SPECIAL PROCEDURES
UNITED NATIONS
HUMAN RIGHTS COUNCIL

Mandate of the Special Rapporteur on the human right to a clean, healthy and sustainable environment

20 July 2026

Dear Chairperson of the Working Group on Extractive Industries, environment and human rights violations in Africa (WGEI) of the African Commission on Human Rights,

I have the honour to address you in my capacity as the UN Special Rapporteur on the human right to a clean, healthy and sustainable environment, Ms Astrid Puentes, Riaño (pursuant to Human Rights Council resolution 55/2) with regards to the developing of a General Comment on the Protection and Promotion of the Right to Environment in Africa in terms of Article 24 of the African Charter on Human and Peoples' Rights (the African Charter).

In follow-up to my letter in response to your call for input for the thematic report on the right to a general satisfactory environment, in September 2026, I wish to contribute with further relevant information in response to your "Call for submissions of substantive input for developing the content of the Draft Outline of the General Comment on the Right to Environment."

Background

The proposed General Comment seeks to provide normative guidance on the scope and content of the right to a satisfactory, clean, healthy and sustainable environment as guaranteed under the African Charter and interpreted through the jurisprudence of the Commission and other relevant regional and international human rights standards.

Towards this end, I bring to your attention inputs, as per in your call for inputs, in the following areas:

1. The normative content and scope of the right to environment under the African Charter;
2. State obligations relating to environmental protection, climate change, biodiversity, conservation and sustainable development, and procedural environmental rights, including access to information, public participation, and access to justice
3. The rights of marginalised people and groups, including women and girls, children, older persons, youth, and persons with disabilities, in environmental governance
4. Environmental human rights defenders

My mandate forms part of the Special Procedures system of the United Nations Human Rights Council. UN Special Rapporteurs undertake country visits, act on cases of reported violations and infringements of human rights, contribute to the development of international human rights standards, and provide advice for technical cooperation. We coordinate with other Special Procedures, the Office of High Commissioner for Human Rights and report annually to both the UN Human Rights Council and the UN General Assembly.

The UN Human Rights Council created the mandate on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment in 2012 as an "Independent Expert". In 2015, the mandate was turned into a Special Rapporteur and was most recently renewed by the Human Rights Council in 2024.[1] The mandate includes studying the human rights obligations related to the enjoyment of a safe, clean, healthy, and sustainable environment in consultation with, among others, human rights mechanisms; promoting good practices in rights-based approaches to environmental policymaking; and advancing the recognition and implementation of the right to a clean, healthy, and sustainable environment. My term as the Special Rapporteur began in May 2024.

This mandate has been integral in the global recognition and development of the human right to a clean, healthy, and sustainable environment. In my reports over my over two years as a mandate holder, I have: provided a global overview of the right to a healthy environment;[2] analysed and clarified why ocean issues are also human rights issues;[3] proposed a Framework for Environmental, Social and Human Rights Impact Assessments (ESHRIAs);[4] set out priority actions for the protection of air quality and the right to a healthy environment;[5] and address how adequate planning must be implemented for the protection of people and the planet, public next September. I have also done two country visits, to Singapore in May 2024,[6] and to Ireland in February 2026.[7] Previous UN Rapporteurs on this mandate have: developed principles and jurisprudence concerning the right to a healthy environment;[8] and led efforts in coordination with States and civil society, which culminated in unopposed resolutions recognising the right at the UN Human Rights Council[9] and the UN General Assembly.[10] The mandate also sends official communications to States and in this sense I would like to in particular highlight a number of letters sent concerning allegations of the severe environmental, climate and human rights impacts of the East African Crude Oil Pipeline (EACOP) and the Tilenga and Kingfisher

[1] UN Human Rights Council, *Resolution 55/2: Mandate of the Special Rapporteur on the human right to a clean, healthy and sustainable environment*, UN Doc A/HRC/RES/55/2 (4 April 2024).
[2] Astrid Puentes Riaño, *Overview of the implementation of the human right to a clean, healthy and sustainable environment*, Report to the UN General Assembly U.N. Doc. A/79/270 (2 August 2024) [*Implementation Report*]
[3] Astrid Puentes Riaño, *The ocean and human rights*, Report to the UN Human Rights Council, U.N. Doc. A/HRC/58/59 (31 December 2024) [*Ocean Report*].
[4] Astrid Puentes Riaño, *Framework for environmental, social and human rights impact assessments and the right to a clean, healthy and sustainable* environment, Report to the UN General Assembly, U.N. Doc. A/80/187 (17 July 2025) [*ESHRIA Report*].

