



# RENEWABLES AND REPRISALS

Defenders at risk in the green energy transition in Brazil, Honduras, Mozambique, and the Philippines.

**Report #103**

**SWED  
WATCH**

Swedwatch is an independent, not-for-profit organisation working to support rights holders in their efforts to claim their rights and to promote responsible business practices by highlighting and addressing their impacts on people and the planet. Swedwatch's work is grounded in thorough research and investigations that form the basis of evidence-based publications and expertise, dialogue, capacity development and exchange facilitation.

Swedwatch has six member organisations: Afrikagrupperna, ACT Church of Sweden (ACT Svenska kyrkan), Diakonia, Fair Action, Solidarity Sweden-Latin America (Latinamerikagrupperna) and the Swedish Society for Nature Conservation (Naturskyddsföreningen).

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People  
Change  
the World

Diakonia



Naturskyddsföreningen

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Hydropower is a well-established renewable energy form, while solar and wind power have been growing their shares of total renewable energy production in the past two decades (see figure 1).

*Photo: iStockphoto*



## Executive summary

To limit global warming to 1.5°C, renewable capacity must triple by 2030, with 90 percent of electricity from renewables by 2050. This report examines the challenges faced by human rights and environmental defenders in the rapidly growing renewable energy sector (1. Introduction, p. 9). The land-intensive character of renewable energy projects can often cause adverse human rights impacts and exacerbate tensions with local communities especially when projects adversely impact local environment or negatively impact access to livelihoods and natural resources that communities depend on (2. The energy transition, p. 14).

Swedwatch's findings, based on an analysis of renewable energy hotspots, and civic space conditions in those countries, as well as interviews with defenders in four countries, reveals that:

- Defenders play a critical role in, not only a green energy transition, but a just energy transition, where human rights are included in efforts to reduce carbon emissions. Restrictions and attacks on defenders limit defenders' rights and civic freedoms, and simultaneously hinders efforts to defend rights of communities impacted by renewable energy projects. In addition, obstacles to defenders' work also block transparency efforts, impact assessments, access to information, and hinder effective implementation and oversight of renewable energy projects.
- The rapid expansion of renewables will largely take place in high-risk countries for defenders (3. High-risk countries for defenders in the renewable energy transition, p. 22).
  - More than half of the world's total prospective wind farm capacity, and more than two thirds of the prospective solar farm capacity, is estimated to take place in countries with obstructed, repressed or closed civic space.
  - Sixteen of the top 20 countries in prospective solar farm capacity, and ten of the top 20 countries in prospective wind farm capacity, severely curb civic space.
  - Several top countries in the energy transition also have the highest rates of killings of defenders, including Brazil, and the Philippines for prospective wind farm capacity, and Brazil, the Philippines, Colombia and Mexico for prospective solar farm capacity.
  - Rapid growth in solar farm capacity in high-risk and conflict-areas like the Democratic Republic of Congo (DRC), which has the third highest prospective growth percentage in solar farm capacity, raises urgent questions about the need for conflict-sensitivity in renewable energy projects.
- In four case studies (4. Case studies, p. 33), defenders from Mozambique, Honduras, Brazil and the Philippines described restrictions of basic civic freedoms and risks of verbal, legal or violent physical attacks when reporting about impacts of renewable energy projects.

- In Mozambique (p. 34), defenders stated that inadequate social- and environmental impacts assessments, lack of transparency, paired with threats and the obstruction of defenders' meetings have marked the planning of the Mphanda Nkuwa hydropower project.
- In Honduras (p. 41), women human rights defenders criticized business actors for pursuing SLAPPs - strategic lawsuit against public participation - against defenders that criticised the solar power project Los Prados. In addition, community members engaged in protests allegedly faced surveillance, and protest repression by security personnel, while defenders stated that they were subject to smear campaigns in the media.
- In Brazil (p. 49), the wind power project Bons Ventos failed to properly consult impacted stakeholders, including marginalised groups, traditional fishing and quilombola communities, according to interviews. Threats and violence against defenders have surged in the past years, prompting defenders to remain anonymous in the interviews, out of fear of reprisals.
- In the Philippines (p. 56), indigenous defenders from the Tumandok communities were allegedly threatened, harassed, and killed when the national police and the armed forces raided their communities after community leaders criticised the Jalaar River Multipurpose project. Defenders reporting on the dam project outlined persecution, surveillance and red-tagging – terror-labelling by the government accusing defenders of being communist insurgents.
- In all four cases, procedural rights – including access to information, Free, Prior, and Informed Consent (FPIC), and meaningful stakeholder engagement – were reportedly routinely violated.

