



Human Rights Watch submission to the Special Rapporteur on the situation of human rights defenders
Regarding child and youth human rights defenders
November 2023

Human Rights Watch welcomes the opportunity to provide input on the challenges and risks child and youth human rights defenders face for the upcoming report by the Special Rapporteur on the situation of human rights defenders. This submission discusses the risks climate activists have faced in Australia, India, and Uganda. It focuses on examples of activists under age 32, as requested by the Special Rapporteur.

Australia

Following increased climate protest activity in New South Wales (NSW), the government in March 2022 established a new police unit known as the Strike Force Guard.¹ The unit is designed to “prevent, investigate and disrupt unauthorized protests across the state.” On April 1, the state parliament introduced new laws and penalties specifically targeting protests that blocked roads and ports.² Protesters can now be fined up to AU\$22,000 (US\$15,250) and be jailed for up to two years for protesting without permission on public roads, rail lines, tunnels, bridges, and industrial estates.

In 2022, Human Rights Watch interviewed three climate protesters who had been arrested and charged under the new laws.³ These cases indicate that climate protesters are being targeted for disproportionate punishment.

¹ “Australia: Climate Protesters’ Rights Violated,” Human Rights Watch news release, June 22, 2022, <https://www.hrw.org/news/2022/06/22/australia-climate-protesters-rights-violated>.

² Government of New South Wales, Australia, “Roads and Crimes Legislation Amendment Bill 2022,” <https://www.parliament.nsw.gov.au/bill/files/3963/First%20Print.pdf> (accessed November 2, 2023).

³ “Australia: Climate Protesters’ Rights Violated.”

Violet (Deanna) Coco, a 31-year-old activist, took part in a climate protest on April 13, 2022, that stopped traffic in one lane on the Sydney Harbor Bridge.⁴ Coco climbed on the roof of a parked truck and stood holding a lit emergency flare. After approximately 25 minutes, NSW police forcibly removed her and the other protesters from the road. Coco was charged with disrupting vehicles, interfering with the safe operation of a bridge, possessing a bright light distress signal in a public place, failing to comply with police direction, and resisting or hindering a police officer.

She was also charged under explosives regulations for holding the emergency flare; with an incitement offense for “encouraging the commission of a crime” by livestreaming the protest on Facebook; and for uploading a video of a climate protest she took the previous week, and with disrupting traffic during three previous protests.⁵

Coco pleaded guilty to two charges – blocking traffic and failing to comply with police direction – and not guilty to the other charges. She was released on AU\$10,000 (US\$6,940) bail, but the magistrate ordered her not to leave her apartment for any purpose except for emergency medical assistance or to attend court. She was also ordered not to associate with any other Fireproof Australia member. Coco spent 21 days under what amounted to house arrest. On May 5, 2022, a magistrate amended her bail and, while she was allowed to leave her property, the authorities imposed a curfew banning her from leaving her address before 10 a.m. and after 3 p.m.

In March 2023, Coco was issued with a 12-month conditional release order after a district court judge heard she had been initially imprisoned on false information provided by the New South Wales police.⁶

⁴ Mark Saunokonoko and Savannah Meacham, “Four protesters charged after citybound lane shut down on Sydney Harbour Bridge,” *9 News*, April 13, 2022, <https://www.9news.com.au/national/protesters-truck-shut-down-sydney-harbour-bridge-lane-in-fireproof-australia/5fd4cb62-121b-4368-ad7b-c829b9ofoboa> (accessed November 2, 2023).

⁵ Stop FF Subsidies, Facebook, April 12, 2022, <https://www.facebook.com/FireproofAustralia/videos/372812611520955> (accessed November 2, 2023); David Wu, “Fireproof Australia demonstrators block traffic at Lilyfield following protest at Brighton-Le-Sands one day earlier,” *Sky News*, April 6, 2022, <https://www.skynews.com.au/australia-news/fireproof-australia-demonstrators-block-traffic-at-lilyfield-following-protest-at-brightonlesands-one-day-earlier/news-story/15bc2634d3f036f5409232aca7741aea> (accessed November 2, 2023).

⁶ “Climate activist Deanna ‘Violet’ Coco’s 15-month jail sentence quashed on appeal,” *Guardian*, March 14, 2023, <https://www.theguardian.com/australia-news/2023/mar/15/climate-activist-deanna-violet-cocos-15-month-jail-sentence-overturned-on-appeal> (accessed November 1, 2023).

