

Mandates of the Special Rapporteur on the promotion and protection of human rights in the context of climate change; the Special Rapporteur on the human right to a clean, healthy and sustainable environment; the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on the situation of human rights defenders

Ref.: AL KGZ 1/2025
(Please use this reference in your reply)

17 March 2025

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the promotion and protection of human rights in the context of climate change; Special Rapporteur on the human right to a clean, healthy and sustainable environment; Special Rapporteur on the rights to freedom of peaceful assembly and of association and Special Rapporteur on the situation of human rights defenders, pursuant to Human Rights Council resolutions 57/31, 55/2, 50/17 and 52/4.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **the Bishkek City Council decision to cancel emission free public transportation (trolleybuses)**.

According to the information received:

In early 2024, the mayor's office of Osh city asked the Presidential Administration of the Kyrgyz Republic to provide the city with 100 trolleybuses. Based on the enquiry, the mayor's office in Bishkek initiated discussions about the transfer of EBRD-funded trolleybuses operating in Bishkek to Osh city. Reportedly, the cancelled trolleybuses are planned to be replaced at some time in the future by 120 electric buses, with the support of the Asian Development Bank (ADB).

In May, a citizen-led initiative, BishkekSmog, launched an online petition to save the trolleybuses of Bishkek city. More than 1000 people signed a petition asking to keep the trolleybuses in function. Additionally, BishkekSmog sent an open letter to the Bishkek Mayor's office on the issue of the planned removal of the trolleybuses and their transfer to Osh. In the appeal, residents and environmental experts and civil society raised concerns about the replacement of trolleybuses with 120 electric buses and noted that the dismantlement of the trolleybus infrastructure and their removal is an irreparable mistake and would jeopardize the development of emission-free electric transport. BishkekSmog argued that carbon emission-free trolleybuses do not cause air pollution, and prevent diseases caused by air pollution from fossil fuel.

They also argued that:

1. Electric buses will cover only five routes, while trolleybuses covered 10. They fear that the rest of the routes will be covered by gas-powered buses, which will negatively impact on the environment and human health.

2. They question the sustainability of this approach, in particular regarding the buses' batteries. Not only these batteries may be less effective because of the low temperatures in the country and eventually become obsolete, but they become toxic waste that will need specific handling and stockage.
3. Budgetarily speaking, electric buses are argued to be more expensive than trolleybuses. One trolleybus needs to be replaced by several electric buses for the same route as an electric bus needs regular periods of charging its battery at terminals. In addition, the batteries reportedly take up to 20 per cent of the electric bus's weight, hence requiring additional power to transport and are therefore less effective.

On 5 June, a draft resolution by the local MPs of the Bishkek City Council envisaging the transfer of 100 trolleybuses from Bishkek to Osh was submitted for public discussion for a period of one month.

On 13 June, BishkekSmog initiated a second public appeal against the Bishkek City Council's draft resolution and provided guidance to the public on how to engage in the discussion of the draft resolution.

From 19 June, despite the apparent lack of legal grounds and absence of approval by Bishkek City Council of the resolution, the Bishkek Trolleybus Department under the Mayor's Office started dismantling the trolleybus lines referring to major road maintenance¹. More than 14 km of lines were reportedly removed by 26 August 2024².

On 3 July, the Bishkek City Council did not pass the resolution³ reportedly due to the 300 appeals received from citizens asking to keep the trolleybuses functioning and opposing the transfer of trolleybuses to other cities, as well as the lack of agreement between the European Bank for Reconstruction and Development (EBRD) and State authorities on donation of the trolleybuses operating in Bishkek to other cities. Reportedly the trolleybuses were purchased under credit and grant agreements between the EBRD and the Kyrgyz Republic, and any actions related to their donation or rent require the Bank's approval.

