JOINT DECLARATION ON THE CLIMATE CRISIS AND FREEDOM OF EXPRESSION

The United Nations (UN) Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, the Organization for Security and Co-operation in Europe (OSCE) Representative on Freedom of the Media, the Organization of American States (OAS) Special Rapporteur on Freedom of Expression, and the African Commission on Human and Peoples' Rights (ACHPR) Special Rapporteur on Freedom of Expression and Access to Information in Africa ("mandate holders"),

Having discussed these issues together and with *ARTICLE 19*: *Global Campaign for Free Expression* and *the Centre for Law and Democracy*;

Recalling and reaffirming our Joint Declarations of 26 November 1999, 30 November 2000, 20 November 2001, 10 December 2002, 18 December 2003, 6 December 2004, 21 December 2005, 19 December 2006, 12 December 2007, 10 December 2008, 15 May 2009, 3 February 2010, 1 June 2011, 25 June 2012, 4 May 2013, 6 May 2014, 4 May 2015, 4 May 2016, 3 March 2017, 2 May 2018, 10 July 2019, 30 April 2020, 20 October 2021, 3 May 2022, and 2 May 2023;

Considering the warnings issued by the United Nations and the Intergovernmental Panel on Climate Change in their reports on the triple planetary crisis resulting from climate change, biodiversity loss and pollution; and observing that these crises are affecting biodiversity hotspots, areas which are crucial for the planet's climate balance;

Cognisant of the mounting pressure and heightened risks which the climate crisis, given its magnitude and ensuing consequences, pose to our common security;

Also cognisant of the threats the climate crisis creates for the enjoyment of human rights and, in particular, freedom of expression, access to information and media freedom, which are essential for societies to address environmental and climate challenges;

Underlining the critical role that the right to freedom of expression and media plays in the promotion and protection of human rights and dignity, the advancement of sustainable development, the supporting and strengthening of democratic societies, and advancing intercultural understanding;

Highlighting that information and expressions relating to the climate crisis are of public interest and, therefore, are highly protected speech under international human rights law;

Also highlighting that transparency and open and effective systems of accountability are essential for the proper implementation of strategies to address the climate crisis and management of funds required for these strategies;

Acknowledging the elevated risk faced by journalists, environmental and other human rights defenders and whistleblowers when shedding light on environmental and climate issues, and condemning censorship of environmental and climate debates through online and offline violence, suppression of protests and public assemblies, arbitrary detention, and the pursuit of strategic lawsuits against public participation (SLAPPs) by private actors and public authorities;

Calling for an inclusive and intersectional approach to guarantee freedom of expression and media which acknowledges the challenges faced by women, indigenous peoples, and other historically marginalized groups, whose perspectives are vital and yet are often overlooked in the dialogue on environmental and climate issues;

Noting the critical role which public interest media, civil society organizations, journalists and environmental and other human rights defenders play in achieving the Sustainable Development Goals of the 2030 Agenda, and in promoting the UN Framework Convention on Climate Change and the Paris Agreement;

Recalling that the Stockholm Declaration on the Human Environment of 1972 stressed that "Man[kind] has the fundamental right to freedom, equality and adequate conditions of life, in an environment of a quality that permits a life of dignity and well-being";

Highlighting the relevance of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters ("Aarhus Convention"), as the first regional reference to develop Principle 10 of the Rio Declaration on Environment and Development as well as the Regional Agreement on Access to Information, Public Participation and Access to Justice in Environmental Matters in Latin America and the Caribbean ("Escazú Agreement");

We adopt, on 3 May 2024, on the occasion of World Press Freedom Day, the following Joint Declaration on the Climate Crisis and Freedom of Expression:

Background and rationale

The climate crisis poses an unprecedented global challenge, requiring informed, inclusive and open debate to promote prompt and decisive actions. Such debates will enable people to make informed decisions, and facilitate meaningful interaction among policymakers, scientific experts, academics, civil society, journalists, private companies, States and international organizations. Most importantly, it should take into account the knowledge, insights and perspectives of those directly affected by climate change.

The right to freedom of expression is critical for informed debate and action. Enshrined in article 19 of both the *Universal Declaration of Human Rights* (UDHR) and the *International Covenant on Civil and Political Rights* (ICCPR), it includes the right to seek, receive and impart information and ideas of all kinds, regardless of frontiers, and through any media. It is a pillar of transparency, accountability and democratic governance, and it facilitates the exercise of other human rights, including the right to a clean, healthy and sustainable environment. Media freedom is derived from freedom of expression, in light of the special role the media plays in a democratic society. Freedom of expression may be restricted by States only in accordance with the three-part test, as set out in

Article 19(3) of the ICCPR, which requires restriction to be provided by law, to serve a legitimate purpose recognised under international law, and to be necessary and proportionate.

The effective exercise of the right to freedom of expression depends on the ability of individuals and communities to participate publicly without fear of violence or repression. It also depends on equitable access to the information spaces, tools, and resources for communications.

Environmental journalism is indispensable, particularly in remote and often underreported areas, to disseminate information, mobilise citizen action, and to expose and hold accountable those who are responsible for environmental harm.

