routine disregard of their obligations under human rights law in the face of climate change.

### 1. Legal action

33. One tactic adopted to hold States accountable has been strategic litigation. In 2015, in the pioneering case of *Leghari v. Federation of Pakistan*, Asghar Leghari successfully challenged the inaction by the Government of Pakistan on climate change for its impact on human rights, including failure by the State to implement its own climate change policy.<sup>32</sup> The *Leghari* case has since been followed by increasing litigation along similar lines, particularly since the Paris Agreement. The *KlimaSeniorinnen* case is a prominent example. The case concerned failures in the efforts by the Government of Switzerland to mitigate emissions and the corresponding impact on human rights, with the European Court of Human Rights finding that Switzerland had failed to comply with its positive obligations to take effective measures to mitigate the effects of climate change.

34. Brought by a group of Swiss women, the judgment in the *KlimaSeniorinnen* case would not have come about but for the persistence of the human rights defenders, lawyers and their allies.<sup>33</sup> The same holds true for other such cases, many of which have been brought by young human rights defenders working with civil society and lawyers in recent years,<sup>34</sup> such as *Held and Others v. Montana*. In the case, a group of 16 young people successfully challenged the State Energy Policy Act and Environmental Policy Act in Montana (United States of America), which promoted

<sup>29</sup> See [www.yasunidos.org/nuestra-historia/](http://www.yasunidos.org/nuestra-historia/).

<sup>30</sup> Submission from the Nacionalidad Waorani del Ecuador.

<sup>31</sup> Submission from the Business and Human Rights Resource Centre.

<sup>32</sup> See [www.escri-net.org/caselaw/2023/leghari-vs-federation-pakistan/](http://www.escri-net.org/caselaw/2023/leghari-vs-federation-pakistan/).

<sup>33</sup> European Court of Human Rights, Grand Chamber, *Case of Verein KlimaSeniorinnen Schweiz and Others v. Switzerland*, para. 573.

<sup>34</sup> See <https://climatecasechart.com/non-us-case-category/youth-children/>.

the development of fossil fuels and excluded environmental reviews of fossil fuel projects from taking into account greenhouse gas emissions in most cases.<sup>35</sup>

35. Cases have also been brought by human rights defenders united to challenge States on their emissions. In September 2023, a group of human rights defenders from the Russian Federation, including Ecodefense, the Moscow Helsinki Group and others, filed a case against the Russian Federation at the European Court for Human Rights, challenging that State's climate policy.

36. Research shows that many climate justice cases are being brought by human rights defenders against States with high levels of emissions from fossil fuels, notably Australia, Germany, the United Kingdom of Great Britain and Northern Ireland and the United States.<sup>36</sup> Yet legal action is being taken by human rights defenders around the world.<sup>37</sup>

37. Among these actions are cases challenging efforts by companies to expand or develop fossil fuel infrastructure, which continues with the support of States despite its incompatibility with the restriction of global warming to 1.5 degrees Celsius in line with the Paris Agreement.<sup>38</sup>

38. Several such cases have been brought by human rights defenders against transnational companies whose profits lead back to high-emitting States and, notably, former colonial powers.

39. In 2021<sup>39</sup> and 2022,<sup>40</sup> Indigenous Peoples in South Africa brought actions against the Government of South Africa and the British oil and gas company Shell, one of the world's most significant carbon emitters.<sup>41</sup> Supported by the human rights lawyers and civil society, they successfully challenged a permit granted to Shell for work exploring the extraction of oil off the eastern coast of South Africa, founding their arguments on the environmental grounds and the rights of Indigenous Peoples.<sup>42</sup>

40. Human rights defenders are also turning to courts to protect the possibility of a just transition from the fossil-fuel economy.<sup>43</sup> Often, the cases are being brought in response to violations of human rights by companies operating in the mining industry, renewable energy sector and carbon credit market, including the rights of communities affected by resource extraction and workers.<sup>44</sup> In bringing such litigation, human rights defenders are not opposing the development of renewable energy or other measures to reduce global emissions. Rather, they are opposing false solutions to climate change and threats to human rights resulting from the neocolonial application of the same economic model of energy production and resource extraction that has contributed to the climate crisis onto the transition from fossil fuels. As stated in one

<sup>35</sup> United States of America, Supreme Court of the State of Montana, *Rikki Held and Others v. State of Montana and Others*, Case No. DA-23-0575, 2024.

<sup>36</sup> Joana Setzer and Catherine Higham, *Global Trends in Climate Change Litigation: 2024 Snapshot* (London, Grantham Research Institute on Climate Change and the Environment, 2024), p. 11.

<sup>37</sup> See <https://climate.law.columbia.edu/news/new-sabin-center-report-maps-climate-cases-global-south>.

<sup>38</sup> See Kenya, National Environmental Tribunal, *Save Lamu and Others v. National Environmental Management Authority and Amu Power Company Limited*, Judgment, Tribunal Appeal No. Net of 196 of 2016.

<sup>39</sup> South Africa, High Court, *Sustaining the Wild Coast NPC and Others v. Minister of Mineral Resources and Others*, Case No. 3491/2021, Judgment, 28 December 2021.

<sup>40</sup> South Africa, High Court, *Sustaining the Wild Coast NPC and Others v. Minister of Mineral Resources and Others*, Case No. 3491/2021, Judgment, 1 September 2022.

<sup>41</sup> See <https://carbonmajors.org/Entity/Shell-149>.

<sup>42</sup> As of the submission of this report, the case was continuing under appeal.

<sup>43</sup> See [www.business-humanrights.org/en/from-us/just-transition-litigation-tracking-tool/](http://www.business-humanrights.org/en/from-us/just-transition-litigation-tracking-tool/).

<sup>44</sup> For an example of such human rights risks, see [www.industrialunion.org/call-to-protect-workers-rights-in-zambias-mineral-sector](http://www.industrialunion.org/call-to-protect-workers-rights-in-zambias-mineral-sector).

submission to this report, the promise of a sustainable transition will be empty if it fails to question the current model of development and consumption. The climate transition, if not just, will only reproduce current injustices with new language and new actors.<sup>45</sup>

41. Legal action can prove effective, yet it can be slow, expensive and arduous in the face of the pressing threats of climate change and there is no guarantee of success. Petitioners are almost systematically opposed by States, authorities have been seen to legislate to frustrate progressive court judgments,<sup>46</sup> and in some instances, rulings in favour of human rights defenders have simply been ignored. In the *Klimaatzaak* case in Belgium,<sup>47</sup> the Brussels Court of Appeal imposed a binding emissions reduction target of 55 per cent compared with 1990 levels by 2030 on the Belgian Federal Government and the authorities of the Flemish and Brussels regions.<sup>48</sup> The ruling has since been disregarded by the Flemish and Federal Governments, who have put forward climate targets and policies that fall short of the Court order.<sup>49</sup>

## 2. Demonstrations, direct action and civil disobedience

42. Alongside litigation, human rights defenders have long adopted other strategies to raise awareness of the impact of climate change and demand action from their governments, including protest.