[6] Astrid Puentes Riaño, *Visit to Singapore,* A/HRC/61/47/Add.1 (12 January 2026).
[7] Astrid Puentes Riaño, *End of Mission Statement at the conclusion of the country visit to Ireland*, 20 February 2026.
[8] See for example John Knox (special rapporteur on human rights and the environment), *Framework Principles on Human Rights and the Environment*, Report to the UN General Assembly, U.N. Doc. A/HRC/37/59 (24 January 2018) [*Framework Principles Report*].
[9] UN Human Rights Council, *Resolution 48/13*, adopted on 8 October 2021*: The human right to a clean, healthy and sustainable environment*, U.N. Doc. A/HRC/RES/48/13 (Oct. 18, 2021).
[10] UN General Assembly, *Resolution 76/300: The human right to a clean, healthy and sustainable environment*, U.N. Doc. A/76/300 (July 28, 2022).

Projects. [11] The Special Rapporteur also submitted an amicus brief to the African Court on Human and Peoples Rights in the matter of a request by the Pan African Lawyers Union for an advisory opinion on the States with report to the climate crisis in March 2026.[12]

1. The normative content and scope of the right to environment under the African Charter

Article 24 by the African Charter was the first globally and in any regional human rights treaty to expressly recognise an environmental right. It recognises that the environment and development are not opposed to one another: instead, effective development must be *sustainable* in order to safeguard the rights and welfare of all peoples. This balance is reflected in the constitutional provisions of many African States,[13] and is also an inspiration for interpretation of this right under international law.

The African Court and the African Commission on Human and Peoples' Rights ("**African Commission**") have developed important jurisprudence on Article 24. A milestone decision, in *Social and Economic Rights Action Center v Nigeria* (*SERAC*), the African Commission provided one of the earliest commentaries on Article 24, and in doing so, one of the world's first interpretations of the right to a healthy environment.[14] In a communication concerning the Nigerian government's involvement in environmental harmful (and violent) oil extraction operations, the Commission emphasised that Article 24 includes duties to respect, protect, and promote human rights. At its core, Article 24 "requires the state to take reasonable and other measures to prevent pollution and ecological degradation, to promote conservation, and to secure an ecologically sustainable development and use of natural resources".[15] This includes negative, "non-interventionist" obligations (such as not "carrying out, sponsoring or tolerating" practices which violate the right), as well as positive obligations (such as "ordering or at least permitting independent scientific monitoring", and "requiring and publicising environmental and social impact studies").[16] It also requires States to protect their citizens "from damaging act that may be perpetrated by private parties".[17]

More recently, in *Ligue Ivoirienne des Droits de L'homme v Republic of Cote D'Ivoire* (*LIDHO*), the Africa Court provided an authoritative interpretation of Article 24 finding that the State had violated it. Drawing on *SERAC*, General Comment 14 of the UN Committee on Economic, Social, and Cultural Rights, and Article 2 of the Algiers Convention, this Court observed that States owe obligations both to avoid causing environmental harm, and to restore the environment after harm has taken place.[18]

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[11] AL UGA (3.2025)
[12] 2026-03-30-sr-environment-amicus-afchpr-ao-climate.pdf
[13] See for example Article 24 of the Constitution of South Africa.
[14] *SERAC v Nigeria* (Comm No 155/96 2002).
[15] *SERAC v Nigeria* at para. 52.
[16] *Id.* at para. 53.
[17] *Id.* at para. 57.
[18] *LIDHO v Cote D'Ivoire* at para. 183.