Reportedly, the EBRD sent a letter to the Bishkek city mayor's office copying Bishkek Trolleybus Department, Ministry of Finance and Ministry of Economy and Commerce of the Kyrgyz Republic on 24 June 2024. In the letter, the EBRD noted that the trolleybuses were purchased under credit and grant agreements between the bank and the Kyrgyz Republic for a total amount of EUR 23,5 million, including capital investment for EUR 8.4 million. The Bank also informed that the trolleybuses under these credit agreements ought to be operationalized in Bishkek city, and any actions related to their donation or rent require the bank's approval. The Bank raised concerns that donation of

¹ Official social page of the Bishkek Mayor's office announcing demolishing of trolleybuses infrastructure
https://www.instagram.com/p/C8HXOW1osB7/?img_index=1

² https://24.kg/obschestvo/303123_vbishkeke_demontirovali_uje_14kilometrov_trolleybusnyih_setey/

³ Video protocol of the session available at
https://www.facebook.com/watch/live/?mibextid=qi2Omg&ref=watch_permalink&v=396312579544508&rdid=6pG47wf5CM2fVqOk

trolleybuses can negatively impact the credit agreement since the decision of the transfer trolleybuses to Osh city has not been agreed or secured with the bank. To be able to further assess actions in decision making, the Bank requested a detailed economic and operational justification for the proposed donation, accompanied by the city plan on trolleybus infrastructure in the context of a transition to sustainable and green transport.

On 29 August, the Bishkek City Council adopted the resolution allowing the transfer of 100 trolleybuses from Bishkek to Osh city, despite citizens', experts' and activists' arguments and numerous appeals to the mayor's office and Bishkek City Council to keep trolleybuses for Bishkek city residents. The resolution was justified by the need to develop public transport infrastructure in Osh city⁴. Reportedly the Bishkek mayor's office promised to replace the trolleybuses in Bishkek with 120 modern battery-electric buses supported by the Asian Development Bank's (ADB) Urban Transport Electrification Project⁵. However, in June 2024, the ADB issued a statement that there is no link between its planned urban transport electrification project and the local authorities' initiative to relocate the existing trolleybuses to other cities⁶. The Bank also clarified that the purchase of electric buses was designed to support the Bishkek mayor's office in strengthening environmentally friendly transport, which has been overtaken by fossil-fueled buses and minibuses in recent decades. Reportedly, the purchase of 120 modern electric battery buses were designed to replace outdated diesel buses and electric trolleybuses in Bishkek and complement the existing electric system of public transportation.

According to monitoring conducted by environmental activists, since the adoption (on 29 August) of the resolution to transfer trolleybuses to other cities, including Osh city, the demolition of trolleybus infrastructure continued. Out of a total of 144 trolleybuses, only around 40 remained in operation.

On 17 October, at a public event organized by the Bishkek mayor's office, a representative of the Transport Department of the Bishkek mayor's office, in response to a question on the situation of the suspension of trolleybus route lines, announced that trolleybus services will be completely shut down.

On 26 October, environmental activists met with the mayor of Bishkek explaining the vulnerability of Bishkek city to air pollution and thus the need to maintain emission-free trolleybus public transportation. In response, according to the activists, the mayor justified the elimination of trolleybuses by the need to develop trolleybuses in other regions of the country.

⁴ Adopted resolution available at <https://gorkenesh.kg/ru/the-rulings-of-the-bgk-mob/28-sozyv/5896-152-on-giving-consent-to-the-gratuitous-alienation-of-passenger-trolleybuses-into-the-state-ownership-of-the-kyrgyz-republic.html>

⁵ Written reply from the Bishkek Trolleybus Department under Bishkek Mayor's office to the activist on the reasons of transfer of trolleybuses, and their subsequent replacement with 120 electric buses.

⁶ ADB's statement https://24.kg/obschestvo/297112_trolleybusyi_VSelektrobusyi_oproekte_elektrifikatsii_transporta_rasskazali_vabr/?fbclid=IwZXh0bgNhZW0CMTEAAR3x0wkDOPaGrbf_ZhvyBB2YVh7TfrcXQ-eZGMD8GI0MT8Zr7309IaZyUk_aem_YIUthsIsyFJKdRefiZcG4A

On 4 November, the Bishkek mayor's office announced the trolleybus service suspension due to the XIth Summit of the Organisation of Turkic States. The suspension of the trolleybus service was justified by the need to organize "the safe and unhindered movement of the delegations". The route lines served by trolleybuses were replaced with gas-powered buses⁷.

