



THE OBSERVATORY
for the Protection of
Human Rights Defenders

OMCT FIDH INTERNATIONAL
FEDERATION FOR
HUMAN RIGHTS
505 - Future Network

Human rights defenders working on climate change and a just transition

***Contribution of the Observatory for the Protection of Human
Rights Defenders (FIDH-OMCT) in response to the [call for input](#)
issued by the United Nations (UN) Special Rapporteur on the
situation of human rights defenders***

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What do we mean by just transition – or just transition pathways?

The "just transition" concept emerged in the 1970s among [fossil fuel industry unions and workers](#), and today includes a broader scope of social and environmental justice issues - viewing environmental degradation as part of a larger crisis and tackling the root causes of climate change and increasing inequalities.

For the Observatory, a just transition is a process upholding all human rights, including the rights to health, a healthy environment, food, water, land, equality, non-discrimination, and decent work. Just transition implies a shift toward human rights-based and environmentally friendly economies and societies that are fair, equitable, inclusive, and sustainable. It aims to reduce inequalities and poverty, protect workers' and communities' rights, and create decent work opportunities while respecting nature and ecosystems within planetary boundaries. Each transition process being context-dependent, the Observatory refers to "just transitions" or "just transition pathways".

Why are just transitions more important than ever?

Today's "polycrisis" includes the triple planetary crisis, socio-economic divides, debt crisis, growing conflict, and democratic backsliding. As one of these crises, climate breakdown stems from an [unsustainable economic model](#) grounded in the exploitation of natural resources beyond planetary boundaries; and a legacy of colonialism as a resource-seizing strategy by high-income countries and communities, which has forced low-income ones - least responsible for carbon emissions - into increased vulnerability and systemic injustices. Today the environmental and human rights costs of our current economic and governance systems threaten humanity's future, and the speed at which economies and societies must transition is unprecedented in history. It is crucial to systemically define where the world aims to transition to - and the pathways to get there in a just manner. The concept of just transitions offers an opportunity to realign development pathways with human rights obligations and Sustainable Development Goals (SDGs), and to that end, contributions of defenders are crucial. If the latter have scored positive advances (I), they are increasingly under pressure (II).

I. Successes and positive trends

International level

A 2019 UN Human Rights Council [resolution](#) recognised environmental defenders' contribution to the enjoyment of human rights.

[Target 22](#) of the Kunming-Montreal Global Biodiversity Framework under the Convention on Biological Diversity (CBD) includes the protection of environmental defenders.

Under the [Principles to Guide Critical Energy Transition Minerals Towards Equity and Justice](#), “human rights must be protected, respected and fulfilled, including those of [...] environmental and human rights defenders [as well as] Indigenous Peoples who are custodians and owners of mineral resource-rich lands”, and “the protection of civic space and human rights for environmental and anti-corruption defenders is crucial”.

UN Human Rights Committee’s [General Comment 37](#) gives particular legitimacy to protests related to climate change and just transitions that may involve civil disobedience, by highlighting that “collective campaigns of civil disobedience or direct action may be covered by article 21 of the International Covenant on Civil and Political Rights, provided that they are non-violent” and that disruptions, like “mere pushing or shoving or disruption of vehicular or pedestrian traffic or daily activities do not constitute violence”.

Regional levels

The [Escazu Agreement](#) includes requirements for environmental defenders' protection and for Parties to adopt a national implementation roadmap, monitored by a Compliance Committee.

The [Aarhus Convention](#) requires Parties to guarantee information, participation, and access to justice in environmental matters, and since 2021, a [Special Rapporteur on Environmental Defenders](#) can address violations against the latter, including the negative impacts of worldwide operations of companies headquartered in an Aarhus State Party.



Judicial levels

The [International Tribunal for the Law of the Sea](#) emphasised that climate change poses an existential threat to human rights and that complying with the Paris Agreement alone is not sufficient to satisfy international legal obligations on climate change.

The [UN General Assembly](#), requesting an advisory opinion of the International Court of Justice on States' obligations in respect of climate change, asked about States' legal consequences where they, by their acts and omissions, have caused significant harm to the climate system and other parts of the environment, including with respect to peoples and individuals.