In August 2022, the state of Victoria followed New South Wales with harsh new measures targeting environmental protesters at logging sites with up to 12 months in jail or \$21,000 in fines.⁷ In Tasmania, environmental activists now face fines of \$13,000 or two years in prison, while nongovernmental organizations that have been found to “support members of the community to protest” face fines of over \$45,000.⁸

On May 18, 2023, the South Australia government introduced harsh new anti-protest measures in the South Australian lower house in the morning and then rushed them through after lunch with bipartisan support after just 20 minutes of debate and no public consultation.⁹ The bill would increase the punishment for “public obstruction” 60-fold, from \$750 to \$50,000 or three months in jail, with activists also potentially facing orders to pay for police and other emergency services responding to a protest or action. On May 30, the laws were passed after a 14-hour debate in the South Australian upper house.¹⁰

India

In February 2021, Indian authorities arrested Disha Ravi, 21, a Bengaluru-based activist who volunteers for Fridays for Future, on charges including sedition and criminal conspiracy.¹¹ Ravi was sent to police custody for five days. Indian authorities also issued arrest warrants against Nikita Jacob, a lawyer, and Shantanu Muluk, an activist, who were granted pre-arrest bail.¹²

⁷ “Victoria passes laws raising penalties for environmental protesters at logging sites,” *Guardian*, August 4, 2022, <https://www.theguardian.com/australia-news/2022/aug/04/victorian-bill-targeting-environmental-protesters-moves-closer-to-a-vote> (accessed November 2, 2023).

⁸ Human Rights Law Centre, “A blow for democracy as Tasmania’s anti-protest bill passes Upper House,” August 23, 2022, <https://www.hrlc.org.au/news/2022/8/23/a-blow-for-democracy-as-tasmanias-anti-protest-bill-passes-upper-house> (accessed November 2, 2023); Sophie McNeill (Human Rights Watch), “Australia’s Crackdown on Climate Activists,” Op-ed, *The Diplomat*, May 29, 2023, <https://www.hrw.org/news/2023/05/30/australias-crackdown-climate-activists>.

⁹ Royce Kurlmelovs, “South Australia rushes through anti-protest laws as activists rally outside oil and gas conference,” *Guardian*, May 18, 2023, <https://www.theguardian.com/australia-news/2023/may/18/south-australia-anti-protest-laws-activists-rally-oil-gas-appea-conference-adelaide> (accessed November 2, 2023).

¹⁰ “South Australia passes laws to crack down on protest after disruption of oil and gas conference,” *Guardian*, May 30, 2023, <https://www.theguardian.com/australia-news/2023/may/31/south-australia-passes-laws-to-crack-down-on-protest-after-disruption-of-oil-and-gas-conference> (accessed November 3, 2023).

¹¹ Raj Shekhar and Santosh Kumar R B, “Delhi cops pick up 22-year-old Disha Ravi from Bengaluru for sedition in Greta toolkit case,” *Times of India*, February 15, 2021, <https://timesofindia.indiatimes.com/india/delhi-cops-pick-up-22-year-old-girl-from-bengaluru-for-sedition-in-greta-toolkit-case/articleshow/80915712.cms> (accessed November 2, 2023).

¹² “Delhi Police issue arrest warrant against Nikita Jacob, Shantanu in farm protest document case,” *Scroll.in*, February 15, 2021, <https://scroll.in/latest/986936/delhi-police-issue-arrest-warrant-against-nikita-jacob-shantanu-in-farm-protest-document-case> (accessed November 2, 2023); “Lawyer Nikita Jacob, Activist Shantanu Muluk Questioned In ‘Toolkit’ Case,” *NDTV*, February 22, 2021, <https://www.ndtv.com/india-news/lawyer-nikita-jacob-activist-shantanu-muluk-questioned-in-toolkit-case-2375943> (accessed November 2, 2023).

The authorities alleged Ravi was the “key conspirator” in editing and sharing an online toolkit shared by the Swedish Fridays for Future founder Greta Thunberg on social media, including Twitter, aimed at providing information to those seeking to peacefully support ongoing farmers protests.¹³ In granting bail to Ravi, the Delhi court said the evidence on record was “scanty and sketchy,” and that citizens cannot be jailed simply because they disagreed with government policies.¹⁴ It added: “The offense of sedition cannot be invoked to minister to the wounded vanity of governments.”

