

# PROTECTING CIVIC SPACE FOR CLIMATE ACTIVISTS

In July 2021, the United Nations Special Rapporteur on the rights to freedom of peaceful assembly and of association presented a report to the General Assembly ([A/76/222](#)) on climate justice. The report unpacks the risks that environmental defenders, activists, frontline communities, indigenous peoples and civil society organisations face while advancing climate justice and measures needed to facilitate their efforts. This briefer extracts key findings and recommendations from the report.

## THE ISSUE

The failure by governments and businesses to address the unfolding climate crisis has spurred a global social movement that involves many different groups from indigenous communities, women and youth activists to workers and trade unions. To advance climate action and just transitions to a greener and more sustainable future, it is essential that they can freely come together, mobilize and protest. However, as more people around the world organise to demand climate justice, restrictions on their rights and violent repression by powerful actors have also increased.



*"States cannot address the climate emergency alone. The ability of individuals to mobilize, organise and connect and to contribute to shaping public opinion and decision-making without fear... is essential to the production of effective climate action and just transitions."*

# THREATS TO CLIMATE DEFENDERS

## **VIOLENCE AND INTIMIDATION.**

The most pressing challenge climate activists face is physical attacks, often preceded by online and offline harassment and intimidation. Sadly, over 70 per cent of human rights defenders killed every year are standing up for the environment.

## **CLIMATE PROTEST BANS AND RESTRICTIONS.**

A growing number of laws limiting and banning assemblies specifically target climate protests or criminalize formerly legal methods that climate protestors use (e.g., road blocking). Often, if protests are organised in opposition to environmentally harmful corporate activities, authorities resort more readily to anti-assembly injunctions and arrests of protesters. COVID-19 emergency measures have also been frequently used as an excuse to clamp down on climate protests. Some States have passed laws criminalizing protests concerning or involving “critical infrastructure”, which has been expansively defined to include pipelines and oil shipping lanes. These laws have created new felony offences, including inhibiting construction (or) transport, and have heightened criminal penalties for already illegal conduct, such as trespass.

## **RESTRICTIONS ON CIVIL SOCIETY’S OPERATIONS.**

Some governments limit the activities civil society organisations advancing climate justice can engage in, restrict their ability to access (international) funding, or impose highly burdensome audit requirements on them.

## **SMEAR CAMPAIGNS.**

Climate activists have been the victim of vilification and disinformation. They have been labelled as “extremists” and “green criminals”, cast as “anti-development” and “foreign-funded”, and portrayed as serving the interests of “militant”, “extremist”, “communist” and “terrorist” groups.

## **LEGAL HARASSMENT AND SURVEILLANCE.**

States undermine the climate justice movement by using the justice system against environmental activists and their organisations. Criminal prosecutions, even if not followed by prison sentences, suppress environmental defenders’ effectiveness, as they are forced to devote time and resources to their defence rather than to their mission. In many countries, such charges are brought under national security-related or anti-terrorism laws. Private sector companies have also targeted climate defenders, using lawsuits to silence critics (known as Strategic Lawsuits against Public Participation, SLAPPs) or carrying out surveillance of their communications and activities.

## **RESTRICTIONS ON PARTICIPATION.**

Climate defenders regularly face barriers to obtain access to UN-level climate change negotiations, often imposed by the organisers themselves. Public authorities limit climate defenders’ access to information, which makes meaningful engagement in national-level policymaking difficult and erodes trust: local consultations are often perceived as not being genuine.

# KEY RECOMMENDATIONS FOR STATES, BUSINESSES AND INTERNATIONAL COMMUNITY

## **1. DO NOT USE THE CLIMATE CRISIS AS AN OPPORTUNITY TO FURTHER CLOSE CIVIC SPACE.**

The COVID-19 pandemic crisis has exposed several of the negative effects that a global crisis can have on democratic systems, civic freedoms and the rule of law. States should not follow a similar path to address the climate crisis and should avoid using it as a pretext to suppress fundamental freedoms.

## **3. ENSURE INCLUSIVE PARTICIPATION FOR CLIMATE DEFENDERS AND THEIR ORGANISATIONS IN NATIONAL AND INTERNATIONAL POLICYMAKING.**

States and international bodies should remove restrictions and ensure that everyone, including women, indigenous peoples, youth, persons with disabilities and other affected groups facing marginalization or discrimination, can meaningfully participate in developing policies on climate, at all levels of decision-making. For example, States should strengthen multi-stakeholder platforms through which civil society can better engage in planning, implementation and monitoring of national climate plans. The UN should ensure equitable access for civil society in global climate debate, and this should be a foreign policy priority for States, too.

## **2. FACILITATE CLIMATE PROTESTS, INCLUDING CIVIL DISOBEDIENCE.**

States should reform laws and practice that illegitimately criminalize protests at or near business worksites as well as blanket bans on particular forms of protest. States should recognize and provide space for civil disobedience and non-violent direct-action campaigns. States must exercise great restraint in imposing restrictions on these forms of peaceful protests, including when taking decisions on whether to arrest, prosecute, impose pre-trial detention, convict or award damages against climate justice activists for engaging in such actions. Any limitations imposed must allow for judgment on a case-by-case basis and meet the legality, necessity and proportionality requirements, taking into account the significance of the aims of the protest in question from a rights-based perspective.

