



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

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Visit to London, United Kingdom of Great Britain and Northern Ireland, 10-12 January 2024
End of mission statement

On 10 – 12 January 2024, I made my first visit to the United Kingdom since I was elected as UN Special Rapporteur on Environmental Defenders under the Aarhus Convention in June 2022. During my visit I met with government officials and with environmental defenders, including NGOs, climate activists and lawyers. I am issuing this statement in the light of the extremely worrying information I received in the course of these meetings regarding the increasingly severe crackdowns on environmental defenders in the United Kingdom, including in relation to the exercise of the right to peaceful protest.

These developments are a matter of concern for any member of the public in the UK who may wish to take action for the climate or environmental protection. The right to peaceful protest is a basic human right. It is also an essential part of a healthy democracy. Protests, which aim to express dissent and to draw attention to a particular issue, are by their nature disruptive. The fact that they cause disruption or involve civil disobedience do not mean they are not peaceful. As the UN Human Rights Committee has made clear, States have a duty to facilitate the right to protest, and private entities and broader society may be expected to accept some level of disruption as a result of the exercise of this right.

During my visit, however, I learned that, in the UK, peaceful protesters are being prosecuted and convicted under the Police, Crime, Sentencing and Courts Act 2022, for the criminal offence of “public nuisance”, which is punishable by up to 10 years imprisonment. I was also informed that the Public Order Act 2023 is being used to further criminalize peaceful protest. In December 2023, a peaceful climate protester who took part for approximately 30 minutes in a slow march on a public road was sentenced to six months imprisonment under the 2023 law.

That case is currently on appeal, but it is important to highlight that, prior to these legislative developments, it had been almost unheard of since the 1930s for members of the public to be imprisoned for peaceful protest in the UK. I am therefore seriously concerned by these regressive new laws.

I was also alarmed to learn that, in some recent cases, presiding judges have forbidden environmental defenders from explaining to the jury their motivation for participating in a given protest or from mentioning climate change at all. It is very difficult to understand what could justify denying the jury the opportunity to hear the reason for the defendant’s action, and how a jury could reach a properly informed decision without hearing it, in particular at the time of environmental defenders’ peaceful but ever more urgent calls for the government to take pressing action for the climate.

I also received highly concerning information regarding the harsh bail conditions being imposed on peaceful environmental defenders while awaiting their criminal trial. These have included prohibitions on engaging in any protest, from having contact with others involved in their environmental movement or from going to particular areas. Some environmental defenders have also been required to wear electronic ankle tags, some including a 10pm-7am curfew, and others, GPS tracking. Under the current timeframes of the criminal justice system, environmental defenders may be on bail for up to 2 years from the date of arrest to their eventual criminal trial. Such severe bail conditions have significant impacts on the environmental defenders’ personal lives and mental health and I seriously question the necessity and proportionality of such conditions for persons engaging in peaceful protest.

In addition to the new criminal offences, I am deeply troubled at the use of civil injunctions to ban protest in certain areas, including on public roadways. Anyone who breaches these injunctions is liable for up to 2 years imprisonment and an unlimited fine. Even persons who have been named on one of these injunctions without first

being informed about it – which, to date, has largely been the case – can be held liable for the legal costs incurred to obtain the injunction and face an unlimited fine and imprisonment for breaching it. The fact that a significant number of environmental defenders are currently facing both a criminal trial and civil injunction proceedings for their involvement in a climate protest on a UK public road or motorway, and hence are being punished twice for the same action, is also a matter of grave concern to me.

I am also distressed to see how environmental defenders are derided by some of the mainstream UK media and in the political sphere. By deriding environmental defenders, the media and political figures put them at risk of threats, abuse and even physical attacks from unscrupulous persons who rely on the toxic discourse to justify their own aggression. The toxic discourse may also be used by the State as justification for adopting increasingly severe and draconian measures against environmental defenders. In the course of my visit, I witnessed firsthand that this is precisely what is taking place in the UK right now. This has a significant chilling effect on civil society and the exercise of fundamental freedoms.

As a final note, during my visit, UK environmental defenders told me that, despite the personal risks they face, they will continue to protest for urgent and effective action to address climate change. For them, the threat of climate change and its devastating impacts are far too serious and significant not to continue raising their voice, even when faced with imprisonment.

We are in the midst of a triple planetary crisis of climate change, biodiversity loss and pollution. Environmental defenders are acting for the benefit of us all. It is therefore imperative that we ensure that they are protected.

While the gravity of the information I received during my visit leads me to issue the present statement to express my concerns without delay, I will continue to look more deeply into each of the issues raised during my visit and in the formal complaints submitted to my mandate. In this regard, I also look forward to engaging in a constructive dialogue with the Government of the United Kingdom in order to ensure that members of the public in the UK seeking to protect the environment are not subject to persecution, penalization or harassment for doing so.

23 January 2024

***About the UN Special Rapporteur on Environmental Defenders
under the Aarhus Convention**

The mandate of [Special Rapporteur on Environmental Defenders](#) was established under the Convention on Access to Information, Public Participation in Decision-making, and Access to Justice in Environmental Matters ([Aarhus Convention](#)).

In October 2021, the Meeting of the Parties to the Aarhus Convention adopted, by consensus, [Decision VII/9 establishing a rapid response mechanism for the protection of environmental defenders](#) in the form of a Special Rapporteur on Environmental Defenders, to deal with cases related to article 3 (8) of the Convention. Article 3 (8) requires that: *“Each Party shall ensure that persons exercising their rights in conformity with the provisions of this Convention shall not be penalized, persecuted or harassed in any way for their involvement.”*

The role of the Special Rapporteur on Environmental Defenders is to take measures to protect any person experiencing, or at imminent threat of experiencing, penalization, persecution, or harassment for seeking to exercise their rights under the Aarhus Convention.

The Special Rapporteur on Environmental Defenders is the first mechanism specifically safeguarding environmental defenders to be established within a legally binding framework either under the United Nations system or other intergovernmental structure.

Mr. Michel Forst was elected by consensus as the first Special Rapporteur on Environmental Defenders at the [third extraordinary session](#) of the Meeting of the Parties to the Aarhus Convention, on 24 June 2022.

The Aarhus Convention is an international instrument open for accession to any UN Member State. There are currently [47 Parties](#) to the Aarhus Convention (the list is available [here](#)). The United Kingdom has been a Party to the Aarhus Convention since 2005.

Special Rapporteur's [Website](#) – [X \(formerly Twitter\)](#) - [LinkedIn](#) - [Instagram](#) – [Facebook](#)
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