

Michel Forst

UN Special Rapporteur on Environmental Defenders under the Aarhus Convention

**Video message prepared for
EU Forum of Judges for the Environment – Annual Conference
18-19 October 2024, Budapest
(online participation – pre-recorded video-message)**

- Good afternoon.
- I am glad to be speaking at the Annual Conference 2024 of the EU Forum of Judges for the Environment (EUFJE). Today, I will simply take a few minutes to explain the mandate that I currently hold, since June 2022.
- The mandate of Special Rapporteur on Environmental Defenders is a rapid response mechanism for the protection of environmental defenders.
- It was established in October 2021, by *Decision VII/9* of the Meeting of the Parties to the Aarhus Convention, adopted by consensus.
- This is the first international mechanism specifically safeguarding environmental defenders to be established within a legally binding framework, either under the United Nations system or other intergovernmental structure.
- I will not take up too much time to talk about the Convention on Access to Information, Public Participation in Decision-making, and Access to Justice in Environmental Matters – or Aarhus Convention – since I know that you are familiar with and that Marc Clément, one of the Vice-Chairs of the Aarhus Convention Compliance Committee will be joining you online right after my intervention.
- As you know, Aarhus Parties have a number of binding obligations. One of these is to protect environmental defenders.
- This obligation lies in article 3 (8) of the Aarhus Convention that says that, I quote, « *Each Party shall ensure that persons exercising their rights in conformity with the provisions of Convention shall not be penalized, persecuted or harassed in any way for their involvement.* »
- The mandate of Special Rapporteur was established to urgently deal with violations of article 3 (8). This means that, in a nutshell, my role is to provide a rapid response to cases of penalization, persecution, or harassment of environmental defenders.
- To bring a case to my attention, any member of the public can submit a formal complaint. There is a complaint form to fill, it is available on my webpage.
- I have many tools at my disposal to deal with the complaints I receive, such as diplomatic talks, public statements, or trial observations for instance.
- The tools I use depend on the particular situation: each complaint is carefully considered on a case-by-case basis.
- However, as a general rule, the first step in dealing with a complaint is the letter of allegation that I send to the Government, and, where relevant, to the company allegedly involved in the threat or attack against the environmental defender concerned.
- After I have sent this letter, Governments (and companies) have 60 days to reply to the allegations and to provide clarifications. During these 60 days, the complaint is confidential: I cannot discuss it, neither with the complainant, nor publicly. After these 60 days, both my letter of allegation and the Governments and companies' replies are made public on my webpage.

- There are currently 14 complaints public, meaning that anyone can consult on my webpage the correspondence regarding these complaints.
- Six of these complaints concern countries of the European Union, namely Croatia, France, the Netherlands, Romania, or Sweden.
- Among these six complaints:
 - One concerns the dismissal of an environmental defender from the Swedish Energy Agency, her employer, as a result of her participation in authorized peaceful environmental protests (Sweden).
 - Another one concerns threats, intimidation and a harassment campaign targeting an environmental NGO engaged in strategic litigation to promote environmental justice (Romania).
 - And four of these six complaints include criminal prosecutions against environmental defenders.
- And, I will stop after these last figures:
 - Two of these complaints that include criminal prosecutions concern environmental journalists (in France and Croatia)
 - While the two others concern environmental protesters (in France again, and in the Netherlands).
- Beyond the complaints, I also conduct various awareness raising and outreach activities, primarily in Aarhus Parties to meet with Government representatives, as well as environmental defenders.
- I intervene in many events, like the Annual Conference today, to raise awareness of the Aarhus Convention and of my mandate, with the view of making this rapid response mechanism effective by making it known to those who need it most, and by laying the ground for cooperation with other stakeholders.
- In that context, I would be glad to engage in further discussions, with judges and the EUFJE specifically. I look forward to future opportunities to discuss my mandate and potential synergies with members of the EUFJE.
- Thank you.