The right to a clean, healthy and sustainable environment has also been extensively recognised and developed in the domestic jurisprudence of many African countries. **All 54 African United**

Nations Member States recognise the right in their national constitution or legislation, or through an international treaty.[19] Thirty-seven African States expressly protect the right to a healthy environment in their national constitution.[20] In another five countries, courts and legal scholars have identified an implied right to a healthy environment emerging from other rights or constitutional principles.[21] The remaining 12 States recognize the right in national legislation,[22] or through ratification of the African Charter[23] or the Arab Charter.[24]

It is important to clarify that the different language in which this right is expressly recognised by the African Charter and internationally by the UN, reflects the diversity of legal frameworks and the historic evolution in understanding the same human right. Article 24 of the African Charter provides that "[a]ll peoples shall have the right to a general satisfactory environment favourable to their development". Resolutions from the UN Human Rights Council and the General Assembly, refer to "the right to a clean, healthy and sustainable environment". Noting also that all African States voted in favour of these resolutions. The diversity in the language is also reflected in other regions, such as the slightly different wording for the recognition of the right to a healthy environment in the Inter-American System, ASEAN and the Arab Charter. While all these instruments refer to the same right, there are variations in the wording used.

The human right to a healthy environment is now firmly established in customary international law, with extensive evidence of both State practice and *opinio juris*.[25] There is near-universal recognition of the right in international and domestic law. Respecting, protecting, and fulfilling the right to a clean, healthy and sustainable environment is, therefore, a binding obligation to all States.

The human right to a clean, healthy and sustainable environment is also expressly recognised in international law. The global community has recognised the connection between human

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[19] 2026-03-30-sr-environment-amicus-afchpr-ao-climate.pdf

[20] Algeria (Article 68), Angola (Article 39(1)), Benin (Article 27), Burkina Faso (Articles 29-30), Burundi (Article 19), Cabo Verde (Article 72), Cameroon (Preamble), Central African Republic (Article 11(1)), Chad (Article 51), Comoros (Preamble), Congo (Article 41), Cote d'Ivoire (Article 27), Democratic Republic of the Congo (Article 53), Egypt (Article 46), Ethiopia (Articles 44(1) and 92), Gabon (Article 1(8)), the Gambia (Article 61), Guinea (Article 16), Kenya (Article 42), Malawi (Article 13(d)), Mali (Article 15), Mauritania (Article 19), Morocco (Article 31), Mozambique (Article 90), Niger (Article 3), Rwanda (Article 22), Sao Tome and Principe (Article 49), Senegal (Article 8), Seychelles (Article 8), Somalia (Article 25), South Africa (Article 24), South Sudan (Article 41), Sudan (Article 11), Togo (Article 41), Tunisia (Article 45), Uganda (Article 39), and Zimbabwe (Article 73(1)).

[21] Ghana (*see e.g. Centre for Public Interest Law v Environmental Protection Agency* (EN)1/2005, High Court at Accra, 27 March 2009; *Stephens v Land Commission* BL/78/2007, High Court at Accra), Liberia (although the right is not explicit in the Liberian Constitution, the Environmental Protection Act 2003 ss 1 and 32 clarify that the right has constitutional status), Namibia (Article 144 of the Constitution incorporates international law, including Article 24 of the African Charter, into domestic constitutional law), Nigeria (*see Gberme v Shell Petroleum Development Company*, Judgment of 14 November 2005, Suit No. FHC/B/CS/53/05 (Federal High Court of Nigeria, Benin Division)), and the United Republic of Tanzania (*see Balegele v Dar es Salaam City Council*, High Court of Tanzania at Dar es Salaam, Miscellaneous Civil Case No. 316 of 2000).

[22] *See e.g.* Law 51/AN/09/6th L (27 January 2009) (Djibouti) Title I & Article 7, Chapter II; Proclamation 179/2017 (Environmental Protection & Management Framework) Article 5(6) (Eritrea); Law No. 1/2011, March 2, 2011, art. 4(1) (Guinea-Bissau); Environment Act 2008 s 4 (Lesotho); Loi No. 2015-003 du 20 janvier 2015 protant Charte de l'Environnement Malagasy actualisee arts. 6-7 (Madagascar); Environmental Management Act No. 12 of 2011 s 4(1) (Zambia).