43. The Conference of the Parties to the United Nations Framework Convention on Climate Change has historically been a key venue for protest, although demonstrations at international environmental forums predate the first Conference of the Parties.<sup>50</sup> Yet the conference has been far from the sole site of action, with national demonstrations having taken place around the world for years.<sup>51</sup> Despite the sometimes huge numbers of people participating in these protests, however, States rarely meet their demands and so emissions have continued to grow.

44. As a result, human rights defenders have also engaged in other forms of non-violent direct action, including blockades, strikes and other forms of civil disobedience.

45. In Australia, in November 2023, hundreds of activists, ranging from teenagers to people over 90 years old, kayaked into the bay at the Port of Newcastle in New South Wales, blockading shipping lanes used to export coal for over 30 hours in an action calling upon the Australian Government to cancel proposed new fossil-fuel projects and to tax coal exports.<sup>52</sup>

46. Between July 2017 and December 2018 in the village of Kruščica, Bosnia and Herzegovina, locals, primarily women, occupied a bridge over the Kruščica River for 503 days to prevent the construction of two small-scale hydropower dams on the river, the main water source for an estimated 145,000 people. They argued that while renewable energy must be expanded, it should not come at the cost of human rights

<sup>45</sup> Submission from Grupo de Trabajo sobre crisis climática, extractivismos y violencia en Mesoamérica.

<sup>46</sup> As in the case of *Rikki Held and Others v. State of Montana and Others*, with concerning amendments to the Environmental Policy Act adopted in 2025.

<sup>47</sup> See [www.klimaatzaak.eu/en](http://www.klimaatzaak.eu/en).

<sup>48</sup> Submission from Bond Beter Leefmilieu.

<sup>49</sup> See <https://11.be/fr/documenten/analyse-vlaams-regeerakkoord>; <https://coalitionclimat.be/laccord-de-gouvernement-federal-manque-dambition-climatique-et-fait-abstraction-de-la-transition-juste/>.

<sup>50</sup> See <https://theconversation.com/citizens-arrests-and-7-metre-dinosaurs-the-history-of-un-climate-summit-protests-50127>.

<sup>51</sup> See <https://carnegieendowment.org/features/climate-protest-tracker?lang=en>.

<sup>52</sup> See [www.bbc.com/news/world-australia-67539759](http://www.bbc.com/news/world-australia-67539759).

and that alternatives to the dams existed.<sup>53</sup> In 2018, a court ruled in their favour, cancelling environmental permits granted for the dams.

47. Such protests are protected under article 21 of the International Covenant on Civil and Political Rights. While not an absolute right, freedom of peaceful assembly may only be restricted under the specific conditions laid down in the article. As outlined by the Human Rights Committee in general comment No. 37 (2020) on the right of peaceful assembly, disruption, including of economic activity, is an inherent part of many assemblies, and protests causing a high level of disruption may only be dispersed where such disruption is “serious and sustained”.<sup>54</sup> Collective civil disobedience and direct action campaigns, the Committee has held, should be protected under article 21 provided they are non-violent, with violence in this context meaning the use of physical force against others that is likely to result in injury or death, or serious damage to property.<sup>55</sup> This definition is currently being ignored by many States and wilfully obscured by others, in order to criminalize human rights defenders and restrict climate activism.

#### **D. Backlash: obstruction, repression and legal sanctions**

48. For each of the above forms of advocacy and action, human rights defenders have faced retaliation. Often the backlash has been severe, both from State and non-State actors. While some people around the world can take action on climate change and a just transition without fear, many cannot. This situation is not new, but it has never been more pressing. There is no authoritarian solution to the challenges posed by climate change. For climate mitigation strategies to work and for the impact of climate change on human rights to be limited, there must be space for solutions from below. The repression and obstruction of human rights defenders is the antithesis to this imperative.

49. In some countries, the broad level of State repression is such that any form of human rights activism has been rendered extremely difficult. Authorities in these States have made no exception for activism around climate change and a just transition, and any form of organizing by human rights defenders on the topics can only be carried out at high risk. Afghan climate activists, for example, have been forced to flee their country.<sup>56</sup> Tibetan human rights defenders have faced a violent crackdown from the Chinese authorities, including arrests for protesting against large-scale energy projects.<sup>57</sup> Yet the submissions informing this report indicate common challenges for human rights defenders working on climate change in many States (see table 1).

<sup>53</sup> See <https://news.mongabay.com/2019/04/in-bosnia-herzegovina-grassroots-opposition-stalls-another-hydropower-project/>.

<sup>54</sup> General Comment No. 37 (2020), paras. 7 and 85.

<sup>55</sup> Ibid., paras. 15 and 16.

<sup>56</sup> Submission from Forum-Asia.

<sup>57</sup> Communication CHN 8/2024; and response. All communications, and replies thereto, mentioned in the present report are available from <https://spcommreports.ohchr.org/Tmsearch/TMDocuments>.

Table 1

**Common challenges for human rights defenders working on climate change and a just transition based on submissions to the present report**

- 
- Difficulties with access to information and government transparency
  - Limited opportunities for effective participation in the development of climate policy
  - Poor laws for the protection of human rights and the environment
  - Poor implementation of good laws for the protection of human rights and the environment
  - Misinformation around climate change and climate activism, often spread by politicians and companies
  - Restrictions on the rights to freedom of peaceful assembly and association, in violation of the International Covenant on Civil and Political Rights
  - Funding challenges for civil society, grassroots groups and journalists
  - Weak or non-existent protections for whistleblowers
  - Fear of losing employment
  - Additional obstacles for human rights defenders from groups facing discrimination in society, including women human rights defenders
- 

50. While these challenges alone provide serious grounds for concern, and should be addressed by States, they are compounded by several current trends which merit detailed attention.

**1. Criminalization, repressive legislation and strategic lawsuits against public participation**

51. Criminalization of human rights defenders involves the conflation of the peaceful defence of human rights with criminal activity. It is seen in its most obvious form in the instigation of spurious criminal proceedings against human rights defenders in retaliation for their work, but can also take the form of smears and baseless criminal designations. It may be perpetrated by the State or initiated by private actors and is aimed at delegitimizing human rights struggles, putting an end to the activism of the human rights defenders targeted, and discouraging such activism more broadly. It is a major and widespread issue when it comes to human rights defenders working on climate change and a just transition.

