

Call for inputs from the mandate of the Special Rapporteur on the rights to freedom of peaceful assembly and of association for his report to be presented at the 76th session of the General Assembly

Climate change is today's greatest threat to life on earth. The Intergovernmental Panel on Climate Change (IPCC) has unequivocally stated that in the absence of effective climate action, the world is on a pathway to temperature increases between 3°C to 5°C by 2100, which would simply devastate humanity's future. The UN High Commissioner for Human Rights, Michelle Bachelet, has warned that "the human implications of currently projected levels of global heating are catastrophic" and threaten the enjoyment of all human rights.¹ Many of the climate change impacts have already been observed, including the increased frequency and intensity of extreme weather events, rising sea levels and biodiversity loss. Moreover, climate change impacts are disproportionately affecting marginalized communities and poorer regions and countries.

For decades people around the world have organized in associations, formal and informal, to tackle climate change and support effective and equitable measures that would guard against the dangers of global warming. Such associations have produced and analyzed scientific data; helped shape policies based on their technical expertise; fostered collaboration among key stakeholders; helped communities to adapt to climate change impacts; ensured that the voices of marginalized and at-risk populations are taken into account and shed light on issues affecting these populations, and pushed for urgent action, including by organizing demonstrations and peaceful protests.

However, over these years the global community's response to climate change has been unacceptably slow, with many governments intentionally delaying action or denying climate change altogether.² This inaction has triggered a new wave of global activism calling for greater ambition now. While the movement is intergenerational and diverse, women and children; indigenous peoples in both the global North and South, and nonviolent protesters have emerged as a new force for action.

This growing global climate justice movement has had remarkable achievements in the last five years. It has transformed the global discourse on climate change; it has led to the adoption of ambitious climate change policies in some countries; and it has raised awareness of the need to increase children, women and indigenous people's participation into climate change policy making. But the movement has been met with fierce repression from governments and the private sector. This repression has taken many forms, from protest bans and laws criminalizing legitimate acts of peaceful assembly, to attempts to

¹ Global update at the 42nd session of the Human Rights Council. Opening statement by UN High Commissioner for Human Rights Michelle Bachelet. Geneva, 9 September 2019. (<https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=24956&LangID=E>)

² According to the [United in Science 2020 report](#), global carbon emissions have continued to rise making the last and five years the hottest on record.

paint climate defenders as “eco-terrorists,” to online harassment and physical persecution. The COVID-19 pandemic has only amplified the existent restrictions on climate and environmental defenders as states have been enacting emergency measures that further enhance their powers. There is a danger that such new powers and restrictions may outlast the pandemic and may become the new norm.

The Special Rapporteur on the rights to freedom of peaceful assembly and of association, Mr. Clément Voule, will focus his upcoming report to the General Assembly at its 76th session on the rights to freedom of peaceful assembly and of association to advance climate justice. The aim is to examine the contributions of these fundamental rights to effective and equitable climate action and shed light on the challenges and risks facing climate defenders. The report will focus on three key actors with obligations and responsibilities with respect to the promotion and protection of the rights to freedom of peaceful assembly and of association: (1) States; (2) Corporations or private actors and (3) Multilateral institutions. The report will build on the existing work by other mandate holders, in particular the work of the Special Rapporteur on the situation of human rights defenders and the Special Rapporteur on human rights and the environment and provide recommendations to governments and other stakeholders on how better to protect assembly and association rights in this context.

The Special Rapporteur therefore wishes to receive inputs, by responding to the following questionnaire. This questionnaire solicits information from States, civil society organizations and other relevant actors with a view to assisting the Special Rapporteur in his assessment.

Submissions can be made to freeassembly@ohchr.org by 30 May 2021 in English, French or Spanish. Kindly indicate in the subject of your email “Submission to 76th UNGA session report”. All submissions will be published on the mandate webpage on the OHCHR website, unless otherwise indicated in your submission.

Questions from the Special Rapporteur on the rights to freedom of peaceful assembly and of association

1. What are examples of climate justice activism from your country or region? What has been their impact over the last 5 years? What is the role that the rights to freedom of peaceful assembly and of association plays in those movements and their impact? When successes were achieved, what tools and strategies were used to achieve them? For example, do climate defenders or affected communities in your country engage in civil disobedience, non-violent protest actions or digital activism?
2. What are the particular challenges and threats to exercising assembly and association rights to advance climate justice in your country or region? For example, what sort of restrictions on peaceful protest does climate defenders face in your country or region? What was the rationale advanced when these restrictions were introduced? What are the most common restrictions on the right to freedom of association facing those engaged in climate justice activism, including operation and access to funding barriers?



3. What are the unique challenges and threats to peaceful assembly and association rights face climate defenders belonging to at-risk groups, in particular, children and youth, indigenous peoples and women and girls? What barriers, challenges and impacts, including those arising from the legal framework governing associations and assemblies, do these populations face in this context?
4. Please provide any specific examples illustrating violation of the rights to freedom of peaceful assembly and of association against climate defenders in your country or region, for example: (1) laws that restrict peaceful assembly and association rights of those engaged in climate justice; (2) violent repression and criminalization of climate peaceful protests; (3) killings, harassment, and intimidation against climate defenders, affected communities and climate protest leaders; (4) restrictions to public participation by affected communities, including indigenous peoples and women, in climate decision making; (5) gender based violence, including online and sexual violence committed particularly against women climate defenders, (6) digital surveillance and other digital threats against climate defenders and (7) the role of companies, particularly the fossil fuel industry, in these contexts.
5. What measures and actions would you recommend that States and businesses take to ensure the promotion and protection of freedom of peaceful assembly and of association in the context of climate action?
6. What is the role of multilateral institutions, including bodies and processes within the United Nations Framework Convention on Climate Change, in supporting individual's peaceful assembly and association rights in the context of climate action? What type of measures should be adopted by multilateral institutions to promote and ensure affected communities and climate defenders can enjoy these freedoms without fear of reprisals and attacks?