[23] Botswana; Djibouti; Equatorial Guinea; Eritrea; Eswatini; Guinea-Bissau; Lesotho; Libya; Madagascar; Mauritius; Sierra Leone; Zambia.

[24] Djibouti; Libya.

[25] Astrid Puentes Riaño, "Healthy Environment: A Human Right and Customary International Law, 29 January 2025, IISD, and *ICJ Advisory Opinion, Separate Opinion of Judge Aurescu; ICJ Advisory Opinion, Separate Opinion of Judge Tladi.*

rights and the environment for over 50 years starting with the Stockholm Declaration of 1972, declaring that the environment is "essential to [humankind's] well-being and to the enjoyment of basic human rights—even the right to life itself".[26] More recently, the right to a healthy environment has been expressly recognised by unopposed and a vast majority of votes in favour resolutions of both the UN Human Rights Council and General Assembly.[27] Noting that at the General Assembly only one African State abstained, and all others voted in favour of the resolution, while all African States at the Council voted in favour.

2. State obligations relating to environmental protection, climate change, biodiversity, conservation and sustainable development and procedural environmental rights, including access to information, public participation, and access to justice

The starting point of States' international climate-related obligations is the obligation to protect the environment and the climate system, and to prevent significant harm. Customary international law has long required that States prevent harm to one another. The ICJ has reiterated that States must "avoid activities which take place in [their] territory, or in any area under [their] jurisdiction, causing significant damage to the environment of another State".[28] This essential premise is the core of many of the obligations under international environmental law, and was among the first environmental obligations to be recognised as customary international law.[29] Recently the ICJ has concluded that this obligation to protect the environment and the climate system, and prevent harm, is *erga omnes*[30] therefore it applies to all States as they are part of the international community.

The obligation to prevent harm is also well-recognized in international climate treaties including the UN Framework Convention on Climate change (UNFCCC) and the Paris Agreement, as well as in the Convention on Biological Diversity (article 3), and the UN Convention to Combat Desertification. This obligation is also consistent with States' human rights obligations as explained below, including that States must take appropriate measures, implement precautionary measures when needed and undertake strategic and environmental impact assessments prior to applying policies and implementing activities and projects.

The duty to prevent harm is particularly important to avoid risks of significant harm to the environment and to the climate system. Greenhouse gas (GHG) emissions pose such significant

[26] *Declaration of the United Nations Conference on* the *Human Environment (Stockholm Declaration)* (Stockholm, June 16, 1972) U.N. Doc. A/CONF/48/14/Rev.1 Principle 1.
[27] Human Rights Council, Resolution 48/13: *The human right to a clean, healthy and sustainable environment*, U.N. Doc. A/HRC/RES/48/13 (Oct. 18, 2021); General Assembly, *The human right to a clean, healthy and sustainable environment*, U.N. Doc. A/76/300 (July 28, 2022).
[28] Pulp Mills on the River Uruguay (Argentina v. Uruguay), Judgment, 2010 I.C.J. Rep. 14 ¶101 (Apr. 20, 2010).
[29] Decision of 11 March 1941, United Nations, Reports of International Arbitral Awards, Vol. III, p. 1965; Corfu Channel (United Kingdom v. Albania) (Merits, Judgment, I.C.J. Reports 1949, p. 22; Pulp Mills on the River Uruguay (Argentina v. Uruguay), Judgment, I.C.J. Reports 2010 (I), p. 56, para. 101. See also Climate Change, Advisory Opinion, ITLOS Reports 2024, p. 91, para. 239, and p. 137, para. 397.
[30] *ICJ Advisory Opinion* at para. 440.

risk, as recognized by the ICJ and ITLOS, based on the best available science.[31] Due to these significant risks, both the ICJ and ITLOS have concluded that States must reduce these

emissions and prevent further harm, recognizing also that there are different degrees of contribution to such risks. Conclusions from the Inter-American Court on Human Rights, on their Advisory Opinion 32 regarding States' obligations in relation to climate emergency, are aligned the Court's opinions.