On 9 November, European experts and scientists on public transportation addressed an open letter to the President of Kyrgyzstan and the Bishkek mayor's office to preserve the trolleybuses. In the letter, the experts note the importance of maintaining sustainable public transport and preventing air pollution. Experts raised concerns that dismantling one of the most efficient and environmentally friendly transport systems such as trolleybuses raises serious concerns about air quality in the context of the climate crisis. Trolleybuses in Bishkek are zero-emission transport capable of carrying 20 million passengers annually, which further should be advanced and not dismantled⁸.

On 12 November, environmental activists of the BishkekSmog initiative reported that existing trolleybus service route lines were not resumed after the completion of the Summit on 7 November. The residents reportedly were not informed about the decision to completely shut down the trolleybus services. Meanwhile, the trolleybus route lines were replaced by gas-powered buses, which are not coping with the flow of passengers, especially during rush hour (morning and evenings).

Restriction of the right to freedom of peaceful assembly

On 28 June, the police prohibited activists and residents from holding a photo exhibition and gathering dedicated to the preservation of trolleybuses in a residential area of Bishkek city. The prohibition was based on a court decision banning peaceful assemblies in all parts of central Bishkek (apart from Gorky Park), in place since March 2022.

On 3 July, the police prohibited another civic protest entitled "Last trolleybus" organized by environmental activists. Participants of the protest stood at a bus stop and symbolically waited for the arrival of trolleybuses (knowing that the trolleybus would not come). A group of 10-15 policemen approached participants of the protest action at the bus stop and showed the court decision banning peaceful assemblies. The activists had to move their protest action to Gorky Park. Allegedly, before the protest, a phone call from law enforcement officials from the State Committee on National Security (SCNS) and the Central Department of Interior Affairs of Bishkek (GUVB Bishkek), demanded the cancelation of the protest action, threatening otherwise to arrest the protesters.

On 18 July, an appeal against the banning of the 3 July civic protest was launched at the Bishkek city court. The court refused to consider the case arguing that the deadline to challenge the court's ban on peaceful assemblies had

⁷ Official statement of Bishkek Mayor's office <https://bishkek.gov.kg/ru/post/30301>

⁸ Statement of the international expert community of public transportation https://www.vb.kg/doc/440699_mirovye_eksperty_prosiat_prezidenta_kr_sohranit_trolleybysnyu_set_bishkeka.html

passed while claimants argue to the contrary. The court also stated that its decision on banning peaceful assemblies had been published in the media and citizens had been officially notified of this ruling.

On 22 July, the appeal was submitted to the Supreme Court on the same issue. The Supreme Court upheld the decision of the Bishkek city court.

On 31 July, environmental and civic activists, including youth, attempted to hold a peaceful assembly in Gorky Park for the preservation of trolleybuses. As a result of the campaign, a citizen resolution was drafted demanding the rebuilding of the trolleybus infrastructure that was demolished and the cancellation of the transfer of trolleybuses to other cities. The citizen resolution was submitted to the Bishkek mayor's office.

On 29 August, three environmental human rights defenders attempted to participate in the hearing of the Bishkek City Council on the transfer of the trolleybuses. Although the hearing is an official and open event, the activists were denied access by at least six police officers. Reportedly, one person was taken to the nearest police station for shouting "We are against" from outside the hearing venue. Police officers did not explain the reasons for the person's detention, neither when the person was apprehended nor at the police station. Another environmental activist who attempted to participate in the open hearing, was detained and held in the police building for about six hours by officers of the Ministry of Internal Affairs under the Code of Offenses (which establishes responsibility for minor violations of the law), which, however, allows for restricting a person's freedom of movement for no more than three hours if a person hides his identity or resist police. The person was subjected to a compulsory alcohol test at a narcological center. According to information received, none of the activists concealed their identities or resisted the law enforcement officials. Subsequently, the police press service reported that a "preventive conversation" had been conducted with the activists, after which they were released.

On 6 September, environmental and civic activists organized another protest action for the preservation of the trolleybuses in Gorky Park, which proceeded peacefully. According to participants, however, there were few unknown participants making videos of the protest, which raised concerns about surveillance.