52. A clear trend is the misuse of existing domestic criminal law, including overly broad or vague legislation, to sanction peaceful protest, direct action and civil disobedience (see table 2).

Table 2

**Examples of criminal charges against participants in assemblies, demonstrations and non-violent direct action for climate change mitigation and a just transition**

<ul style="list-style-type: none"> <li>• Trespassing in a fenced area<sup>58</sup></li> <li>• Failure to follow the instructions of a road traffic authority<sup>59</sup></li> <li>• Criminal trespassing<sup>60</sup></li> <li>• Common nuisance<sup>61</sup></li> <li>• Incitement to violence<sup>62</sup></li> <li>• Unlawful assembly<sup>63</sup></li> <li>• Qualified disobedience<sup>64</sup></li> <li>• Sponsoring communal war<sup>65</sup></li> <li>• Public disorder<sup>66</sup></li> <li>• Resistance or disobedience<sup>67</sup></li> <li>• Damage to patrimony<sup>68</sup></li> <li>• Damage to property<sup>69</sup></li> <li>• Endangering traffic<sup>70</sup></li> <li>• Obstructing officials<sup>71</sup></li> </ul>	<ul style="list-style-type: none"> <li>• Violent change of the constitutional order<sup>72</sup></li> <li>• Endangering public safety<sup>73</sup></li> <li>• Criminal defamation<sup>74</sup></li> <li>• Criminal acts against public peace<sup>75</sup></li> <li>• Forming or participating in a criminal organization<sup>76</sup></li> <li>• Sedition<sup>77</sup></li> <li>• Criminal conspiracy<sup>78</sup></li> <li>• Promoting enmity<sup>79</sup></li> <li>• Financing terrorism<sup>80</sup></li> <li>• Trespass on critical infrastructure<sup>81</sup></li> <li>• Attempted assisted suicide<sup>82</sup></li> <li>• Sabotage<sup>83</sup></li> <li>• Cybercrimes<sup>84</sup></li> </ul>
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<sup>58</sup> Submission from Greenpeace Central and Eastern Europe.

<sup>59</sup> Ibid.

<sup>60</sup> Submission from the Centre for International Environmental Law and the Africa Institute for Energy Governance.

<sup>61</sup> Ibid.

<sup>62</sup> Ibid.

<sup>63</sup> Ibid.

<sup>64</sup> Submission from Francisco Pedro.

<sup>65</sup> Submission from Migration Youth and Children Platform.

<sup>66</sup> Submission from Comisión Legal Sol.

<sup>67</sup> Ibid.

<sup>68</sup> Ibid.

<sup>69</sup> Ibid.

<sup>70</sup> Submission from the Lawyers' Committee for Human Rights.

<sup>71</sup> Ibid.

<sup>72</sup> Ibid.

<sup>73</sup> Ibid.

<sup>74</sup> Submission from the Campaign for Public Policy on Mineral Resources et al.

<sup>75</sup> Submission from Global Climate Legal Defence.

<sup>76</sup> Ibid.

<sup>77</sup> Ibid.

<sup>78</sup> Ibid.

<sup>79</sup> Ibid.

<sup>80</sup> Ibid.

<sup>81</sup> Submission from Giniw Collective.

<sup>82</sup> Ibid.

<sup>83</sup> Submission from the Swedish National Institute for Human Rights.

<sup>84</sup> Submission from Front Line Defenders.

53. Often, criminalization is used as a tool to repress peaceful activism opposing new fossil fuel infrastructure in the global South or in historically marginalized communities in the global North, with the infrastructure in question often being developed by companies headquartered in high-emitting States.

54. In Uganda, the criminalization of human rights defenders for peaceful protests against the East Africa Crude Oil Pipeline, majority-owned by the French-headquartered Total Energies, is an emblematic example. Peaceful protests against the pipeline, which would transport oil from Lake Albert District in Uganda to the port of Tanga in the United Republic of Tanzania, have been taking place in the country for several years, mainly led by students, women and people from communities affected by the pipeline. As of December 2024, 129 people had reportedly been arrested and detained for peaceful actions opposing the project, facing charges ranging from public nuisance to incitement to violence.<sup>85</sup> While the situation has drawn the attention of the regional bodies<sup>86</sup> and United Nations special procedures,<sup>87</sup> and those charged are being acquitted by the courts, recent arrests indicate the repression has continued unabated.<sup>88</sup> All the while, development of the pipeline is continuing without any serious engagement by the State or Total with the key concern of the human rights defenders: that new fossil fuel infrastructure will have a devastating impact on human rights and is incompatible with the aim of limiting global warming to 1.5 degrees Celsius above pre-industrial levels.

55. In the United States, in a further example, approximately 1,000 criminal cases were brought in Minnesota against people involved in demonstrations against the Line 3 pipeline, including charges of attempted assisted suicide and trespass on critical infrastructure.<sup>89</sup> Owned by the Canadian-headquartered company Enbridge, the development of Line 3 faced years of non-violent opposition from Indigenous Peoples, whose land it crosses, on human rights and climate grounds.<sup>90</sup> While an overwhelming majority of the cases brought against those involved in actions opposing the pipeline have been dismissed, the concerns of the human rights defenders were ignored and the pipeline was completed and began operations in 2021. Criminalization of Indigenous human rights defenders and allies opposing the Line 3 pipeline mirrored the repression seen during the 2016 movement against the Dakota Access Pipeline.<sup>91</sup> Both instances entailed close collaboration between the companies involved and the police, indicating the adoption of a blue print for the repression of climate activism in the United States.<sup>92</sup>

56. Criminalization based on existing domestic legislation is also being seen where human rights defenders are challenging government inaction on reducing emissions, in particular in historically high-emitting States.

<sup>85</sup> Communication UGA 4/2024.

<sup>86</sup> See <https://achpr.au.int/en/adopted-resolutions/613-human-rights-defenders-working-environmental-issues-uganda-achprres613>; [https://www.europarl.europa.eu/doceo/document/TA-9-2022-0321\\_EN.html](https://www.europarl.europa.eu/doceo/document/TA-9-2022-0321_EN.html).

<sup>87</sup> Communications UGA 2/2023 and UGA 4/2023.

<sup>88</sup> Submission from the Centre for International Environmental Law and the Africa Institute for Energy Governance.