The ICJ has clarified that "the specific character of the risk of significant harm to the climate system is indisputably established", as science demonstrates that the primary source of risks linked with arising anthropogenic climate change are cumulative emissions. Therefore, and based on this "quintessential universal risk" that is general and urgent, States must observe a "general standard of conduct, to be applied subject to the principle of common but differentiated responsibilities and respective capabilities".[32]

Content of the human right to a clean, healthy and sustainable environment and its obligations

The human right to a healthy environment has several elements. These elements are interrelated and interdependent, therefore, none is more important than another one and impacts on one element can affect others. Such elements are: Substantive elements: clean air, a safe climate, safe and sufficient water, healthy and sustainable food, non-toxic environments for living, working, studying, and playing, and healthy biodiversity and ecosystems.[33] And Procedural elements: including the access information, public participation in environmental decision-making, and access justice and receive a remedy.[34]

I would like here to highlight that the proposed outline for the General Comment under *b* that refers to **the constituent elements of the right to safe environment should also include healthy and sustainable food, non-toxic environments for living, working, studying, and playing and clean air**. In this submission I would like to highlight that climate change aggravates air pollution, therefore, impacting clean air, a substantive element of the right to a healthy environment, that it is very important to be included for the General Comment as well, as part of the right to a healthy environment. Air pollution can affect all organs and systems in the body, including in utero, leading to serious disease and death.[35] Climate-related events such as extreme heat and wildfires, can increase ozone levels and particulate matter in the air. Furthermore, the causes of climate change and air pollution are closely interlinked, with air pollutants released by the burning of fossil fuels, such as methane, black carbon (soot), and volatile organic compounds, causing both climate change and air pollution.[36]

Every stage of the fossil-fuel exploration and extraction cycle contributes to air pollution and its harms. Site preparation for coal, oil and gas projects generate dust and diesel exhaust. Communities near extraction sites face additional health impacts, displacement and evictions

[31] *ICJ Advisory Opinion at para*. 80, citing the work of the IPCC.
[32] *Id.* at para 127.
[33] *Implementation Report,* U.N. Doc. A/79/270, paras. 50-70.
[34] *Id.* at paras. 39-49.
[35] *Clean Air Report*, U.N. Doc. A/HRC/61/47 at paras. 3 and 6.
[36] *Id.* at para. 27 and 29.

with violence and legal intimidation; Indigenous Peoples, people of African descent and peasants are particularly affected.[37]

The air pollution impacts of fossil fuel extraction and combustion cannot be overstated. Fossil fuels are one of the world's major sources of air pollution-related health impacts.[38] These can involve serious chronic diseases, lethal respiratory illnesses, and particular impacts on children, older persons, pregnant people and people living in poverty. Worldwide, air pollution linked to fossil fuels causes over half of the 8.3 million annual deaths from air pollution.[39]

Consequences of unrestricted fossil fuel extraction and combustion disproportionately affect communities living in poverty or racialized, transforming them into "sacrifice zones": areas with high concentrations of fossil fuel facilities, industrial facilities, transport corridors, extractive industries, and other pollution-intensive activities, tending to be routinely established close to marginalized communities. Climate change and environmental degradation thus exacerbate existing inequalities. People spending their lives in these highly polluted communities experience cumulative health risks, illness and premature mortality.[40]

The right to a healthy environment in relation to a safe climate therefore demands that, at minimum, States develop plans to transition to cleaner energy, stricter emissions controls, improved planning and better public transport. Because of the link between fossil fuels and pollution, this result is also demanded by the rights to life and health.[41]

Courts across Africa have also recognised this imperative. In 2025, the Supreme Court of Appeal of South Africa, for instance, recognised that poor air quality caused by fossil fuels violated South Africa's protected right to a healthy environment.[42] Also in 2025, Kenya's Environment and Land Court found that States have an obligation to carefully consider their citizens' well-founded concerns about fossil fuel-related air pollution, and that failure to provide opportunities for participation amounts to the violation of the right to a healthy environment.[43]