Access to justice

On 23 October 2024, the administrative court admitted a case, initiated by a member of BishkekSmog, claiming a lack of legal grounds for the Bishkek City Council's decision to transfer 100 trolleybuses to other cities including Osh.

On 20 November, the judge of the administrative court imposed a fine of seven thousand som (80 USD) on the Bishkek City Council for failure to appear in a trial and provide the documents requested in the case. On 21 November, the administrative court issued a decision to suspend the dismantling of the trolleybus contact lines and traction substations until the case is decided.

However, on 22 November, the Bishkek Trolleybus Department of the Bishkek Mayor's office appealed against the court's decision and on 27 November, the administrative court granted the appeal. According to monitoring by environmental activists and citizens, following the court's decision, the demolition of the trolleybus lines continued.

Without wishing to prejudge the accuracy of the above allegations, we are concerned that there seems to be a lack of public access to information, and of full and meaningful public participation in city policies related to public transportation, climate change mitigation, prevention of air pollution and protection of human health.

We are equally concerned about the municipalities' decision to dismantle a well-established and well-resourced zero-emission public transportation system in Bishkek, which is particularly vulnerable to air pollution exceeding WHO air quality guidelines by up to 30 times in winter. At the end of 2024, Bishkek city was allegedly ranked first among the most polluted cities in the World Air Quality Index. The air quality was ranked as the maximum "dangerous". The replacement of emission-free public transportation with gas-powered transportation undermines national efforts to comply with the Paris Agreement in terms of climate change mitigation and the obligations of public authorities to protect human rights in the context of climate change, including the human right to healthy and the human right to a clean, healthy, and sustainable environment, which includes clean air and a safe climate as substantive elements.⁹ In fact, these changes and the replacement of a zero-emission transportation system with gas powered buses might worsen the air quality and the level of carbon emissions.

We are concerned about the fact that the court's ban on holding peaceful assemblies in the territory of Bishkek has been in place since March 2022, initially for a period of six months and then has since been repeatedly extended every six months. We recall that international human rights law and Kyrgyzstan's national legislation do not allow for the imposition of a blanket ban on all peaceful assemblies. This judicial ban, combined with the refusal by courts at all levels to consider appeals against it, seems to violate the right of the population to peaceful assembly, as protected by article 21 of the International Covenant on Civil and Political Rights. As highlighted by the Human Rights Committee, "blanket restrictions on peaceful assemblies are presumptively disproportionate" and "there can be no blanket ban on all assemblies in the capital city, in all public places except one specific location within a city, or outside the city centre, or on all the streets in a city" (CCPR/C/GC/37, para. 38 and 55).

Finally, we are concerned about the disproportionate use of force against environmental human rights defenders in Bishkek in response to peaceful and lawful actions, as well as the associated risks of their further criminal and administrative persecution, which may have a chilling effect on environmental activism more broadly.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

⁹ Human Rights Council and General Assembly Resolution 76/300 on the right to a clean, healthy and sustainable environment <https://documents.un.org/doc/undoc/gen/n22/442/80/pdf/n2244280.pdf>

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please indicate measures taken to ensure that Your Excellency's Government complies with international environmental laws and human rights standards in relation to access to information, public participation, freedom of peaceful assembly and freedom of expression, and access to justice in relation to environmental protection and climate change mitigation.
3. Please explain the measures taken to ensure meaningful participation of the public, including individuals that are disproportionately affected by climate change and air pollution (children, youth, older persons, persons with disabilities and women), in the decision to shut down zero-emission public transportation (trolleybuses).
4. Please provide information on national plans, programmes, legislation and monitoring activities aimed at regulating air quality and mitigating climate change in the transport sector.
5. Please explain the measures taken to safeguard public health, particularly for children, pregnant women, and the elderly from the impacts of climate change and air pollution.
6. Please provide information about the measures taken to protect the rights to freedom of peaceful assembly and of expression, as well as the safety, physical and psychological integrity of environmental human rights defenders. Please also provide information about the steps taken to ensure that human rights defenders, including environmental defenders, are able to carry out their work in an enabling environment, without fear of repercussions.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

Please accept, Excellency, the assurances of our highest consideration.