The Indian government has enforced Information Technology Rules that allow for greater governmental control over online content, threaten to weaken encryption, and seriously undermine media freedoms, rights to privacy, and freedom of expression online. These rules put youth and other human rights defenders and journalists at further risk of being targeted by the authorities for their online content.¹⁵

Uganda

Young people from across Uganda have faced reprisals for fighting for climate justice.¹⁶

On September 25, 2020, Ugandan police arrested and detained for eight hours eight youth climate activists while participating in the global climate strike in Kampala. The police told them election campaigns were not allowed, although the activists repeatedly explained that they were an environmental—not a political—movement. The activists, only two of whom were above the age of 18, were detained in a room for eight hours, questioned, and then allowed to leave.¹⁷

¹³ Mallika Joshi, “Explained: Why is Delhi Police probing a farmers’ protest ‘toolkit’ tweeted by Greta Thunberg?” *Indian Express*, February 22, 2021, <https://indianexpress.com/article/explained/greta-thunberg-toolkit-farmers-protest-fir-delhi-police-7176187/> (accessed November 2, 2023); Billy Perrigo, “India’s Farmers” Are Leading One of the Largest Protests Yet Against Modi’s Government. Here’s What They’re Fighting For,” *Time*, December 8, 2020, <https://time.com/5918967/india-farmer-protests/> (accessed November 2, 2023).

¹⁴ “Disha Ravi gets bail in toolkit case: What the court said,” *Hindustan Times*, February 24, 2021, <https://www.hindustantimes.com/india-news/disha-ravi-gets-bail-in-toolkit-case-what-the-court-said-101614139070425.html> (accessed November 2, 2023).

¹⁵ Jayshree Bajoria (Human Rights Watch), “India’s Digital Governance ‘Model’ Fails on Rights,” Op-ed, *Just Security*, September 6, 2023, <https://www.hrw.org/news/2023/09/06/indias-digital-governance-model-fails-rights>.

¹⁶ Juliane Kippenberg, “The Ugandan Youth Activists Urging Action at COP27,” Human Rights Dispatch, November 8, 2022, <https://www.hrw.org/news/2022/11/08/ugandan-youth-activists-urging-action-cop27>.

¹⁷ Human Rights Watch submission to the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association on the challenges and threats facing climate defenders, May 2021,

Human Rights Watch published a report that documented a range of restrictions on freedom of expression, association, and assembly related to oil development, including the planned East African Crude Oil Pipeline (EACOP) by the government.¹⁸ Civil society organizations and environmental defenders regularly report being harassed and intimidated, unlawfully detained, or arbitrarily arrested. Human Rights Watch interviewed 31 people in Uganda between March and October 2023, including 21 environmental defenders, and several of whom were under 32 years old.

Many student climate activists protesting EACOP have been arrested and charged with various offences in Kampala since 2021. These protests have been largely peaceful and usually small in scale.¹⁹ Since 2021, there have been at least 22 arrests, largely of students, at anti-EACOP protests in Kampala. Nine students were arrested in October 2022 after demonstrating support for the European Parliament resolution on EACOP and charged with “common nuisance.” Their case was finally dismissed on November 6, 2023, after more than 15 court appearances.²⁰ Another four protesters were arrested on December 9, 2022, as they marched to the National Environmental Management Authority (NEMA) to demand a re-evaluation of the environmental damage caused by EACOP. One of the detainees was kept at an unknown location until the morning of December 12 when all four were released.²¹

Another protesting student was arrested in Kampala on June 27, 2023, after trying to deliver a petition to the Speaker of the House of Uganda’s parliament. He told Human Rights Watch he was taken to an unlawful place of detention known as a “safe house” with his hands tied behind his back, questioned by plain-clothed security officials about who was providing the funding for the protests, before he was knocked to the floor. He said he

https://www.hrw.org/sites/default/files/media_2021/06/210528_Climate%20Defenders%20Submission_Human%20Rights%20Watch.pdf.

¹⁸ Human Rights Watch, *“Working On Oil is Forbidden”: Crackdown against Environmental Defenders in Uganda* (New York: Human Rights Watch, 2023), <https://www.hrw.org/news/2023/11/02/uganda-oil-pipeline-protests-stifled>.