3. The rights of groups in vulnerable situations, including women, children, older persons, youth, and persons with disabilities, in environmental governance

Environmental degradation and climate change affects everyone, however in a differentiated way. Systemic inequalities, discrimination and historical exclusion result in disproportional impacts to marginalised peoples and communities. Marginalised persons and communities in vulnerable situations include children and youth, women, Indigenous Peoples, racial and ethnic groups (including people of African descent), migrants, refugees, internally displaced persons,

[37] *Id.* at para. 28, citing Elisa Morgera (special rapporteur on human rights and climate change), *The imperative of defossilizing our economies*, Report to the Human Rights Council, U.N. Doc. A/HRC/59/42 (May 15, 2025).
[38] See *Air pollution and health*, The Lancet Countdown, https://lancetcountdown.org/air-pollution-and-health/.
[39] *Clean Air Report,* U.N. Doc. A/HRC/61/47, para. 35.
[40] *Id*. at paras. 18 and 19.
[41] *Id.* at para. 2 and 4.
[42] *Minister of Environmental Affairs v Trustees of Groundwork Trust* [2025] ZASCA 43 (11 April 2025).
[43] *Lamu Power Co. Ltd. V Save Lamu* [2025[KEELC 7285 (16 October 2025).

informal settlers, persons in detention, persons in situations of homelessness, peasants, fisherfolk, persons with disabilities, and older persons.[44]

It is vital to consider that these vulnerabilities are not normal, nor natural nor *sine qua non* to peoples and communities, and, with the exception of children and exceptional situations, their vulnerabilities respond to particular situations, resulting from systemic exclusion and discrimination. Hence, in this intervention and the work of the mandate, I refer to people in marginalised situations, abstaining to refer to vulnerable peoples, to avoid revictimization and normalizing the existence of vulnerabilities that can and must be transcended. It can also be refered as people or groups in vulnerable situations, as it is the specific conditions in which people or groups are, and existence or inexistence of protection measures, which create and determine their level of vulnerability.

4. Environmental, climate, and human rights defenders

Environmental, climate and human rights defenders are protected by a range of human rights and yet are routinely subjected to stigmatization, threats, harassment, intimidation, violence and criminalisation. Defenders from groups in vulnerable situations, such as women, girls, children and youth, Indigenous Peoples, peasants, small fisher communities, pastoralists and people of African Descent face particular threats to their lives and personal integrity. Environmental defenders' rights to freedom of expression, assembly, association, and participation are protected by the African Charter and must be protected by States. Any restrictions on these rights—such as those in the name of national security or public safety—are permissible only in narrow circumstances and with compelling justification.[45] The UN Human Rights Council has affirmed the obligation of States "[t]o promote a safe and enabling environment in which individuals, groups and organs of society, including those working on human rights and environmental issues, including biodiversity, can operate free from violence, threats, hindrance and insecurity".[46]

There are now two regional human rights treaties which specifically address access rights in environmental contexts, that are fundamental tools for environmental defenders: the Aarhus Convention, ratified by 47 European States and Guinea-Bissau, and the Escazú Agreement, ratified by 19 States in Latin America and the Caribbean. There is yet no African regional treaty focussed on procedural rights and the rights of environmental human rights defenders, nevertheless, States hold general obligations under the African Charter to respect, protect and fulfil the rights of environmental defenders.

[44] See *Morgera Scene-Setting Report*, A/HRC/56/46; *Gender Dimensions of Trafficking Report*, U.N. Doc.A/77/170; Balakrishnan Rajagopal (Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context), Towards and just transformation: climate crisis and the right to housing, U.N. Doc. A/HRC/52/27 (Dec. 23, 2022); Saad Alfarargi (Special Rapporteur on the right to development), Climate action at the national level, U.N. Doc. A/HRC/48/56 (July 2, 2021).
[45] For rare circumstances in which such restrictions may be justified, see Mary Lawlor (UN Special Rapporteur on the situation of human rights defenders), *Tipping points: human rights defenders, climate change and just transition*, A/80/114, July 4, 2025 [*Tipping Points Report*]; *Framework Principles Report*, U.N. Doc. A/HRC/37/59, at para. 13 (Principle 5).
[46] UN Human Rights Council, *Resolution 40/11: Recognizing the contribution of environmental human rights defenders to the enjoyment of human rights, environmental protection and sustainable development*, U.N. Doc. A/HRC/RES/40/11 (April 2, 2019).

