

**3rd meeting of
the EU Domestic Advisory Group and the Viet Nam
Domestic Advisory Group
under the EU-Viet Nam FTA, held on 27 November
2023 in Brussels**

**FIDH
FoA & EUVFTA 's CH13**



fidh

The rights to freedom of peaceful assembly and of association

* **Essential to realise the objective of Chapter 13**

* **Form the essential means** through which civil society and social movement can **inform monitor, advocate for and promote** environmental justice and **advance** just transition agenda

Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Clément Nyaletsossi Voule -> **HRC 23 July 2021 A/76/222**

Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association,
Clément Nyaletsossi Voule **23 July 2021** A/76/222

In the report, the Special Rapporteur addresses the **challenges and risks facing individuals, communities and organizations exercising their rights to freedom of peaceful assembly and of association in order to support and advance climate justice**

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Clément Nyaletsossi Voule **23 July 2021** A/76/222

The UNSR first highlighted the importance of their work

- *The **existential threat** of climate change
- *Despite **multilateral commitments** progress has been **insufficient** and **unequitable**
- *The **ability** of individuals to **mobilize, organize** and **connect** and to **contribute** to **shaping public opinion** and **decision-making** without fear, is **essential** to the production of effective climate action and just transitions.
- ***Civil society, indigenous peoples, environmental human rights defenders, trade unions** and social **movements** across the world have worked for decades to address climate change.
- The rights to freedom of peaceful assembly and of association are **essential** to this work,

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The UNSR exposes Challenges and threats

***Restrictions, attacks and failure to protect** the environment and its defenders; these threats are not new, ut violent repression has also increased targetting people working to defend their lands and demand a green future

- **Physical attacks, killings and intimidation**
- **Vilification, smear campaigns and disinformation**
- **Climate protest bans and other restrictions incl laws and administrative actions**
- **Criminalization, judicial harassment and surveillance**
- **Restrictions on civil society's operations and access to funding**
- **Restrictions on participation in national and international climate negotiations**

In Context

May 25, 2023

Mandates of the Special Rapporteur on the situation of human rights defenders; the Working Group on Arbitrary Detention; the Special Rapporteur on the promotion and protection of human rights in the context of climate change; the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on the rights to freedom of peaceful assembly and of association

Summary: human rights and environmental rights defenders

The UNSR reiterate its **call for Meeting human rights obligations**

Human rights law imposes both **negative and positive obligations** on States.

Negative obligations require States to refrain from applying laws and engaging in practices that interfere with the exercise of rights. Any restrictions or limitations on rights must be permissible under international human rights law, meaning that they must be prescribed by law and be necessary and proportionate

Positive obligations require States to **promote and protect** the exercise of rights. These obligations entail the promotion of an **enabling environment**, including a legal and institutional framework within which rights can be effectively exercised. States must protect individuals and groups from **actions by non-State actors**, including business enterprises that would impair the enjoyment of their rights. States also have an obligation to provide effective remedies in the event of violation of these freedoms

In regard of CH 13 & the UNSR report 2021

13.1 Objectives : 2030 agenda for sustainable development

13. 6 on Climate change : the Parties reaffirm their commitment to reaching the ultimate objective of the United Nations Framework Convention on Climate Change of 1992 (hereinafter referred to as "UNFCCC") and to effectively implementing the UNFCCC, the Kyoto Protocol to the United Nations Framework Convention On Climate Change, as last amended on 8 December 2012 (hereinafter referred to as "Kyoto Protocol"), and the **Paris Agreement**, done at 12 December 2015, established thereunder. The Parties shall cooperate on the implementation of the UNFCCC, the Kyoto Protocol and the Paris Agreement.

- UNSR **UNFCCC** "States parties accept their obligation to “promote and facilitate ... public participation in addressing climate change and its effects and developing adequate responses” & **Paris Agreement** States agree "to take measures to enhance public **participation** and **public access to information**, recognizing the importance of these steps with respect to enhancing actions under this Agreement”, and acknowledge that adaptation action should follow a “participatory and fully transparent approach”.
- UNSR stresses that "guaranteeing **full participation in the context of the climate crisis requires full respect for and protection and fulfilment of the rights to freedom of peaceful assembly and of association**" and that "In the context of achieving the **2030 Agenda for Sustainable Development**, the Special Rapporteur has stressed that engagement in the following areas is essential to building an enabling environment for civil society organizations”

Essential that **individuals exercising the rights to freedom of peaceful assembly and of association are able to do so without fear that they may be subjected to threats, acts of intimidation or violence, including killings, arbitrary arrest or detention and gender-based violence.**

The rights to freedom of **peaceful assembly and of association are essential to realise the objective of Chapter 13.** In terms of Climate transition they form the essential means through which **civil society and social movement can inform monitor, advocate for and promote environmental justice and advance just transition agenda**