<sup>89</sup> See [www.theguardian.com/us-news/2022/feb/10/felony-charges-pipeline-protesters-line-3](https://www.theguardian.com/us-news/2022/feb/10/felony-charges-pipeline-protesters-line-3).

<sup>90</sup> Submission from Giniw Collective.

<sup>91</sup> Communications USA 7/2016 and USA 14/2016; and response, available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=33314>.

<sup>92</sup> See <https://abcnews.go.com/US/pipeline-firm-deposited-millions-state-fund-pay-local/story?id=80844727>; and <https://theintercept.com/2017/05/27/leaked-documents-reveal-security-firms-counterterrorism-tactics-at-standing-rock-to-defeat-pipeline-insurgencies/>.

57. As in the Line 3 pipeline and the Dakota Access Pipeline cases, in some instances this has involved disproportionate criminal sanctions being sought against human rights defenders for non-violent acts of civil disobedience.

58. In Germany, members of the climate activist group Letzte Generation (now known as Neue Generation), are facing criminal charges of forming or participating in a criminal association for non-violent acts of civil disobedience which would typically be less heavily sanctioned, including planting trees on a golf course, tossing tennis balls at a Parliament building, spray painting private airplanes and protests at airports. If convicted of the charge, which is primarily used against organized criminal groups seeking to enrich themselves through illegal acts or who pose a threat to the public, the human rights defenders would face up to five years in prison. A conviction would also expose anyone offering support to the group to three years in prison. The charge provides for extended investigatory powers, and the homes of members of the group have been raided by police, the bank accounts linked to the group have been frozen, its emails and telephone lines reportedly surveilled, including a press hotline used by journalists to contact the group. The group's website was also temporarily seized, with a notice posted by the Bavarian State Office of Criminal Investigation on the website's home page labelling Letzte Generation a criminal organization, in a staggering violation of due process.<sup>93</sup>

59. Some of the most severe criminalization has been faced by human rights defenders working for a just transition.

60. In Viet Nam, the State has committed itself to a just transition and net-zero emissions by 2050,<sup>94</sup> yet it has simultaneously prosecuted human rights defenders working for clean and sustainable energy, including environmental lawyer Dang Dinh Bach, who was sentenced to five years in prison in January 2022 on trumped-up charges of tax evasion, having been arrested in June 2021.<sup>95</sup> In May 2023, the Working Group on Arbitrary Detention declared his detention arbitrary and called for his immediate release,<sup>96</sup> yet he remains imprisoned and his case is far from an isolated one in the country.<sup>97</sup>

61. Alongside the use of existing laws to criminalize human rights defenders, new laws are also being introduced in direct response to the non-violent actions of climate activists, in particular in protests and demonstrations, with the aim of criminalizing them.

62. In 2023, the Government of the United Kingdom of Great Britain and Northern Ireland adopted the Public Order Act, introducing new criminal offences in response to protest tactics adopted by climate activists. These included the act of locking oneself to an object or another protestor, made punishable by six months imprisonment and/or a fine where such an action causes, or is capable of causing, serious disruption to two or more persons or an organization, and said disruption is the intent of those involved or they are reckless as to whether it will have such a consequence.<sup>98</sup> The Act also provides for unlimited fines for those equipped for locking on,<sup>99</sup> and criminalizes any

<sup>93</sup> Communication DEU 6/2024; and response, available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=38776>.

<sup>94</sup> See <https://climateactiontracker.org/countries/vietnam/net-zero-targets/>.

<sup>95</sup> Communications VNM 2/2025 and VNM 3/2023.

<sup>96</sup> See [A/HRC/WGAD/2023/22](https://www.humanrights.org/en/documents/2023/22).

<sup>97</sup> Despite recognition, in the Political Declaration signed by Vietnam and a group of States for financing to support the country's just transition, of the importance of NGOs and other stakeholders, there has been no significant reaction to the repression of climate defenders from any of the Parties to the agreement.

<sup>98</sup> United Kingdom of Great Britain and Northern Ireland, Public Order Act, Part 1, sect. 1 (2023).

<sup>99</sup> Ibid., Part 1, sect. 2.

interference with key national infrastructure, including oil and gas infrastructure, that prevents it being used or operated to any extent for any of its intended purposes,<sup>100</sup> including where its use or operation is significantly delayed.<sup>101</sup> The Act has since been used to imprison human rights defenders. In December 2023, Stephen Gingell was sentenced to six months imprisonment for participating in a slow march by Just Stop Oil in London for approximately 30 minutes.<sup>102</sup>

63. The Public Order Act is not the first law of its kind, and while such restrictive legislation has been successfully challenged through national courts in some States,<sup>103</sup> the trend is towards the increasing enactment of such legislation, including through undemocratic means. In Italy, proposed amendments to the Criminal Code were adopted by the Council of Ministers in April 2025 and subsequently approved by Parliament. Among the amendments are provisions for up to two-year prison sentences for blocking roads with one's body as part of a group, a peaceful tactic often used by human rights defenders to draw attention to inaction on climate change.<sup>104</sup> Previously, obstructing a road had been an administrative offence, punishable by fines. Broad and vague legislation criminalizing acts of protest around fossil fuel infrastructure, with no exceptions for non-violent, peaceful action, is also being considered at the federal level in the United States,<sup>105</sup> where many states have already adopted restrictive laws introducing new crimes. This has reportedly often been done in collaboration with the fossil fuel industry, and could see heavy prison sentences applied to human rights defenders engaged in non-violent protest.<sup>106</sup>

64. While some cases brought on the basis of such laws are thrown out by courts, judgments show a lack of consistency, even within individual States. Yet even where human rights defenders are acquitted, there is nonetheless a significant negative impact, and the core issue remains: States are not listening to them, emissions are rising and the human rights of more and more people are wilfully being put at risk.

65. In many cases, the instigation of criminal proceedings against human rights defenders is preceded by smears seeking to undermine their work and solidarity with them.

66. One trend is the conflation of non-violent climate action with terrorism. In 2022, the French Minister of Interior at the time, and current Minister of Justice, Gérald Darmanin, accused the national environmental movement Les Soulèvements de la Terre of "ecoterrorism".<sup>107</sup> The following year, the Minister sought the group's dissolution,<sup>108</sup> only to see the action overturned by the country's highest administrative court.<sup>109</sup>

67. In the same year, in Spain, Extinction Rebellion were designated by the Attorney General as a group engaged in "international terrorism". In 2023, they were designated, alongside Futuro Vegetal, as groups engaged in "domestic terrorism".

<sup>100</sup> Ibid., Part 1, sect. 7.4.

<sup>101</sup> Ibid., Part 1, sect. 7.5.