¹⁹ Article 29(1)(d) of Uganda’s Constitution protects the “freedom to assemble and to demonstrate together with others peacefully and unarmed, and to petition.”

<https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/44038/90491/F206329993/UGA44038.pdf>.

²⁰ Those arrested and charged are David Musiri, Lyazi Alex, Java Imuran, Wenani Gerald, Nkurunziza Alphonse, Kajubi Maktum, Akiso Benjamin, Akis Gongga and Lubega Nsamba. See tweet from Elijah Turyagumanawe, October 4, 2022, <https://twitter.com/elijahtury/status/1577202568308350976?s=20&t=W4x6oyH6qsizMPmxNEsdyA>.

²¹ Those arrested were Bob Barigye, Mutesi Zarika, Naruwada Shamim, and Nalusiba Phionah. It was Bob Barigye’s fourth time being arrested for protests related to EACOP.

awoke two days later in the hospital with serious injuries.²² On July 11, 2023, five individuals were arrested after protesting EACOP in downtown Kampala.²³

On September 15, 2023, four student protesters were arrested after a “Fridays for Future” and “StopEACOP” joint protest at the Ugandan parliament as part of the “Global Fight to End Fossil Fuels,” a global mobilization and day of action. They were released on bond five days later and have been charged with “common nuisance.”²⁴ Their next hearing is scheduled for November 27, 2023. One of the students described to Human Rights Watch being held in a room inside parliament and beaten by uniformed parliamentary security officials and others in civilian clothes with “batons, gun butts, and using their boots to step on our heads” before being taken to Kampala’s Central Police Station (CPS). At the CPS he described plainclothes intelligence officers asking: “Who are your leaders? Among us, who is your leader? How many are you? Who are your leaders in different universities? Who is managing your social media accounts?” They then described being beaten further in CPS cells by other prisoners, one of whom said, “We have order from above to discipline you. You need to stop working on EACOP.”²⁵

Human Rights Watch encourages the Special Rapporteur to call on governments to:

- Promote and protect universally recognized human rights and fundamental freedoms, respect, and protect the work of climate activists, in line with their human rights obligations.

²² Human Rights Watch interview with B. L., September 20, 2023.

²³ “Kyambogo University Student Arrested in Stop EACOP Protest,” *Campus Bee*, <https://campusbee.ug/news/kyambogo-university-student-arrested-in-stop-eacop-protest/> (accessed November 9, 2023).

²⁴ Green Media, Twitter, September 15, 2023, <https://x.com/greenmedia01/status/1702627231426609314?s=46&t=gpwNfmjfzbolEVYIOhH80A> (accessed November 9, 2023).

²⁵ Human Rights Watch interview with P. L., September 25, 2023. This pattern of prisoners administering beatings in detention has been previously documented in Uganda by Human Rights Watch in 2011: “Despite prohibitions in Ugandan law and international standards on prisoners being employed in any disciplinary capacity, prisoners with disciplinary authority also mete out punishments within the prison. At some prisons, prisoners reported having been beaten by prisoners with disciplinary authority in the wards on the orders of wardens or as they watched and tacitly approved.” See Human Rights Watch, *“Even Dead Bodies Must Work”: Health, Hard Labor, and Abuse in Ugandan Prisons* (New York: Human Rights Watch, 2011), <https://www.hrw.org/report/2011/07/14/even-dead-bodies-must-work/health-hard-labor-and-abuse-ugandan-prisons>. TotalEnergies in their October 23, 2023, response to Human Rights Watch stated: “The Country Security representative went to the Central Police Station where the protesters were being held and checked on the wellbeing of the protesters and reminded the Officer in Charge of the duty to respect the protesters’ human rights.” The full response can be found in the annex to our report, here: <https://www.hrw.org/news/2023/11/02/uganda-oil-pipeline-protests-stifled>.

- Publicly condemn assault, threats, harassment, intimidation, and arbitrary arrests of activists, and direct security and other government officials to stop arresting, harassing, or threatening activists for protesting or on false accusations.
- End arbitrary arrests and prosecutions of human rights defenders, anti-EACOP activists, and peaceful protesters.
- Respect and protect the rights of all human rights defenders and civil society organizations to exercise freedoms of association, assembly, and expression, in accordance with international human rights norms.
- Where applicable, ratify and implement regional human rights agreements to ensure public participation in environmental decision-making and to protect environmental defenders.