Elisa Morgera

Special Rapporteur on the promotion and protection of human rights in the context of
climate change

Astrid Puentes Riaño

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

Gina Romero

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

Mary Lawlor

Special Rapporteur on the situation of human rights defenders

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw your attention to the applicable international human rights instruments, norms and standards, as well as authoritative guidance on their interpretation.

We would like to highlight that the Government of Kyrgyzstan is a party to the Paris Agreement on Climate Change, which acknowledges that State Parties should, when taking action to address climate change, respect, promote and consider their respective obligations on human rights (preamble). International human rights treaty bodies and several special procedure mandate holders have clarified that effective mitigation actions are needed also to protect human rights from the impacts of climate change. In particular, the Committee on Economic, Social and Cultural Rights clarified that mitigation should lead to absolute emission reductions through the phasing out of fossil fuel production and use.¹⁰ In addition, five treaty bodies addressed fossil fuels in their State reporting procedures¹¹ and several Special Rapporteurs have pointed out the staggering environmental and social costs of the use of fossil fuels.¹²

Additionally, we wish to recall article 6(1) of the International Covenant on Civil and Political Rights (ICCPR), ratified by Kyrgyzstan on 07 October 1994, which guarantees the right to life. As highlighted by the Human Rights Committee in general comment No. 36, the duty to protect life also implies that States parties should take appropriate measures to address the general conditions in society that may give rise to direct threats to life or prevent individuals from enjoying their right to life with dignity, including degradation of the environment (para 26). Environmental degradation, climate change and unsustainable development constitute some of the most pressing and serious threats to the ability of present and future generations to enjoy the right to life. Implementation of the obligation to respect and ensure the right to life, and in particular life with dignity, depends, inter alia, on measures taken by States parties to preserve the environment and protect it against harm, pollution and climate change caused by public and private actors (para 62).

The right to a clean, healthy, and sustainable environment

We also wish to refer to Human Rights Council resolution 48/13 of 8 October 2021 and General Assembly resolution 76/300 of 29 July 2022, which recognize the right to a clean, healthy and sustainable environment as a human right, noting that guaranteeing a “safe climate” constitutes one of the substantive elements of this right.

We further wish to bring to the attention of your Government the Framework Principles on Human Rights and the Environment as detailed in the 2018 report of the Special Rapporteur on human rights and the environment (A/HRC/37/59). The principles state that States should ensure a safe, clean, healthy and sustainable

¹⁰ E/C.12/GC/26, para. 56.

¹¹ Centre for International Environmental Law, “States’ human rights obligations in the context of climate change: guidance provided by the UN human rights treaty bodies”, available at <https://www.ciel.org/reports/human-rights-treaty-bodies-2024/> (forthcoming).

¹² See <https://www.ohchr.org/en/press-releases/2019/09/united-nations-climate-action-summit>.

environment in order to respect, protect and fulfil human rights (principle 1); States should respect, protect and fulfil human rights in order to ensure a safe, clean, healthy and sustainable environment (principle 2); and States should ensure the effective enforcement of their environmental standards against public and private actors (principle 12). Principle 14 require States to ensure that they take additional measures to protect the rights of those who are most vulnerable to, or at particular risk from, environmental harm, taking into account their needs, risks, and capacities.

According to the Committee on the Rights of the Child general comment No. 26(2023), children have a right to the highest attainable standard of health, including taking into consideration the dangers and risks of environmental pollution. The substantive elements of this right are profoundly important for children, given that they include clean air, a safe and stable climate, healthy ecosystems and biodiversity, safe and sufficient water, healthy and sustainable food and non-toxic environments, and States must take immediate action to improve air quality, by reducing both outdoor and household air pollution, to prevent child mortality, especially among children under 5 years of age.

We would also like to draw your attention to article 12 of the ICESCR, which enshrines the right to the highest attainable standard of physical and mental health, which is also guaranteed as a part of the UDHR, article 25 read in terms of the individual's potential, the social and environmental conditions affecting the health of the individual, and in terms of health care services. In its general comment No. 14, the Committee on Economic, Social and Cultural Rights (CESCR) interprets the right to health as "an inclusive right extending not only to timely and appropriate health care but also to the underlying determinants of health, such as access to safe and potable water and adequate sanitation, an adequate supply of safe food, nutrition and housing, healthy occupational and environmental conditions, and access to health-related education and information". Accordingly, States have a duty to adopt measures against environmental hazards.