Swedwatch reached out to the companies and investors mentioned in the report to allow commentary on the cases. Eight of eleven companies and investors submitted answers. EDF (Électricité de France), TotalEnergies, Sumitomo in the Mphanda Nkuwa dam project in Mozambique, Scatec, KLP and Norfund in the Los Prados solar power case in Honduras, and the Nordic Investment Bank and the Brazilian Development Bank BNDES in the Bons Ventos wind farm case in Brazil submitted answers, assuring compliance with social standards, and commitment to dialogue with stakeholders. It is commendable that the majority of companies offered answers and expressed commitment to human rights and environmental standards. At the same time, the gap between the expressed commitments and the experiences shared by defenders is concerning and signals a large discrepancy between expressed commitment and compliance. In addition, it is a serious shortcoming that CPFL and BNB in Brazil, and Daewoo Engineering & Construction Co. Ltd in the Philippines, never provided answers on the alleged violations.

Non-compliance with international norms, such as the UN Guiding Principles on Business and Human Rights (UNGPs), can worsen existing grievances, contribute to conflicts with local communities, and infringe on defenders' rights and legitimate work. Risks and impacts associated with renewable energy projects resemble those in recognised high-risk sectors such as mining, oil and gas and agribusiness.

**Swedwatch recommends:**

- That companies and investors strengthen human rights due diligence (HRDD), integrate civic space risks, and ensure meaningful stakeholder engagement with defenders.
- That companies and investors adopt a zero-tolerance policy of reprisals against defenders.
- That companies and investors take appropriate action when their business partners or third parties commit violations in relation to their business activities.
- That governments adopt legislation on mandatory HRDD for companies, highlighting risks to defenders and meaningful consultation with defenders.
- That governments adopt laws on company transparency and access to information.
- That governments adopt policies to ensure the protection of defenders in connection with renewable energy projects and ensure effective remedies.
- Taking civic space risks into account when operating in high-risk environments for defenders is key for human rights compliance. HRDD may not address the key drivers behind economic and social inequalities, but remains a critical tool to identify risks, ensure the respect of human rights, and guarantee effective access to remedy.
- Engaging with defenders as valuable partners rather than as adversaries can help governments and businesses ensure renewable energy projects' alignment with international human rights obligations, mitigate conflicts, and promote sustainable development.

## Recommendations

### Business actors in the renewable energy sector should:

- Conduct HRDD in alignment with the UN Guiding Principles on Business and Human Rights and the OECD Due Diligence Guidance for Responsible Business Conduct. This should include assessing the situation for defenders and engaging in meaningful consultation with defenders and civil society, while ensuring risks are not exacerbated during the consultation process. The HRDD must be gender-sensitive and consider intersectionalities among vulnerable groups of defenders.
- In high risk and conflict-affected areas, companies should conduct heightened HRDD in accordance with United Nations Development Programme's guide on heightened HRDD for business. This includes assessing impacts on human rights and conflicts, and acknowledging that risks to defenders are heightened in these contexts.



- Use leverage over business partners to support defenders and the right to freedom of expression, assembly and association, whenever there is an opportunity to do so. Encourage third parties such as state authorities and business actors to comply with their duties and responsibilities to respect the rights of human rights defenders, protect them from attacks and threats, and to create and maintain an enabling environment where defenders operate freely.
- Adopt a policy commitment to respect defenders. This policy should include a zero-tolerance commitment against any kind of involvement in attacks against defenders within or directly linked to their operations, services and business relationships, even if they have not contributed to these impacts. This policy should include a commitment not to use criminal proceedings strategically or obstruct the legitimate work of defenders, even when they oppose a project.
- Engage in meaningful consultation with potentially affected groups and other relevant stakeholders, including human rights and environmental defenders, and respect Free, Prior, and Informed Consent (FPIC) when applicable.
- Should attacks or violations occur, companies take appropriate measures to prevent further attacks, mitigate their impact and, where appropriate, remediate in accordance with UNGPs, see Appendix: International Frameworks for Protecting Human Rights Defenders in Business and Environmental Sectors (p. 64-67) for more details.
- Promote a clear understanding throughout the company of the role of defenders in safeguarding human rights and the environment.
- Ensure transparency and easy access to information concerning operations and business partners. Such information should be made readily available well in advance of the start of a project and be updated throughout the project life cycle.
- Ensure that cooperation with private and state security forces is aligned with the Guidance on Respecting the Rights of Human Rights Defenders under the Voluntary Principles on Security and Human Rights.