The generally applicable human rights of a healthy environment, expression, assembly, association and participation should be applied rigorously to African environmental defenders. To define the substance of these rights, it is helpful to look to regional treaties elsewhere which have applied them in the context of environmental defenders to complement its interpretation.

The rights of environmental human rights defenders demand proactive and positive actions by States. For instance, the Escazú Agreement, provides that States should "guarantee a safe and enabling environment… so that they are able to act free from threat, restriction and insecurity"; take "effective measures to recognize, protect and promote *all* the rights of human rights defenders in environmental matters", and "take appropriate, effective and timely measures to prevent, investigate and punish attacks, threats or intimidation that human rights defenders in environmental matters may suffer". [47] States should protect individual and collective environmental, climate and land defenders and prosecute and punish those who stigmatize and threat their rights or their work.

States should also refrain from criminalising environmental and climate activists. Such criminalisation, as well as the imposition of civil penalties (for example, through overbroad defamation and libel laws) has a chilling effect on the exercise of protected rights, and on civic space for the general public.[48]

Several UN bodies have identified and developed States' obligations to protect environmental human rights defenders. The UN Human Rights Council has emphasised the important role played by environmental defenders, and called upon States to (among other things) "adopt and implement strong and effective laws and policies" protecting their procedural rights, provide a "safe and empowering context" for initiatives led by children and young people, and to provide a "safe and enabling environment" in which defenders "can operate free from violence, threats, hindrance, and insecurity".[49] The UN Special Rapporteur on Environmental Defenders under the Aarhus Convention has likewise issued Guidelines on the Right to Peaceful Environmental Protest and Civil Disobedience. The Guidelines call on States to (among other things) "[t]ake immediate action to counter narratives that portray environmental defenders as criminals"; refrain from using environmental protest "as a pretext to restrict the civic space and the exercise of fundamental freedoms"; comply with international obligations to "refrain from using unnecessary or disproportionate force or measures against environmental defenders"; and "[e]nsure that the courts' approach to peaceful environmental protest, including any sanctions imposed, does not contribute to the restriction of civic space".

The Inter-American Court of Human Rights has extensively discussed the rights of environmental and other human rights defenders. It has held that they enjoy an autonomous right to defend human rights and that States owe them a special duty of protection.[50] This duty

[47] Escazú Agreement (Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean, adopted Mar. 4, 2018, entered into force Apr. 22, 2021) art. 9(1), (2), (3)
[48] *Tipping Points Report* U.N. Doc. A/80/114.
[49] *UN Human Rights Council Resolution 40/11: Recognizing the contribution of environmental human rights defenders to the enjoyment of human rights, environmental protection and sustainable development*, U.N. Doc. A/HRC/RES/40/11 (Mar. 21, 2019).
[50] *IACtHR Advisory Opinion no. 32/25* at paras. 561-567.

requires States to avoid stigmatizing human rights defenders, delegitimizing their causes, or creating formal or informal obstacles to their activities. It also requires States to create a safe enabling environment in which defenders can act free from threats, restrictions, or risks to their life, integrity, or work.

I hope that the analysis, conclusions and recommendations of my inputs will be useful in the further elaboration of the General Comment on the protection and promotion of the right to environment in Africa.

In conclusion, I express my willingness to further contribute to your important work

Should you have any questions and would you require further information, please contact me (hrc-sr-environment-puentesriano@un.org) or Ms. Viktoria ABERG, Human Rights Officer at the Office of the High Commissioner for Human Rights in Geneva (viktoria.aberg@un.org).

Please accept, the assurances of my highest consideration.



Astrid Puentes Riaño

Special Rapporteur on the human right to a clean, healthy and sustainable environment