## **4. PROTECT CLIMATE DEFENDERS FROM ATTACKS.**

States should conduct thorough, effective and impartial investigations into killings and violence against civil society actors, ensuring that perpetrators are brought to justice. States should also refrain from stigmatizing civil society groups engaged in climate justice.

### **5. END LEGAL HARASSMENT.**

States should enact anti-SLAPP legislation to protect climate actors from corporate attempts to utilize the legal system to intimidate them and suppress their advocacy. Businesses should refrain from pursuing legal action or conducting surveillance as a means of silencing environmental rights activists.

### **6. DO NOT USE SECURITY-RELATED LAWS TO TARGET CLIMATE ACTIVISTS.**

States must ensure that criminal laws penalizing activities such as conspiracy, terrorism or cooperation with foreign entities, which are often broad and ill-defined, are not used to target environmental defenders.

### **7. IDENTIFY AND ACT UPON HUMAN RIGHTS RISKS.**

Businesses should take action to ensure that no rights violations related to their activities occur. They should also have official complaint processes in place to address human rights concerns.



*“Urgent attention is needed at the local, national, regional and international levels to ensure that those fighting for climate justice receive the support they deserve.”*

# HOW CAN CLIMATE DEFENDERS USE THE REPORT?

The launch of the UN Special Rapporteur's report creates momentum to recognize the crucial role civil society plays in the climate movement, and sheds light on the backlash it is facing from public actors. The findings and recommendations of the report can help galvanize action to improve conditions for the climate defenders' valuable work.

So what can your organisation do to protect the environment and their defenders?

## **Monitor restrictions on climate defenders**

- Collect data on restrictions climate activists face, including restrictions to their rights to freedom of association and peaceful assembly;
- Systematically monitor how new drivers and trends impact climate activism (e.g., use of technology, security policies, pandemic responses).

## **Raise awareness of civil society's role**

- Publicly recognize the crucial role civil society plays in ensuring effective climate action and just transition to a greener and more sustainable future.
- Challenge the stigmatization and smear campaigns against climate activists.

## **Create networks and cultivate multi-stakeholder dialogue**

- Build alliances, strengthen networks and solidarity between climate action movements, including human rights and environmental groups, indigenous people, labour unions, feminist organisations, youth climate movements, etc.
- Cooperate with public authorities in creating multi-stakeholder dialogues and platforms, so that civil society and other relevant actors can contribute to national climate plans and other policies that are ambitious and developed in a transparent way.

## **Advocate against restrictive laws**

- Advocate for the elimination of laws and practices that hinder the ability of individuals and communities to advance climate action through the exercise of their rights to freedom of peaceful assembly and association.
- Advocate for the repeal of criminal defamation and for the adoption of anti-SLAPP legislation to protect civil society actors against legal harassment.

## **Promote participation at regional and global levels**

- Demand equitable access for civil society to UN forums, including meetings at the UN Framework Convention on Climate Change (UNFCCC), the Paris Agreement and other multilateral environmental frameworks.
- Advocate for the recognition within the [UN Action for Climate Empowerment](#) of freedom of association and peaceful assembly as essential to enabling the participation and mobilization of all stakeholders in advancing climate action and just transitions.
- Advocate for the effective implementation of the [UNFCCC of the Local Communities and Indigenous Peoples Platform](#), which aims to enhance the engagement of local communities and indigenous peoples in UN-led climate change efforts.

## **Call for more funding opportunities**

- Demand government officials to ensure that national and international civil society groups and communities engaged in climate activism can access the funding they need to carry out their vital work.
- Call on private donors to create funds that provide financial support for further research, litigation and advocacy to protect the environment for climate defenders.

## **Be the change**

- Commit your organisation to issue a statement/policy reaffirming its commitments to climate action and a greener future.



European Center for  
Not-for-Profit Law

**ICNL**

INTERNATIONAL CENTER  
FOR NOT-FOR-PROFIT LAW



**European Center for Not-for-Profit Law Stichting**

5 Riviervismarkt, 2513 AM The Hague, Netherlands

[www.ecnl.org](http://www.ecnl.org)

[twitter.com/enablingNGOlaw](https://twitter.com/enablingNGOlaw)



**International Center for Not-for-Profit Law**

1126 16th Street NW, Suite 400 Washington, DC 20036 USA

[www.icnl.org](http://www.icnl.org)

[facebook.com/ICNLIAlliance](https://facebook.com/ICNLIAlliance)   [twitter.com/ICNLIAlliance](https://twitter.com/ICNLIAlliance)



Sweden

Sverige

This report was developed as part of the 'Enabling Civic Environment for Climate Activism' project, managed by the European Center for Not-for-Profit Law Stichting (ECNL). The project is made possible by the International Center for Not-for-Profit Law (ICNL) through the Civic Space Initiative, financed by the Government of Sweden. The Government of Sweden does not necessarily share the opinions here within expressed. The author bears the sole responsibility for the content.