The [European Court of Human Rights](#) held that the right to respect for private and family life encompasses the right to protection by State authorities from climate change on peoples' life, health, well-being and quality of life; and condemned Switzerland for climate inaction.

The [pending advisory opinion of the Inter-American Court of Human Rights](#) is expected to further clarify the scope of State obligations to respond to the climate emergency under international law, paying special attention to differentiated impacts on individuals, as well as on nature and human survival.

National levels

Ecuador: vote to keep oil in the ground in the Yasuní Park

In 2023, [Ecuadorians voted to halt all future oil drilling in the Yasuní National Park](#) (one of the world's richest biodiversity areas). FIDH's league Acción Ecológica was a key member in a cross-movement campaign to secure this referendum. However, as of today the government remains opposed to halting operations.

Ecuador: recognition of the rights of nature in the Constitution

With its new Constitution in 2008, [Ecuador became the first State in the world to recognise and codify the rights of Nature](#), or *Pacha Mama*, including the right to respect its existence. The concept has since been applied to several legal disputes. The rights of Nature were invoked for the protection of the Yasuní National Park under the Yasuní-Ishpingo, Tambococha, and Tiputini (ITT) Initiative, referring to the park's corridor of oil reserves. Yasuni ITT is the first post-oil development initiative recognising that benefits gained from the Amazon are greater than economic benefits of oil extraction. In 2021, the Constitutional Court decided that copper and gold mining permits in the protected cloud forest of Los Cedros would harm biodiversity and violate the rights of Nature, thus being unconstitutional.



France's Citizens' Convention for Climate (CCC)

The CCC was a political experiment placing citizens' voices at the centre of national conversations on climate policy. In 2019 and 2020, the French President tasked 150 randomly selected citizens to craft recommendations for France to reduce its carbon emissions by 40% before 2030. [Participants proposed 149 measures](#), but [very few](#) were reflected in the law on "climate and resilience".

Corporate level

Several corporations have adopted [defenders-related policies](#), recognising principles such as Free, Prior, and Informed Consent (FPIC), access to information, participation, and access to justice. The [Corporate Human Rights Benchmark](#) (CHRB) assessed 260 companies' policies, but found that only [nine](#) met all three CHRB criteria - i.e. to commit not to tolerate nor contribute to attacks, to expect the same in their business relationships, and to actively engage defenders to create enabling environments.

II. Risks and retaliation

International level

Beyond the nearly [200 murders counted in 2023](#), environmental defenders and [NGOs](#) face various attacks, particularly when they oppose large-scale projects (such as mega dams, photovoltaic panel fields, or lithium mines), or when they call to phase out fossil fuels.

UNFCCC level

Since 2022, the UN Framework Convention on Climate Change (UNFCCC) has allowed countries with shrinking civic space to host Conferences of Parties (COPs). The [rules of the UNFCCC Subsidiary Body on Implementation](#) provide that UNFCCC sessions and events must be convened where human rights are guaranteed, and where participants are protected against violations. However, in [COP27 in Egypt](#), [COP28 in the United Arab Emirates](#), and [COP29 in Azerbaijan](#), defenders were surveilled, harassed, and/or detained. Obstacles to civil society participation (e.g. lack of room for representatives, denied entry to the hosting country) had also been reported at [COP26 in Glasgow](#) and [COP24 in Katowice](#).

European level

The Corporate Sustainability Due Diligence Directive ([CSDDD](#)) entered into force on July 25, 2024, with member states required to transpose it into national law. This Directive obliges companies to identify, prevent, assess and address



adverse human rights and environmental impacts throughout their global value chains. Worryingly, a directive called “Stop-the-Clock” adopted in April 2025 by the European Parliament and the Council postpones the implementation dates of certain corporate sustainability reporting and due diligence requirements, as well as the CSDDD transposition deadline. A second directive, within the “[Omnibus](#)” package, is currently being tabled and may change the scope and content of both due diligence rules and sustainability reporting requirements.

Besides, [European](#) environmental NGOs have been attacked by certain Members of the European Parliament and far-right groups, through inaccurate arguments to fabricate a media scandal, notwithstanding a few articles [clarifying this misleading narrative](#). These attacks are [not new](#), but have been increasing.