## National governments should:

- Adopt legislation on mandatory HRDD for companies, highlighting their responsibility to conduct meaningful consultation with, and address risks to, defenders in company value chains.
- Ensure a legal framework that requires transparency from companies and access to reliable and unbiased information for rightsholders.
- Guarantee Indigenous peoples' right to FPIC.
- Acknowledge the value of defenders and their right to be protected, as well as their function in upholding the rights of others.

- Acknowledge that defenders are valuable partners for business and state actors when conducting environmental impact assessments, and identifying risks through human rights and environmental due diligence processes.
- Develop clear guidance on how business actors should integrate measures to respect defenders throughout their operations and ensure that state-owned companies lead by example.
- Ensure a safe and enabling environment where human rights and environmental impacts can be investigated and reported without fear of retaliation. This includes upholding a legal environment where defenders are not labelled as ‘terrorists’ under vague and broad terror and security laws, for legitimate work such as criticising projects.
- Establish effective judicial and non-judicial grievance mechanisms for defenders and victims of business-related human rights impacts. Avenues for seeking remedy should be accessible to rightsholders, especially to marginalised groups (i.e. not be overly costly or lengthy).
- Enhance efforts to address factors that allow attacks on defenders to continue, such as impunity for violations.
- Ensure policy coherence by addressing any potential conflicts between green energy transition policies and the state’s duty to protect human rights. This applies to all forms of development, export and climate finance, as well as to trade promotion activities and climate policies, ensuring that these account for risks faced by defenders.
- Ensure that embassies and other diplomatic missions work actively with defenders of human rights and the environment. They must have internal capacity to be able to provide guidance to businesses on how to respect human rights and defenders in line with the UNGPs.

## Development finance institutions (DFIs), development banks and investors should:

- Strengthen due diligence practices to identify, monitor, and assess the severity of human rights and environmental risks, including for defenders.
- Map and assess adverse human rights and environmental risks and impacts, including for defenders. DFIs should carry out their own HRDD, carefully taking defenders and civic space into account, to ensure that their financing, clients and projects are not linked to human rights abuses.
- Clearly communicate expectations, including disclosure of due diligence practices; engage meaningfully with stakeholders, including defenders and, as a last resort, consider divestment and exclusion after repeated failed attempts by investee companies to mitigate adverse human rights and environmental impacts, including impacts on defenders.

## Abbreviations

**BHR:** Business and Human Rights

**BHRRRC:** Business & Human Rights Resource Centre

**FPIC:** Free, Prior, and Informed Consent

**HRD:** Human Rights Defender, referred to as 'defender' in the report

**HRED:** Human Rights and Environmental Defender, referred to as 'defender' in the report

**HRDD:** Human Rights Due Diligence

**IEA:** International Energy Agency

**UNGPs:** United Nations Guiding Principles on Business and Human Rights

**OECD:** Organization for Economic Co-operation and Development

**The OECD Guidelines:** The OECD Guidelines on Multinational Enterprises on Responsible Business Conduct

**OHCHR:** The Office of the High Commissioner for Human Rights

**Solar PV:** Solar Photovoltaic system

**SLAPPs:** Strategic Lawsuits Against Public Participation

**UNWG:** United Nations Working Group on Business and Human Rights

## 1. Introduction

This report highlights the important role of human rights and environmental defenders (hereafter: defenders) in identifying, minimizing and addressing risks connected to human rights and the environment in renewable energy projects. For over two decades, Swedwatch's research has uncovered human rights and environmental impacts of business operations in high-risk industries such as mining, forestry, agriculture, and bioenergy.<sup>1</sup> While renewables are promoted as beneficial for climate change mitigation and widely supported by states, investors, scientists, and the international community,<sup>2</sup> civil society and academic studies have increasingly highlighted their social and environmental harms, sometimes likening them to the rights violations long associated with extractive industries. Key issues include the lack of free, prior, and informed consent (FPIC) from affected communities, inadequate compensation, and conflicts with Indigenous and pastoralist groups.<sup>3</sup> Wind projects, for instance, have been linked to deforestation and habitat fragmentation<sup>4</sup>, while solar developments – such as those in Western Sahara – have been criticised for exacerbating social tensions over water access and prolonging the conflict.<sup>5</sup>

Dialogue and meaningful engagement with defenders are essential to protect communities, and ensure a more sustainable and rights-based energy transition. Such engagement also leads to improved projects outcomes; for example the World Benchmarking Alliance found that businesses that engage with affected stakeholders achieve stronger human rights and environmental performance.<sup>6</sup> Defenders also play a crucial role in ensuring that duty bearers, including states and businesses, fulfil their obligations to protect and respect human rights, as established in the UNGPs.