<sup>102</sup> Communication GBR 7/2024; and response, available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=38516>.

<sup>103</sup> See the successful challenge to repressive laws in Tasmania, Australia: at [www.abc.net.au/news/2017-10-18/bob-brown-wins-high-court-challenge-to-protest-laws/9060834](http://www.abc.net.au/news/2017-10-18/bob-brown-wins-high-court-challenge-to-protest-laws/9060834).

<sup>104</sup> Communication ITA 7/2024; and [www.ohchr.org/en/press-releases/2025/04/italy-un-experts-concerned-administrative-enactment-problematic-security](http://www.ohchr.org/en/press-releases/2025/04/italy-un-experts-concerned-administrative-enactment-problematic-security).

<sup>105</sup> See [www.congress.gov/bill/119th-congress/senate-bill/1017/text](http://www.congress.gov/bill/119th-congress/senate-bill/1017/text).

<sup>106</sup> See [www.theguardian.com/us-news/2024/sep/26/anti-protest-laws-fossil-fuel-lobby](http://www.theguardian.com/us-news/2024/sep/26/anti-protest-laws-fossil-fuel-lobby).

<sup>107</sup> Communication FRA 5/2023; and response, available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=37712>.

<sup>108</sup> See [www.legifrance.gouv.fr/jorf/id/JORFTEXT000047709318](http://www.legifrance.gouv.fr/jorf/id/JORFTEXT000047709318).

<sup>109</sup> See [www.conseil-etat.fr/fr/arianeweb/CE/decision/2023-11-09/476384](http://www.conseil-etat.fr/fr/arianeweb/CE/decision/2023-11-09/476384).

Both organizations are dedicated to peaceful activism seeking action on climate change and have faced significant administrative fines for their protests.<sup>110</sup>

68. Human rights defenders have also seen media reports of terrorism or organized crime related investigations being opened against them, only to receive no further information from the police or prosecutors. In October 2024, in Romania, an article appeared in the national media reporting on a criminal complaint made by the Minister of Energy to the Directorate for the Investigation of Organized Crime and Terrorism against Greenpeace and other, unnamed, environmental activists.<sup>111</sup> In response, the Minister announced on Facebook that he could neither confirm nor deny the story.<sup>112</sup> This followed advocacy by Greenpeace against the Neptun Deep Gas Project, which seeks to extract natural gas from under the Black Sea. A recent strategic lawsuit against public participation (SLAPP) case against the group by the State-energy company Romgaz, which holds a 50 per cent share in the Neptune Deep Gas Project, indicates a wider campaign against Greenpeace in the country.<sup>113</sup>

69. While smears against human rights defenders working on climate change and a just transition are often perpetrated by States, they are also being launched by companies and persons seeming to act in their interests. In December 2024, the Argentinian lawyer Alicia Chalabe was the target of a smear campaign originating on an anonymous website and subsequently spread through social media. It began following a complaint presented by Ms. Chalabe on behalf of Indigenous Peoples in Jujuy Province challenging the presence of Lition Energy, a subsidiary of Pan American Silver, on their land, where the company has been attempting to establish a lithium mine.<sup>114</sup>

70. There is also a clear pattern of strategic lawsuits against public participation against human rights defenders by companies with a financial interest in fossil fuel use and other extractive industries.<sup>115</sup> The recent ruling in North Dakota ordering the United States branch of Greenpeace to pay over \$660 million in damages to Energy Transfer Partners and Dakota Access, in connection to the Dakota Access Pipeline protests, is a startling example.<sup>116</sup> Yet strategic lawsuits against public participation are frequently used against lesser known, grass-roots groups, with similarly damaging effects.<sup>117</sup>

## **2. Physical attacks, police violence, threats, intimidation and surveillance**

71. While criminalization may be the most common form of retaliation faced by human rights defenders working on climate change and a just transition, they are also subjected to physical attacks and threats. Perpetrators are often State actors, targeting human rights defenders working on a just transition.

72. In 2024 in Kenya, community members in Uyombo village, identified as the site of a future nuclear reactor by the Nuclear Power and Energy Agency, were violently

<sup>110</sup> Submission from Comisión Legal Sol.

<sup>111</sup> See [www.greenpeace.org/romania/comunicat-presa/10120/ministrul-energiei-sebastian-burduja-ataca-organizatiile-de-mediu-si-justitia-din-romania/](http://www.greenpeace.org/romania/comunicat-presa/10120/ministrul-energiei-sebastian-burduja-ataca-organizatiile-de-mediu-si-justitia-din-romania/) (in Romanian).

<sup>112</sup> See [www.facebook.com/tianu/posts/pfbid0Nim7Rao1afvHvYESrws5GbohEjxjiK8URYYU1uf2pSi2ZJk6AhKy7MuMLUeMKFnI](https://www.facebook.com/tianu/posts/pfbid0Nim7Rao1afvHvYESrws5GbohEjxjiK8URYYU1uf2pSi2ZJk6AhKy7MuMLUeMKFnI) (in Romanian).

<sup>113</sup> See [www.greenpeace.org/romania/comunicat-presa/10752/greenpeace-romania-tinta-intr-un-proces-slapp-orchestrat-de-ministerul-energiei/](http://www.greenpeace.org/romania/comunicat-presa/10752/greenpeace-romania-tinta-intr-un-proces-slapp-orchestrat-de-ministerul-energiei/).

<sup>114</sup> Communication ARG 11/2024; and response, available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gld=38987>.

<sup>115</sup> Submission from Allied.

<sup>116</sup> Submission from the World Wildlife Fund.

<sup>117</sup> Submissions from Allied, Human Rights House Yerevan and others, Article 19 and the Lawyers' Committee for Human Rights.

repressed by police after peacefully protesting against the installation of equipment by the Agency without their consent, with police firing 137 bullets, 44 blanks and using 70 tear gas canisters, leaving three people seriously injured. The nuclear reactor has been planned despite the significant potential for renewable energy in Kenya.<sup>118</sup> Two human rights defenders who tried to mediate and diffuse the situation were violently arrested and beaten by police.<sup>119</sup>

73. Human rights defenders have also been subjected to police violence when calling for climate action. In 2024, in Italy, a peaceful demonstration by Extinction Rebellion outside a Group of Seven meeting in Bologna was broken up by police, with 21 people arrested, including Valentina Corona, who had not been participating in the protests, but was there to mediate with police. Those detained were brought to a police station and held for seven to eight hours without being formally arrested. While detained, Ms. Corona was separated from the group and reportedly obliged to undress in a bathroom, before being asked to bend over and intrusively searched by a female police officer, a practice commonly imposed in drug-related cases. She was not offered access to a lawyer, despite stating she wanted to exercise her right to be accompanied by one.<sup>120</sup> A similar incident in Brescia in early 2025 indicates that these are not isolated practices in Italy.<sup>121</sup>

74. In Germany, the use of pain grips by police against people peacefully participating in climate protests has been confirmed,<sup>122</sup> with reports of similar tactics in other States, including Denmark,<sup>123</sup> Poland and the United States.<sup>124</sup>

75. Threats against human rights defenders raising concerns about climate change are also a serious concern, both online and offline. Several such cases have occurred in response to successes of human rights defenders.