Country level

In **Colombia**, [Rios Vivos Movement](#) members faced attacks for denouncing a hydropower project impacting the environment and ecosystems.

In the [Democratic Republic of Congo \(DRC\)](#), defenders denouncing the oil industry’s impacts or working on minerals’ extraction face threats and attacks, often from non-state actors.

In **Honduras**, [Wilmer Otoniel Alonzo Herrera](#) and **José Orlando Rodas García** faced criminalisation and attacks for denouncing the activities of the Clean Energy Generation Promotion Company, affecting the Rio Grande de Reitoca and causing extensive pollution.

In the **Republic of Congo**, [Cyrille Ndembi](#) was judicially harassed for denouncing the health impact of a metal and used car battery recycling plant in the heart of an urban area and close to a school.

In **Uganda**, [Desiré Nkurunziza](#) was harassed and detained for denouncing a sugar industry company’s environmental impacts. In addition, since May 2024 [at least 81 environmental defenders](#) have been arrested and detained for protesting against [large-scale oil projects](#) such as the [East African Crude Oil Pipeline \(EACOP\)](#), Kingfisher and Tilenga.

In **Vietnam**, environmental lawyer [Dang Dinh Bach](#) is serving five years imprisonment on “tax evasion” charges for advocating for a transition away from coal, while several other [climate leaders](#) have been arrested for their actions in support of a just transition. Early 2025, FIDH and other NGOs filed a [complaint before the EU-Vietnam Free Trade Agreement \(EVFTA\) Single Entry Point](#), alleging grave and persistent violations of EVFTA’s Chapter 13 due to Vietnam’s systematic arbitrary arrests and detentions of land rights defenders, environmental and climate rights defenders, and labour rights defenders. The complaint and its annexes highlight at least 40 cases.



Recommendations

UN member states

- Guarantee freedom of expression, peaceful assembly and association, including environmental protest and civil disobedience.
- Cease stigmatisation, criminalisation, harassment, arbitrary detention, and any other measures targeting environmental defenders and their activities.
- Comply with UNFCCC rules by ensuring that all potential host countries can provide a safe, conducive and human rights-friendly environment, so as not expose both in-country defenders and conference participants to harassment.
- Protect defenders from abuses undertaken by non-state actors such as businesses, paying special attention to risks in energy transition sectors.
- Guarantee the rights to FPIC and meaningful participation of marginalised communities and defenders affected by business activities.

The EU in its trade agreements with third-parties

- Include the question of civic space, including freedom of association and assembly, in trade agreements as a precondition for an implementation respectful of international law.
- Improve existing mechanisms to ensure that the defenders' situation is effectively addressed.
- More closely address the issues posed by hydropower dams and land rights.

Development finance institutions

- Acknowledge that an open civic space is a precondition for just transitions, and systematically reiterate this to shareholders and stakeholders.
- Promote the development of norms supporting civic space and protecting defenders (including, e.g., anti-SLAPP legislation), and setting standards on civic freedoms for project approvals.
- Assess and mitigate risks of retaliation against climate defenders, particularly in countries with restricted civic space.



Companies

- Recognise and commit to protecting the rights and legitimacy of defenders working on climate change and a just transition by adopting and disclosing strong policies covering their own operations and those of their business relationships, including by providing accessible and effective grievance mechanisms and access to information.
- Implement robust human rights and environmental due diligence mechanisms across value chains guaranteeing access to information, public participation, meaningful engagement and to enable early identification and prevention of risks for defenders.
- Completely reject the use of strategic lawsuits against public participation.
- Use their leverage to support and speak out in defence of defenders vis-à-vis violations of their rights and restrictions on civic space by authorities in their countries of operation.

The Observatory for the Protection of Human Rights Defenders (the Observatory) was created in 1997 by FIDH and the World Organisation Against Torture (OMCT). The objective of this programme is to prevent or remedy situations of repression against human rights defenders. FIDH and OMCT are both members of [ProtectDefenders.eu](https://www.protectdefenders.eu), the European Union Human Rights Defenders Mechanism implemented by international civil society.