However, defenders who speak out against abuses often face threats, silencing or even death for raising concerns. In 2019, Swedwatch released a report highlighting the risks faced by defenders working on corporate responsibility in high-risk contexts across nine countries, emphasising the urgent need for companies to take action.<sup>7</sup> Swedwatch and other organizations have also called on financial institutions to address defender-related risks in their investment strategies and to ensure that investee companies conduct thorough HRDD in meaningful dialogue with rights-holders and defenders.<sup>8</sup> In this context, policies and best practices developed in other industries to uphold human rights throughout all stages of project development may help identify and mitigate risks associated with renewable energy projects.

Human rights abuses linked to the renewable energy sector have been increasingly documented, including by the Business & Human Rights Resource Centre (BHRRC). For instance, in 2016, research identified 115 allegations of human rights abuse involving renewable companies since 2005 – with 94 of them occurring after 2010.<sup>9</sup> Further investigations found that between January 2015 and October 2022, there were 360 attacks on human rights defenders who had raised concerns about harms associated with hydropower, solar, and wind projects.<sup>10</sup> However, findings should be considered indicative as the full extent of the impacts of renewable energy projects on defenders remains relatively under-documented – particularly in the rapidly expanding wind and solar power sectors.

Over the past years, several member organisations, their partners, and Swedwatch’s project partner organisations around the world have raised concerns about increasing human rights violations in relation to renewable energy projects. This report outlines key characteristics of a just transition, focusing on the renewable energy sector and the importance of defenders in countering shrinking civic space and reporting on the energy transition. It also highlights countries where limited civic space overlaps with ambitious energy transition plans, identifying areas where defenders are at increased risk. Four case studies provide first-hand accounts from defenders about the impacts they face in hydropower (Mozambique and Philippines), solar (Honduras) and wind (Brazil) projects. The conclusion discusses the key findings and their implications for protecting defenders in a just energy transition.



Solar and wind power are the two fastest growing renewable energy sources. (See Figure 1). Solar and wind farm, China.  
*Photo: iStockphoto*

## Methodology

To identify under-documented impacts of renewable energy projects on defenders, particularly in the wind and solar power sectors, Swedwatch conducted a global mapping of high-risk areas for defenders in the renewable energy sector. This analysis combined data on civic space from CIVICUS with projections of wind and solar capacity expansion, based on datasets from the Global Solar Power Tracker and the Global Wind Power Tracker by the Global Energy Monitor and TransitionZero<sup>11</sup> to identify countries where defenders face heightened risks (for full description, see High-risk Countries for Defenders in the Energy Transition, p. 21). Findings also draw on interviews conducted in September and October 2024 with defenders and affected community members in Mozambique, Honduras, Brazil, and the Philippines, who have raised concerns about renewable energy projects.

Cases and interviewees were identified together with four of Swedwatch's member organisations, Swedish Society for Nature Conservation, Diakonia, Afrikagrupperna and Act Church of Sweden, and selected to demonstrate representative high-risk cases for defenders in the renewable energy sector. The representative cases were chosen to cover 1) different energy forms (solar, wind and hydropower), 2) different geographical regions, and 3) different types of restrictions to defenders' work. The selection is not an exhaustive mapping, but an illustration of how defenders can be impacted in renewable energy projects when civic space is restricted to begin with, and defenders-related safeguards are overlooked.

The testimonies from the interviews provide a transparent account of the challenges they encounter in the energy transition. To ensure a balanced perspective, the companies mentioned in the cases were given the opportunity to comment on the main findings of the research. The summaries of their responses have been included, and full responses are available on Swedwatch's website <https://swedwatch.org/ul/report-human-rights-defenders-at-risk-in-the-renewable-energy-transition/>.