76. In Ecuador, the Indigenous Waorani defender Juan Bay, a leader of the successful movement against oil extraction in Yasuni National Park, has reportedly received repeated threats for his work, including death threats through calls and messages following the referendum to protect the area.<sup>125</sup>

77. In Brazil, Indigenous Ka'apor defenders from the Alto Turiaçu Indigenous Territory in Maranhão have received threats in retaliation for their opposition, including through successful litigation, to a carbon credit project proposed by Wildlife Works, with headquarters in the United States of America. Since 2013 and the creation by the indigenous peoples of protected areas along the borders of their territory, leading to a significant fall in deforestation, nine Ka'apor Indigenous People from the territory have been murdered.<sup>126</sup>

78. In a further concerning trend, human rights defenders calling for greater government action on climate change and a just transition have been reportedly subjected to surveillance. In the Philippines, members of the Philippine Movement for Climate Justice in Cebu Island have experienced several incidents of suspected

<sup>118</sup> See [www.greenpeace.org/africa/en/blog/56663/kenyas-nuclear-gamble-risking-billions-and-biodiversity-for-power-we-dont-need/](https://www.greenpeace.org/africa/en/blog/56663/kenyas-nuclear-gamble-risking-billions-and-biodiversity-for-power-we-dont-need/).

<sup>119</sup> Communication KEN 3/2024.

<sup>120</sup> Communication ITA 6/2024.

<sup>121</sup> Communication ITA 3/2025; and response, available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=39035>.

<sup>122</sup> See [www.youtube.com/watch?v=xhLd6Ba9sLI](https://www.youtube.com/watch?v=xhLd6Ba9sLI); [www.lto.de/recht/hintergruende/h/vg-berlin-1k28123-schmerzgriff-letzte-generation-klimakleber-polizei-rechtswidrig](https://www.lto.de/recht/hintergruende/h/vg-berlin-1k28123-schmerzgriff-letzte-generation-klimakleber-polizei-rechtswidrig).

<sup>123</sup> Submission from Global Climate Legal Defence.

<sup>124</sup> Submission from Giniw Collective.

<sup>125</sup> Communication ECU 2/2025; and response, available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=39012>.

<sup>126</sup> Communication BRA 3/2025.

surveillance since March 2024.<sup>127</sup> In Spain, police officers have infiltrated climate activism groups, with at least 12 such cases reported in recent years.<sup>128</sup>

### 3. Exclusion from climate change forums

79. Climate change is a global problem which States must come together to confront. The primary space created for this cooperation is the Conference of the Parties. Human rights defenders should be among the stakeholders participating in the Conference of the Parties, yet throughout the Conference's history, and in particular in recent years, human rights defenders have been systematically obstructed when trying to do so (see table 3).

Table 3

#### **Challenges for human rights defenders seeking to participate in the Conference of the Parties**

- 
- Lack of transparency around the host country agreements
  - Regional imbalances among participants
  - Financial burdens faced in travelling
  - Difficulties obtaining visas
  - Insufficient accommodation for defenders with disabilities
  - The risk of surveillance, detention or other forms of retaliation, including reprisals, during and after the Conference of the Parties and impunity for any such retaliation
  - Restrictions on the rights to freedom of expression and assembly at the Conference of the Parties
  - Bureaucratic obstacles to participation, including with registration, access to rooms and organizing side-events<sup>129</sup>
- 

80. Egypt, host of twenty-seventh Conference of the Parties in 2022, took steps in the build-up to limit participation of human rights defenders and other critical voices, including through undue restrictions on freedom of assembly and surveillance.<sup>130</sup> Egypt was granted the opportunity to host the Conference of the Parties despite systematically repressing human rights defenders and civil society in the country, meaning any Egyptian human rights defenders wishing to participate critically would be exposed to retaliation. The same was true of the twenty-eighth Conference of the Parties, held in 2023 in the United Arab Emirates, a country with very limited space for human rights defenders to exercise their rights.<sup>131</sup>

81. Azerbaijan, host of the twenty-ninth Conference of the Parties in 2024, has a similar history of repression of human rights defenders, and instigated a crackdown

<sup>127</sup> Communication PHL 3/2025.

<sup>128</sup> Submission from Comisión Legal Sol; and [www.elsaltodiario.com/madrid/nieves-otra-policia-infiltrada-movimiento-ecologista-madrid](http://www.elsaltodiario.com/madrid/nieves-otra-policia-infiltrada-movimiento-ecologista-madrid).

<sup>129</sup> See [www.fidh.org/en/issues/business-human-rights-environment/guaranteeing-a-seat-at-the-table-at-cop30-for-voices-on-the-climate?var\\_mode=calcul](http://www.fidh.org/en/issues/business-human-rights-environment/guaranteeing-a-seat-at-the-table-at-cop30-for-voices-on-the-climate?var_mode=calcul).

<sup>130</sup> Communication EGY 9/2022.

<sup>131</sup> Communication ARE 1/2021; and response, available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=36081>.

in the lead-up to the conference, with several human rights defenders arrested and detained on charges seemingly connected to their legitimate work. This includes Anar Mammadli, detained in April 2024<sup>132</sup> and charged with offences carrying up to 12 years in prison. He remains detained at the time of writing.<sup>133</sup>

82. While the Conference of the Parties since 2020 are prominent for the level of exclusion of human rights defenders and the risks for those who sought to participate, challenges for human rights defenders and retaliation against them have been recorded at almost every iteration of the Conference, with the host State the most frequent perpetrator.<sup>134</sup> Yet where human rights defenders have been able to travel to participate, they have also faced retaliation from those who would seek to silence them at home.

