



JEBBINK SOETEMAN
ADVOCATEN

Panel discussion 1: Freedom of speech

25 April 2026

ECBA

Protected speech/protest or incitement?

 WHILE TEMPERATURES AND SEA LEVELS ARE **RISING** AND SPECIES ARE **DISAPPEARING** BECAUSE OF THE CLIMATE AND ECOLOGICAL CRISIS

 THE GOVERNMENT IS POURING **17.5 BILLION EUROS** A YEAR INTO THE FOSSIL FUEL INDUSTRY.

IT'S TIME FOR ACTION!

 JOIN THE **ROAD BLOCK** THIS SATURDAY.

NO FUTURE IN FOSSIL FUELS

PEOPLE OVER PROFITS



Protected speech/protest or incitement?

1. The planning and publicizing of an assembly are integral parts of the exercise of the rights to freedom of speech and assembly.

- A call on others to participate in a protest thus/therefore is protected by the freedom of speech in light of the freedom of peaceful assembly (ECtHR 30 April 2019, 60921/17 and 7202/18 (*Elvira Dmitriyeva/Russia*)).



Protected speech/protest or incitement?

2. The freedom of peaceful protest includes the right to choose the time, location and manner in which the protest takes place.

- Prosecuting and punishing someone who called on others to participate in a protest in the form of a roadblock thus/therefore may amount to a violation of article 10/11 ECHR.



Protected speech/protest or incitement?

3. Environmental defenders can invoke the protection from the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (in short: Aarhus Convention)

Article 3(8): 8. Each Party shall ensure that persons exercising their rights in conformity with the provisions of this Convention shall not be penalized, persecuted or harassed in any way for their involvement.





**Guidelines on the
Right to Peaceful
Environmental
Protest and Civil
Disobedience***

by Michel Forst,
UN Special Rapporteur on
Environmental Defenders
under the Aarhus Convention

October 2025



Protected speech/protest or incitement?

3. Environmental defenders can invoke the protection from the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (in short: Aarhus Convention)

- Communication about organizing a protest online thus/therefore should be free from authority interference.



[Environmental Policy](#)[Conventions and Protocols](#)[Introduction: Aarhus Convention and Protocol on PRTRs](#)[Aarhus Convention](#) ▾[About the Convention](#) ▸[Introduction](#)[Content](#)[Text](#)[Status of ratification](#)[Amendments](#) ▾

How to make a complaint to the Special Rapporteur

The required form for making a complaint to the Special Rapporteur is available in [English](#), [French](#) and [Russian](#). Complaints should be sent to the Special Rapporteur at: aarhus-envdefenders@un.org.

Section VI of the Complaints Form requires the victim(s) to provide their written consent to the submission of the complaint. If the complaint is submitted by another person on behalf of the victim, or if the complaint concerns more than one victim, each of the victims named in the complaint must provide their written consent to the submission of the complaint, by completing the Consent Form, available in [English](#), [French](#) and [Russian](#).

A complaint may be submitted to the Special Rapporteur on environmental defenders by:

- Any member of the public, either on their own behalf or on behalf of another member of the public;
- A Party to the Convention;
- The secretariat of the Convention.