Swedwatch conducted digital interviews with defenders from civil society organisations working to protect communities affected by the renewable energy projects, who in turn also conducted a limited number of complementary interviews with community representatives. Risk assessments were conducted by Swedwatch together with the defenders. Some defenders decided to take part anonymously, due to the high risk of reprisals, threats, or violence. Interviewees have reviewed their case studies to verify accuracy. Only statements and photos where consent for publication was provided are published.

In the Brazilian case, risks-exposure was deemed too significant if individuals' names were published. For this reason, answers were submitted as a group, rather than individually, in order to mitigate reprisals against individuals. Certain geographical areas and duty-bearers were excluded from the report, in cases where partners deemed that the risks were too high. For instance, in one case, human rights defenders determined that being included would pose an unacceptably high risk, potentially exposing a specific community to additional threats. In other cases, participants in the report were already known publicly and openly outspoken. In

such cases, defenders highlighted that increased publicity for their case can help put pressure on duty-bearers and even reduce the risk of attacks. Each case has been judged with careful consideration, on a case-by-case basis, and based on the expressed wishes of the defenders.

## 2. The energy transition

Shifting from a fossil fuels-based energy system to one based on sustainable and renewable energy is crucial for reducing greenhouse emissions and mitigating climate change. However, research from academia and civil society organisations highlights that renewable energy projects, if not accompanied by proper human rights and environmental due diligence, can negatively affect both the environment and the rights of nearby communities. In response, the concept of a just transition – a human rights-based, people-centred approach to moving away from fossil fuels has gained prominence, particularly within academia and civil society, and also among policymakers.

### FACT

#### Box 1. Terminology - a just transition

Originating from labour movements, the *just transition* concept expanded into environmental and climate discussions, emphasizing the protection of marginalized communities during the energy transition. The Paris Agreement, adopted in 2015, included references to a just transition, and the importance of ‘*taking into account the imperatives of a just transition of the workforce and the creation of decent work and quality jobs in accordance with nationally defined development priorities*’.<sup>12</sup> In addition, the 2023 United Nations Framework Convention on Climate Change (UNFCCC) developed the Just Transition Work Programme<sup>13</sup> which seeks to address the social, economic, and environmental impacts of the energy transition, particularly for workers and communities most affected by the change. Despite this commitment, the programme has been criticized for a lack of tangible progress, citing insufficient funding, as well as lack of commitment and accountability in achieving the just transition goals.<sup>14</sup>

### The renewable energy sector

The growing demand for renewable energy is reflected in global forecasts, with experts predicting that renewable energy capacity will need to triple by 2030 to meet climate targets to limit global warming to 1.5°C above pre-industrial levels. By 2050, 90 percent of the world’s electricity can and should come from renewables, according to the International Energy Agency (IEA).<sup>15</sup> In recent years, renewable energy projects have increased significantly and in 2023, investments in renewables, grids and storage surpassed spending on oil, gas and coal for the first time in history.<sup>16</sup> As a result, renewable energy output increased by almost 50 percent between 2022 and 2023, with solar and wind power emerging as the fastest-growing growing sources of electricity generation worldwide, as shown in Figure 1.<sup>17</sup>



## Box 2. Global renewable energy trends according to the International Energy Agency

- In 2024, wind and solar photovoltaic (PV) power are estimated to surpass hydropower in electricity production.
- In 2025, renewable energy is projected to generate more electricity than coal.
- In 2025 and 2026, wind and solar PV are estimated to surpass nuclear power generation.
- In 2028, renewables are expected to account for over 42 percent of global electricity generation, with wind and solar PV accounting for 25 percent.

Source: International Energy Agency, 2024, *Renewables*.  
Available from: <https://www.iea.org/energy-system/renewables>.