The right to freedom of peaceful assembly

We also wish to draw your attention to the right to peaceful assembly enshrined in article 21 of the International Covenant on Civil and Political Rights, which 'protects peaceful assemblies wherever they take place: outdoors, indoors and online; in public and private spaces; or a combination thereof. Such assemblies may take many forms, including demonstrations, protests, meetings, processions, rallies, sit-ins, candlelit vigils and flash mobs' (CCPR/C/GC/37, para. 6). The Human Rights Committee also affirmed that States "should effectively guarantee and protect the freedom of peaceful assembly and avoid restrictions that do not respond to the requirements under article 4 of the Covenant. In particular, it should refrain from imposing detention on individuals who are exercising their rights and who do not present a serious risk to national security or public safety" (CCPR/C/THA/CO/2, para. 40).

The recognition of the right of peaceful assembly imposes a corresponding obligation on States parties to respect and ensure its exercise without discrimination. This requires States to allow such assemblies to take place without unwarranted interference and to facilitate the exercise of the right and to protect the participants. The second sentence of article 21 provides grounds for potential restrictions, but any such

restrictions must be narrowly drawn. There are, in effect, limits on the restrictions that may be imposed. This right can only be restricted in very specific circumstances, where the restrictions serve a legitimate public purpose as recognized by international standards and are necessary and proportionate for achieving that purpose. The Human Rights Committee stated that “the imposition of any restrictions should be guided by the objective of facilitating the right, rather than seeking unnecessary and disproportionate limitations on it. Restrictions must not be discriminatory, impair the essence of the right, or be aimed at discouraging participation in assemblies or causing a chilling effect” (CCPR/C/GC/37, para. 36).

The right to freedom of expression

We recall article 19 of the ICCPR, which guarantees that everyone shall have the right to hold opinions without interference, and the right to freedom of expression, which includes freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of one’s choice. As interpreted by the Human Rights Committee in general comment No. 34 (CCPR/C/GC/34), such information and ideas include, *inter alia*, political discourse, commentary on one’s own and on public affairs, cultural and artistic expression, and discussion of human rights (paragraph 11) as well as expression of criticism or dissent.

According to article 19(3) any restriction of the right to freedom of expression must be a) “provided by law”; b) “necessary” and c) for the purpose of protecting “the rights or reputation of others”, “national security, public order, public health and morals”. The Human Rights Committee has clarified that not only should the restrictions be enacted in law but that the language of the law should be clear, precise, accessible, and predictable. Furthermore, “necessity” implies that the restrictions must be proportionate to the objectives to be achieved. In other words, the restrictions must be “the least intrusive instrument among those which might achieve the desired result.” (Human Rights Committee, general comment No. 34, CCPR/C/GC/34).

In its general comment No. 35, the Human Rights Committee has found that arrest or detention as punishment for the legitimate exercise of the rights as guaranteed by the Covenant is arbitrary, including freedom of opinion and expression (art. 19), or on discriminatory grounds, in violation of article 2, paragraph 1, article 3 or article 26, are in principle arbitrary.

Human rights defenders

Furthermore, we bring to your attention the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders. In particular, we would like to refer to articles 1 and 2 of the Declaration which state that everyone has the right to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels and that each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms. We would like to draw further attention to the following provisions of the UN Declaration on Human Rights

Defenders:

- article 5(a) and (b), which provides for the right of all persons to meet or assemble peacefully and to form, join and participate in non-governmental organisations, associations, or groups;
- article 12, paragraphs 2 and 3, which provides that the State shall take all necessary measures to ensure the protection of everyone against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration.

We would also like to refer to the report of the former Special Representative of the Secretary-General on the situation of human rights defenders to the General Assembly on 5 September 2006 (A/61/312), where the Special Representative urges States to ensure that law enforcement officials are trained in and aware of international human rights standards and international standards for the policing of peaceful assemblies and to investigate allegations of indiscriminate and/or excessive use of force by law enforcement officials (para. 98).