83. While participating at the twenty-sixth Conference of the Parties in Glasgow, Indigenous Munduruku human rights defender Alessandra Korap Munduruku, who had travelled from Brazil, was threatened and intimidated after denouncing the actions of the Administration of President Jair Bolsonaro and private companies. Upon returning to her community in the Brazilian Amazon, she was threatened, saw her home vandalized and her electricity cut off in suspected reprisal for her activism.<sup>135</sup>

## V. Specific groups of defenders at risk: women, Indigenous defenders and journalists

84. While the challenges faced by human rights defenders working on climate change and a just transition are widespread, certain groups of defenders face particular and often elevated risks.

### A. Women human rights defenders

85. As in many struggles for social justice, women – already disproportionately affected by climate change<sup>136</sup> – are at the forefront in movements addressing climate change and mobilizing for a just transition across the world, notably in extremely difficult contexts, including conflict zones.

86. In Ukraine, women have been leading grass-roots initiatives to restore damaged ecosystems in the context of the invasion by Russia.<sup>137</sup> In the Syrian Arab Republic, the Syria Female Journalists Network has been questioning the links between climate change, conflict and gender, building awareness in society.<sup>138</sup> In Palestine, feminist

<sup>132</sup> Communication AZE 2/2024; and response, available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=38580>.

<sup>133</sup> Communication AZE 1/2025; and response, available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=38976>.

<sup>134</sup> Submission from Amnesty International.

<sup>135</sup> Communication BRA 2/2022; and responses 1 and 2, available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=36905> and <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=36928>.

<sup>136</sup> See [www.unwomen.org/en/articles/explainer/how-gender-inequality-and-climate-change-are-interconnected](http://www.unwomen.org/en/articles/explainer/how-gender-inequality-and-climate-change-are-interconnected).

<sup>137</sup> Ibid; and [https://wpshelpdesk.org/wp-content/uploads/2024/12/Gender-Climate-and-Security-in-Ukraine-FINAL-draft\\_to-publish.pdf](https://wpshelpdesk.org/wp-content/uploads/2024/12/Gender-Climate-and-Security-in-Ukraine-FINAL-draft_to-publish.pdf) (pp. 14–15).

<sup>138</sup> Submission from Kvinna till Kvinna; and <https://kvinnatillkvinna.org/wp-content/uploads/2024/04/The-Kvinna-till-Kvinna-Foundation-The-Syrian-Female-Journalist-Network-Environmen-is-a-feminist-issue-English.pdf>.

activists have been denouncing Israel's illegal occupation of Palestinian territories and its intersection with the impacts of climate change.<sup>139</sup>

87. This work should be supported wherever it is happening, yet the examples referenced in this report and the submissions indicate that being a woman multiplies the risks faced in exercising the right to defend human rights in the context of climate change.

88. The challenges are wide-ranging (see table 4), yet many of the specific obstacles women human rights defenders have to confront, and the particular forms of retaliation they must contend with, also stem from societal discrimination against women more broadly. Any authentic movement to mitigate the effects of climate change and enact a just transition must grasp this injustice and avoid its reproduction. That involves supporting and protecting women human rights defenders. Attacks against them indicate this is not being done.

Table 4

**Gender-specific challenges for women human rights defenders working on climate change and a just transition**

- 
- Social stigma for challenging traditional norms
  - Threats of sexual violence
  - Exclusion from climate decision-making
  - Invisibilization
  - Increased exposure to gender-based violence by police during protests
  - Institutional discrimination
  - Misogynistic smears and intimidation online
  - Increased risks for trans women
  - Funding challenges for women-led groups<sup>140</sup>
- 

## **B. Indigenous human rights defenders**

89. Indigenous Peoples are uniquely threatened by climate change, being on the front line not only of the impacts of global warming, but of extractivism carried out in the name of the just transition.<sup>141</sup> In the face of historical, continuing discrimination and fractured legal protections around the world, they have been mobilizing for decades for an alternative model of development, one that centres human rights and popular participation, and which would make the just transition possible.<sup>142</sup> Often acting in rural and isolated areas,<sup>143</sup> with institutional discrimination and widespread impunity for crimes they face, the successes of their activism have always been achieved at high risk, and have come with a significant cost.

<sup>139</sup> See [www.nrc.no/feature/2024/hope-evaporating-climate-change-resilience-under-occupation-in-the-west-bank](http://www.nrc.no/feature/2024/hope-evaporating-climate-change-resilience-under-occupation-in-the-west-bank); and <https://kvinnatillkvinna.org/wp-content/uploads/2022/10/Feminist-Movements-and-Climate-Justice-in-Middle-East-and-North-Africa.pdf> (pp. 30–31).

<sup>140</sup> Based on multiple submissions to the present report.

<sup>141</sup> Submission from Instituto de Estudios para el Desarrollo y la Paz and the Business and Human Rights Resource Centre.

<sup>142</sup> Submission from Indigenous Peoples Rights International.

<sup>143</sup> See [A/HRC/58/53](https://www.unhcr.org/refugees/58/53).

90. The Business and Human Rights Resource Centre, in their tracking of human rights abuses connected to “transition mineral” mining, have recorded 835 instances of such abuse between 2010 and 2024. Of these, 157 instances were attacks against human rights defenders, with a disproportionate number against Indigenous Peoples.<sup>144</sup> Monitoring by Front Line Defenders, Global Witness and others shows the fatal price often paid by Indigenous defenders, with hundreds of killings recorded each year.<sup>145</sup>

91. There will be no just transition without the effective participation of Indigenous Peoples and respect for their rights, including their right to give or withhold their free, prior and informed consent for projects affecting them and their territories. In order to achieve that, States must urgently prioritize ending retaliation against Indigenous human rights defenders and impunity for such attacks.

### C. Journalists

92. Journalists are key to building an understanding of climate change and its impacts, as well as in exposing environmental destruction and false solutions, and are working at all levels to do so, from the grass-roots level to the international level. They are key allies of human rights defenders and often exercise the right to defend human rights themselves, yet they often face significant challenges in doing so<sup>146</sup> and are targeted for their work on the subject,<sup>147</sup> with fear of retaliation and connected self-censorship reported around the world.

93. Often, journalists are targeted because of their investigation of environmental harms and the interests behind them, including the profits of corporations, the power of politicians, non-State armed groups<sup>148</sup> and corruption. It commonly involves threats, both online and offline, and strategic lawsuits against public participation, with journalists working and reporting in remote areas at elevated risk of physical attacks and even killings.<sup>149</sup>

94. A further trend is retaliation against journalists covering climate protests, with arrests of journalists reported in multiple countries, including Spain, Sweden<sup>150</sup> and the United Kingdom,<sup>151</sup> where arrests of journalists covering a protest were ordered by senior police officers.<sup>152</sup>

95. Retaliation against journalists reporting on climate change and the just transition appear to have two clear purposes: first, it seeks to shelter those profiting, either legally or illegally, from root causes of climate change and an unjust transition; second, it seeks to keep control of the narrative around climate change, and climate activism, in the hands of the State. In both cases, human rights, including those of the journalists targeted, are sidelined, along with effective climate action and a just transition.