In this Joint Declaration, the term "journalists" or "media" is defined on the basis of functional criteria, with a focus on their work to disseminate information and ideas deemed to be of public interest in order to support an informed society and democratic participation, hereinafter referred to as "public interest content". The term "environmental human rights defenders" refers to individuals and groups who, in their personal or professional capacity and in a peaceful manner, strive to protect and promote human rights relating to the environment, including those pertaining to water, air, land, flora and fauna.

1. Access to information regarding environmental and climate issues

Enhancing access to information and promoting transparency are crucial for tackling the climate crisis. Robust transparency also fosters interaction between global and local dialogues on the climate crisis, creating a virtuous circle of information and knowledge exchange. The right to information empowers individuals and societies to raise public awareness, advocate, reinforce policy debates, and make informed decisions on climate and nature-based solutions.

a. States should uphold the principle of maximum disclosure regarding environmental and climate issues by making available to the public all information they have in an accessible, effective, and timely manner, with only strictly necessary and narrowly formulated exceptions, in line with international standards.

b. States should proactively generate, disseminate and update environmental and climate information, particularly on pressing issues such as potential threats to health, security, and biodiversity. This duty includes ensuring that everyone has prompt access to comprehensive information. Failing to provide adequate access to information, whether due to institutional deficiencies, ineffective public policies or undue constraints on the media, is a violation of the right to information.

c. Restrictions on essential climate-related information, whether imposed by States or the actions of corporate actors, should conform to international human rights standards. Those whose information requests are denied or not appropriately addressed should have the right to appeal to independent administrative bodies or to the courts.

d. States should adopt and enforce laws which impose specific transparency obligations on corporations, including publicly owned businesses, to make detailed disclosures of their environmental impact and the mitigation efforts, in line with international legal standards on environmental protection and corporate accountability.

e. Corporations should produce and disclose to all relevant stakeholders detailed information on the human rights and environmental impact of their operations and, where relevant, any remedial measures they have taken. Environmental information contained in contracts, concessions, agreements or other documents involving public resources should be made public by companies regularly and in a simplified and accessible manner.

f. Online platforms should adopt human rights-based, transparent and clear content governance policies, and should publish comprehensive transparency reports about their decision-making processes, including information about their content moderation practices regarding environmental and climate issues. These transparency reports should also include information about all removal requests. Online platforms should disclose any conflicts of interest they have with public and corporate actors which might affect their content governance decisions regarding environmental and climate issues.

g. Disinformation and misinformation (the dissemination of misleading or false information), about the climate crisis can have a serious detrimental effect on stakeholders, undermine public trust and hinder effective participation and decision-making. States and other relevant actors, including corporations, online platforms and the media, should refrain from creating or disseminating false or misleading information, and take appropriate and proportionate measures to mitigate risks arising from misinformation, disinformation and other forms of manipulation of information. This should include providing quality, trustworthy and evidenced-based information, and promoting a healthy, i.e. free, safe and diverse, information ecosystem.

2. Ensuring an enabling environment for public participation and civic engagement

Creating the conditions which support free expression and civic participation for journalists, media outlets, civil society organizations, environmental and other human rights defenders and everyone in society is essential to drive meaningful action to address the climate crisis.

Empowering these actors to disseminate information, share diverse perspectives and participate actively in discussions and decision-making processes promotes transparency, accountability and public participation in efforts to address the climate crisis.

a. States should create a safe and enabling space where civil society and media can operate free from intimidation, threats, judicial harassment and unlawful surveillance. They should not adopt legislation which unduly restricts freedom of expression or take measures which create an atmosphere of fear among journalists or environmental or other human rights defenders, leading to self-censorship. Instead, States should prioritise laws, policies and measures which protect and support these actors in carrying out their work without fear of reprisal, fostering an environment in which diverse voices flourish and contribute to a vibrant public discourse on the climate crisis and how to address it.

b. States should protect journalists and environmental and other human rights defenders from threats, harassment, stigmatization and violence, including by establishing effective protection mechanisms, condemning attacks on them, and fostering a culture of respect for the rights to freedom of expression, association and peaceful assembly.

c. States should refrain from criminalising or unduly restricting protests or public assemblies which focus on environmental and climate issues. They should ensure that any use of force in the context of such protests or assemblies is lawful, legitimate, proportionate and necessary, in line with international human rights standards.

d. Given the importance of media coverage of protests and public assemblies, national and international meetings and negotiations on climate-related matters, States should afford journalists the highest degree of protection and support to report on these events without intimidation or interference.

e. States should adopt comprehensive legal rules to protect whistleblowers and other individuals who disclose environmental and human rights violations, since these actors often face elevated risks.

f. States should adopt necessary legislation and other measures to tackle SLAPPs, including making it possible for courts to dismiss frivolous or malicious defamation and other lawsuits at an early stage.

g. Corporations should respect and implement the UN Guiding Principles on Business and Human Rights through policy commitments, human rights due diligence and effective remediation processes.

h. Corporations which operate in environmentally sensitive sectors should conduct meaningful consultations and other forms of engagement with communities which are directly impacted by their operations. This should include establishing clear, accessible and equitable channels for communities to express their concerns and contribute to decision-making processes.

i. In light of their significant role in moderating content and curating information regarding climate and environmental issues, online platforms should proactively engage with civil society stakeholders, environmental and other human rights defenders, representatives of affected communities and public interest media so as to understand better the local context and to facilitate the dissemination of quality content on climate-related matters.

j. Online platforms should provide clear, easily accessible complaint mechanisms for their users in languages they understand, and respond in a timely and effective manner to complaints.

