



Convention on Access to Information,
Public Participation in Decision-making and
Access to Justice in Environmental Matters
(Aarhus Convention)

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Statement regarding the criminal prosecution of Mr. Daniel Shaw for his involvement in peaceful environmental protest in the United Kingdom of Great Britain and Northern Ireland

Ref: ACSR/C/2024/26 (United Kingdom of Great Britain and Northern Ireland)

On 12 March 2024, I sent a [letter of allegation](#) to the government of the United Kingdom of Great Britain and Northern Ireland (“United Kingdom”) requesting its response to the complaint received under my mandate regarding the alleged persecution, penalization and harassment of Mr. Daniel Shaw (complaint reference [ACSR/C/2024/26](#)) for his involvement in peaceful environmental protest.

In accordance with my complaints procedure, the United Kingdom had sixty days, i.e. until **11 May 2024**, to prepare its response to my letter. The United Kingdom failed to provide a substantive response to my letter by that deadline, nor has it done so since.

I have in the meantime received further concerning information about the situation of Mr. Shaw that prompts me to issue the present statement.

At the outset, I underline that the United Kingdom, as a Party to the [Aarhus Convention](#), has a binding obligation under article 3 (8) of the Aarhus Convention to “ensure that persons exercising their rights in conformity with the Convention are not penalized, persecuted or harassed in any way for their involvement”. As the Aarhus Convention Compliance Committee has made clear, this includes persons engaging in peaceful environmental protest.¹ Penalization of members of the public seeking to exercise their right to engage in peaceful environmental protest violates article 3 (8) of the Convention. The information I have received to date regarding the situation of Mr. Shaw indicates that the United Kingdom may be acting in violation of its obligations under article 3 (8) of the Aarhus Convention.

The United Kingdom must ensure that any sanction imposed on Mr. Shaw for his involvement in peaceful environmental protest is reasonable, proportionate and serves a legitimate public purpose

In my [letter of 12 March 2024](#) to the government of the United Kingdom, I expressed my serious concern about the arrest, very lengthy remand in prison and harsh bail conditions of Mr. Shaw as a result of his involvement in peaceful environmental protest to call for urgent government action concerning the climate crisis (ACSR/C/2024/26). Mr. Shaw has been charged with “conspiracy to cause a public nuisance” under the Police, Crime, Sentencing and the Courts Act 2022 for his participation in a Zoom call that discussed with the other attendees of the call the climate crisis and a proposed peaceful environmental protest. Following his arrest, Mr. Shaw spent 113 days in prison on remand. When eventually released from remand, he has been subject to a range of highly draconian bail conditions including, among others, a 10pm-7am curfew, an electronic monitoring tag, a requirement to sleep at his home address every night, a prohibition from having either direct or indirect contact with any of his co-defendants and a prohibition from participating in any climate change demonstration. Mr. Shaw has been subject to most of these severe restrictions on his personal life for nearly one and a half years.

¹ Aarhus Convention Compliance Committee’s [findings on communication ACCC/C/2014/102 \(Belarus\)](#), ECE/MP.PP/C.1/2017/19, para. 107.

I have now received new information regarding the imminent criminal trial of Mr. Shaw that I consider deeply concerning. With Mr. Shaw's criminal trial set to start today, on 24 June 2024, I have been informed that Mr. Shaw may reasonably expect to face a prison sentence of up to two years (or more) for, in essence, his participation in a Zoom call to discuss a proposed peaceful environmental protest. The imposition of such sanction is not only appalling but may also violate the United Kingdom's obligations under international law.

While, under international law, members of the public who, in the course of exercising their right to engage in peaceful environmental protest, commit acts which contravene domestic law can be prosecuted or sanctioned for those contraventions, any such prosecution or resulting sanction must be "reasonable, proportional and pursue a legitimate public purpose".² If not, the prosecution or sanction may amount to persecution, penalization or harassment under article 3 (8) of the Aarhus Convention.

I fail to see how exposing Mr. Shaw to a multi-year prison sentence for being on a Zoom call that discussed the organization of a peaceful environmental protest is either reasonable or proportionate nor pursues a legitimate public purpose. Rather, I am gravely concerned that a sanction of this magnitude is purely punitive and repressive.

The sanction faced by Mr. Shaw should be a matter of concern for any member of the public in the United Kingdom as well as the international community as a whole. The right to peaceful protest is a basic human right and an essential part of a healthy democracy. When, in the midst of a triple planetary crisis of climate change, biodiversity loss and pollution, a peaceful environmental protester like Mr. Shaw faces an extended prison sentence in the United Kingdom, alarm bells should go off not just across the United Kingdom, but across the international community also. It signals that fundamental pillars of a democratic society are right now in grave peril in the United Kingdom.

In the light of the United Kingdom's failure to provide a substantive response to my letter of 12 March 2024 or to take any apparent steps to address the allegations I put before it in relation to Mr. Shaw, I have decided to issue the present statement. I urge the United Kingdom to ensure that any sanction imposed on Mr. Shaw for his involvement in the organization of peaceful environmental protest is reasonable, proportional and pursues a legitimate public purpose, in compliance with the United Kingdom's international obligations.

In light of the serious concerns I have about the treatment of Mr. Shaw, I have also decided to personally attend, as an observer, parts of the trial of Mr. Shaw and his co-defendants, at Southwark Crown Court.

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To conclude, it is both concerning and disappointing that the United Kingdom, to date, has neither provided a substantive response to my letter of 12 March 2024 nor appears to have taken any steps to halt its alleged persecution, penalization or harassment of Mr. Shaw. To the contrary, based on the new information detailed above, the alleged penalization of Mr. Shaw appears significantly heightened. While I remain available to engage in a constructive dialogue with the government of the United Kingdom in order to ensure that members of the public seeking to protect the environment are not subject to persecution, penalization or harassment, I remind the United Kingdom that, should I fail to see effective, immediate steps by the government of the United Kingdom to halt its alleged persecution, penalization or harassment of Mr. Shaw, the powers granted to me under my mandate empower me to refer the alleged violation of article 3 (8) to the Aarhus Convention Compliance Committee, as a reflection of its seriousness and/or systemic nature.

24 June 2024

² Aarhus Convention Compliance Committee's findings on communication [ACCC/C/2014/102 \(Belarus\)](#), ECE/MP.PP/C.1/2017/19, para. 107.