With regard to the protection of the human rights of climate and human rights defenders, the Special Rapporteur on the rights to freedom of peaceful assembly and of association called on States to: adopt all necessary measures to ensure that climate defenders meaningfully participate in all just-transition policy development and implementation at all levels of decision-making; conduct thorough, prompt, effective and impartial investigations into killings and violence against civil society actors; ensure that perpetrators are brought to justice; and refrain from issuing official and unofficial statements stigmatizing climate defenders (A/76/222; A/HRC/56/46). UN Special Rapporteurs also called on States to: protect climate and human rights defenders; urgently develop, in coordination with civil society, positive narratives on the contributions of environmental human rights defenders to the protection of human rights in the context of climate change; gather and share information on threats of violence or attacks against environmental human rights defenders and available protection measures and challenges faced in accessing justice, including for children (A/HRC/56/50; A/79/176). The UN Special Rapporteur on Climate Change and Human Rights also underscored that intimidation or harassment of environmental human rights defenders by public administration bodies, business and other actors can have a deterrent effect on requesting information, which undermines the contribution of climate and environmental human rights defenders to the protection of everyone's human right to a healthy environment, including a safe climate (A/79/176). Additionally, the UN Special Rapporteur on the human right to a clean, healthy and sustainable environment highlight on her report on the overview of the implementation of the human right to a clean, healthy and sustainable environment that the right to safe climate, clean air, is part of right to a healthy environment, and also the obligation to grant access to information, public participation and access to justice, in A/79/270

With regard to access to information on human rights and climate change, the Special Rapporteur on climate change and human rights also highlighted that "States should regularly collect, disseminate and increasingly improve quality, trustworthy and evidence-based information on the causes and consequences of climate change,

including emission levels and high-emitting activities from both State and non-State actors. The public must be informed about the magnitude of actual and potential negative human rights risks and impacts of climate change and response measures, and about the adequacy of States' and businesses' responses to effectively protect and respect human rights in the context of climate change. This is necessary to support the resilience and adaptive capacities of people in vulnerable situations to respond to the adverse impacts of climate change (A/ 79/176).

Finally, we would like to draw to your attention the Aarhus Convention, which ensures the rights of access to information, public participation in decision-making, and access to justice in environmental matters. Article 1 of the Convention provides that:

“In order to contribute to the protection of the right of every person of present and future generations to live in an environment adequate to his or her health and well-being, each Party shall guarantee the rights of access to information, public participation in decision-making, and access to justice in environmental matters in accordance with the provisions of this Convention.”

Article 7 of the Convention states that: “Each Party shall make appropriate practical and/or other provisions for the public to participate during the preparation of plans and programmes relating to the environment, within a transparent and fair framework, having provided the necessary information to the public.”

Article 8 of the Convention states that: “Each Party shall strive to promote effective public participation at an appropriate stage, and while options are still open, during the preparation by public authorities of executive regulations and other generally applicable legally binding rules that may have a significant effect on the environment.”

Regarding the access to justice, article 9 of the Convention ensures that individuals and organizations have the right to seek legal recourse when their environmental rights are violated. It mandates that “any person who considers that his or her request for information under article 4 has been ignored, wrongfully refused, whether in part or in full, inadequately answered, or otherwise not dealt with in accordance with the provisions of that article, has access to a review procedure before a court of law or another independent and impartial body established by law” (article 9(1)).

Additionally, it provides that “members of the public concerned having a sufficient interest or maintaining impairment of a right” have access to review procedures to challenge the legality of decisions, acts, or omissions subject to public participation requirements (article 9(2)). Furthermore, it ensures that “members of the public have access to administrative or judicial procedures to challenge acts and omissions by private persons and public authorities which contravene provisions of its national law relating to the environment” (article 9(3)). The procedures must be “fair, equitable, timely, and not prohibitively expensive,” and decisions must be publicly accessible (article 9(4)). To enhance effectiveness, Parties are encouraged to provide information on access to review procedures and consider mechanisms to reduce financial and other barriers to access to justice (article 9(5)).