3. Upholding environmental journalism to scrutinise climate actions and enhance public debate

Journalism acts as a catalyst for public debate, facilitating informed decision-making on the climate crisis. However, journalists and media outlets face significant challenges and barriers when carrying out this vital function.

The lack of adequate media coverage in remote areas which are critical for biodiversity and which are becoming “news deserts”, is of grave concern. People and communities inhabiting these regions are directly impacted by the climate crisis and need both to receive information and to be able to

give voice to their perspectives and experiences. Creating opportunities for journalism in these critical yet underreported areas is essential for an inclusive and meaningful global environmental dialogue.

a. States should ensure that journalists and media can report on climate issues without being threatened, attacked, censored or coerced. Additionally, and importantly, States should publicly and unequivocally affirm the essential role of journalists in disseminating quality information related to the climate crisis and the pursuit of sustainable development and climate justice.

b. States should encourage and support initiatives which enhance independent environmental reporting, especially in remote areas impacted by climate change, including through tax incentives, journalism awards, grants for investigative reporting on environmental issues, and training programs for journalists covering these topics. Such support should be provided in a manner which respects journalistic independence and promotes high-quality, evidence-based reporting, wherever possible in collaboration with civil society.

c. States should adopt laws requiring transparency of media ownership. Media entities should ensure their reporting is free from undue influence by public or private interests, thereby upholding journalistic standards, media freedom and integrity, and the public's right to information.

d. Media self-regulatory bodies should set up mechanisms to address complaints from the public, civil society or other actors regarding media coverage of environmental and climate issues. The complaints should be handled in a timely manner so as to ensure the dissemination of quality, reliable information which serves the public interest.

e. Media outlets should adopt editorial policies governing reporting on environmental and climate issues, which expands their sources to include local perspectives, so as to provide quality content which comprehensively informs the public, and debunks disinformation and misinformation. Posting correspondents to areas which are significantly affected by climate change can enrich reporting and provide diverse perspectives.

4. Access to justice in climate and environmental matters

Access to justice is a cornerstone in the pursuit of environmental protection while safeguarding the right to freedom of expression. The interdependence of these rights is profound. Without freedom of expression and media freedom, achieving environmental justice would be virtually impossible as access to information is essential to seeking legal remedies and redress against environmental harm.

a. International law requires States to provide adequate and effective legal remedies to everyone whose rights are breached, including journalists, and environmental and other human rights defenders who face threats or violence due to their work. This also requires States to conduct prompt, impartial and thorough investigations, hold perpetrators accountable, and provide appropriate reparations to victims, in accordance with due process guarantees.

b. States should ensure that their respective judicial systems are equipped with relevant knowledge and adequate human capacity to resolve climate-related disputes effectively, including those involving freedom of expression, access to information and media freedom.

5. The protection of marginalized groups

The climate crisis has differentiated impacts on different groups. It exacerbates existing inequalities for historically discriminated groups, such as women, indigenous peoples, afro-descendant populations, people living in poverty and rural communities. Those living in biodiversity hotspots or areas which are affected by armed conflict, organized crime, land disputes or extractive activities are more vulnerable to the effects of the climate crisis. Their vulnerabilities result in further exclusion from access to information and decision-making processes, leading to invisibility as information about their plight is often missing from climate debates. The combination of marginalization and vulnerabilities heightens the risk of them experiencing human rights violations, including restrictions on their right to freedom of expression and access to information.

a. States should implement systems to collect and disseminate information on the effects of the climate crisis which is disaggregated by gender, race, ethnicity, income, geography and other relevant factors so as to demonstrate the full, intersectional and disproportionate nature of the problems.

b. States and other relevant actors, such as media and platforms, should facilitate access to information, especially scientific and journalistic work on the impact of the climate crisis, which is produced by and about historically discriminated groups, such as women, indigenous peoples and those living in rural communities.

c. States and online platforms should, in accordance with their respective roles and responsibilities, put in place effective measures to combat coordinated campaigns and systematic patterns of gender-based violence, threats, harassment and hate speech online and offline against women and gender-diverse journalists and environmental and other human rights defenders.

d. States and other relevant stakeholders should proactively ensure universal and meaningful internet connectivity, and raise digital, media and information literacy to empower populations with low access to information and communication technologies, so that they can participate meaningfully in climate and environmental discussions in the public and digital spheres.

e. States should ensure that historically discriminated groups and other marginalized communities have access to information on environmental issues which is in their own languages and understandable formats, and which is disseminated through appropriate communication channels, taking into account local contexts.