<sup>144</sup> Caroline Avan and Blanca Racionero Gómez, “Transition minerals tracker: 2025 global analysis”, Business and Human Rights Resource Centre, May 2025, p. 14.

<sup>145</sup> See [www.frontlinedefenders.org/sites/default/files/1609\\_fld\\_ga24-5\\_output.pdf](http://www.frontlinedefenders.org/sites/default/files/1609_fld_ga24-5_output.pdf); and <https://globalwitness.org/en/campaigns/land-and-environmental-defenders/missing-voices/>.

<sup>146</sup> Gabi Mocatta and others, *Covering the Planet: Assessing the State of Climate and Environmental Journalism Globally* (Melbourne, Deakin University, 2024), p. 53.

<sup>147</sup> See <https://rsf.org/en/earth-day-protecting-reliable-journalism-pillar-fight-against-global-warming>.

<sup>148</sup> Submission Rutas del Conflicto and the Business and Human Rights Resource Centre.

<sup>149</sup> Mocatta and others, *Covering the Planet*, pp. 62–67.

<sup>150</sup> Submission from Björn Paxling.

<sup>151</sup> Submission from IFEX.

<sup>152</sup> See [www.theguardian.com/media/2022/nov/23/senior-officers-ordered-unlawful-arrests-of-journalists-at-just-stop-oil-protests](http://www.theguardian.com/media/2022/nov/23/senior-officers-ordered-unlawful-arrests-of-journalists-at-just-stop-oil-protests).

## VI. Conclusions

96. There can be no such thing as climate inaction by States, they do not have a choice. The options are effective action or continued destruction. To be effective, action must respect human rights and those defending them, and it must do so across the board. There is a right to defend human rights; States have recognized it, but that recognition is meaningless if States fail to uphold that right. Working with human rights defenders, States could adopt real solutions to reduce emissions; they could build mitigation strategies and resilience from the grass-roots level; they could transition to just and sustainable means of energy production that empower people and the realization of human rights. If not, what will the result be? The current situation is clear: not enough is being done and huge numbers of people are already suffering. The idea that the profiteering and forms of extraction that have largely contributed to bringing us to this point can be the basis for solutions needs to be abandoned. The universality of human rights must be insisted upon. This is what human rights defenders across the world are saying. There is no more time to lose.

## VII. Recommendations

97. The Special Rapporteur recommends that States:

- (a) Provide a safe and enabling environment in which all those advocating around human rights and climate issues can do so freely, without fear of retaliation of any kind;
- (b) Work with human rights defenders to greatly and urgently increase action to reduce emissions contributing to climate change and to enact a just transition that respects the universality of human rights;
- (c) Cease all forms of stigmatization against human rights defenders working on climate change and a just transition and take action to reverse negative narratives around their activism;
- (d) Ensure all legislation regulating assemblies conforms with article 21 of the International Covenant on Civil and Political Rights as elaborated on by the Human Rights Committee in general comment No. 37 (2020);
- (e) Legislate nationally to recognize the right to a clean, healthy and sustainable environment and support regional processes safeguarding this right;
- (f) Legislate and take awareness-raising measures, including among prosecutors and the judiciary, to prevent the misuse of criminal and civil law against human rights defenders, including journalists, working on climate change and a just transition;
- (g) Legislate to require all companies operating in high-risk sectors for human rights defenders, including logging, energy production, mining, oil and gas, agribusiness and the carbon credit market, to undertake human rights and environmental due diligence that includes: (i) assessing potential risks for human rights defenders on a continual basis; (ii) taking steps to mitigate any such risks; (iii) strong consultation obligations; and (iv) criminal and civil liability for acts and omissions by companies contributing to retaliation against human rights defenders;
- (h) Strengthen the right of access to information broadly, and explicitly for information concerning climate change.

98. The Special Rapporteur recommends that the United Nations Framework Convention on Climate Change secretariat guarantee transparency and the safe, effective participation of human rights defenders in all Conference of the Parties host country agreements, in line with recommendations from civil society.<sup>153</sup>

99. The Special Rapporteur recommends that the Assistant Secretary-General for Human Rights continue to monitor cases of retaliation against human rights defenders participating in the Conference of the Parties and include such cases in the annual report on reprisals.

100. The Special Rapporteur recommends that investors and organizations providing climate finance adopt and enforce zero-tolerance policies on retaliation against human rights defenders and attacks on the right to defend human rights, leveraging influence over States and businesses.

101. The Special Rapporteur recommends that companies adopt and enforce zero-tolerance policies on retaliation against human rights defenders, in line with the guidance of the Working Group on the issue of human rights and transnational corporations and other business enterprises.<sup>154</sup>

## VIII. Updates on the long-term imprisonment of human rights defenders since 2021

102. The Special Rapporteur sent communications on the long-term imprisonment of human rights defenders to 24 States in 2020 and 2021. While some of these human rights defenders have since been released, she regrets the continued imprisonment of human rights defenders serving 10 years or more in 17 countries: Bahrain, Belarus, China, Egypt, Eritrea, Lao People's Democratic Republic, Mexico, Morocco, Peru, Russian Federation, Saudi Arabia, Tajikistan, Türkiye, Turkmenistan, United Arab Emirates, Uzbekistan and Viet Nam.

103. Since her last update on these communications, the Special Rapporteur is pleased to note that Mohammed al-Qahtani and Issa Al-Nukhaifi were conditionally released in Saudi Arabia in January 2025, two years after they were due to be freed. She regrets that they reportedly remain under a travel ban. She also welcomes the temporary release of Narges Mohammadi in the Islamic Republic of Iran in December 2024. She remained out of prison at the time of writing.

104. The Special Rapporteur is shocked by the United Arab Emirates's failure to release Mohamed al-Roken after the completion of his 10-year sentence in 2022, and his renewed sentencing to 25 years imprisonment, upheld in March 2025. She is further appalled by the March 2025 sentencing of Pablo López Alavez to 30 years imprisonment in a retrial in Mexico. He has been arbitrarily detained since 2010.

<sup>153</sup> See <https://globalwitness.org/en/campaigns/land-and-environmental-defenders/guaranteeing-a-seat-at-the-table-at-cop30-for-voices-on-the-climate-emergencys-frontlines/>.

<sup>154</sup> A/HRC/47/39/Add.2, paras. 58 and 59.