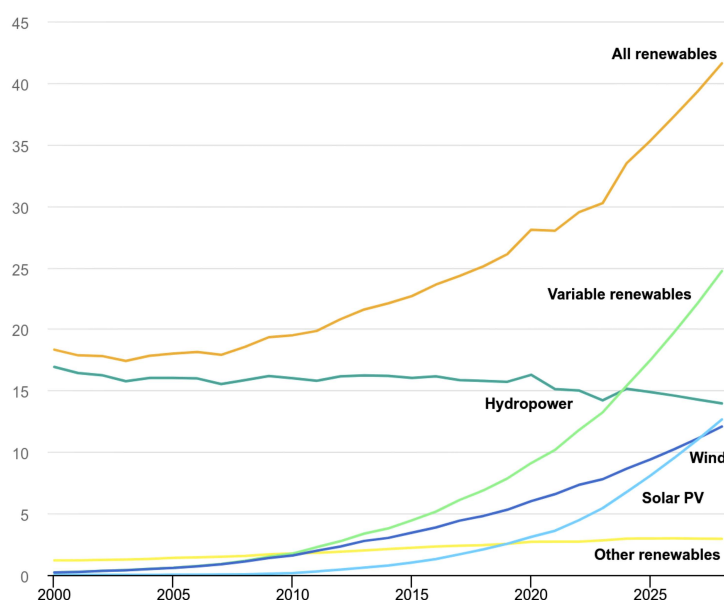


Figure 1. Share of renewable electricity generation by technology.<sup>18</sup>

This unprecedented shift is supported by climate commitments from companies, investors and states. At COP28 in Dubai, 130 countries committed to triple renewable energy generation capacity to 11,000 GW by 2030.<sup>19</sup> Falling production costs, combined with government-backed policy and investment packages are accelerating the transition to clean energy and decarbonisation. Some policies include the EU Renewable Energy Directive of 2023, regional initiatives such as the Renewable Energy for Latin America and the Caribbean Initiative (RELAC), as well as commitments by large countries like China.<sup>20</sup> While recent political developments in some countries may signal a decline in policy and financial support for renewable energy, market forces, technological advancements, and global climate commitments are likely to sustain renewable energy growth in the long term.

## Natural resource-use and conflict

While essential for reducing carbon emissions, the transition to renewable energy requires large land areas for wind parks, dams, reservoirs, and solar parks, as well as significant natural resources for manufacturing turbines, solar panels, machinery, and batteries. Renewable energy production takes place across diverse landscapes, including mainland regions, coastal zones, and riverbanks, often altering local water streams, dunes, forests, ecosystems, and wildlife.

A review of over 100 academic studies and reports on land use found that, ‘despite the challenges that data, definitions, and assumptions impose in making comparisons, academic research demonstrates persuasively that solar and wind generation affect more land than fossil fuel or nuclear generation’.<sup>21</sup>

Experiences from extractive projects show that sectors reliant on natural resources often compete with communities and Indigenous peoples for land and resources vital to their livelihoods, food and sustenance. This frequently sparks criticism and controversy, particularly from defenders. To ensure a just transition, renewable energy companies, investors and governments must address land use conflicts and civic space concerns alongside renewable energy expansion.

## The roles and rights of defenders

Defenders play a crucial role in holding state and business actors accountable for human rights violations and environmental harm,<sup>22</sup> including in energy transition projects. Defenders document the impacts of projects on human rights and environment, raise awareness among stakeholders and identify risks, helping ensure the protection of human rights and the environment. Their work also helps reduce social tensions by amplifying the voices of marginalized groups, whose grievances might otherwise go unheard, thereby contributing to the prevention of grievances escalating into conflicts.

The right to scrutinise business operations, raise concerns about investment projects, and report on human rights abuses and environmental damage is firmly grounded in international human rights frameworks such as the Universal Declaration of Human Rights, and the International Covenant on Civil and Political Rights. These are further reinforced by business and human rights-specific frameworks, including the UN Guiding Principles on Business and Human Rights and the OECD Guidelines on Multinational Enterprises on Responsible Business Conduct (the OECD Guidelines). Additionally, the specific rights of defenders are outlined in the United Nations Declaration on human rights defenders.<sup>1</sup>

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I See more on human rights frameworks in Annex: International Frameworks for Protecting Human Rights Defenders in Business and Environmental Sectors.

### Box 3. Defining human rights defenders

According to the 1998 UN Declaration on Human Rights Defenders, defenders are individuals or groups who act – alone or collectively – to promote, protect, and advance human rights and fundamental freedoms at national and international levels. They advocate for civil, political, economic, social, cultural, land, environmental, and indigenous rights. Defenders take on various roles, including as community defenders, and women's rights defenders, trade unionists and environmental advocates.

They may be members of civil society organizations or individuals from local communities fighting to protect land, culture, and rights. This includes workplace advocates as well as those protesting for human rights, such as women's, children's, or LGBTQI+ rights.

The Declaration acknowledges that everyone can be a defender, since the right to defend human rights by seeking, holding, spreading information, and assembling peacefully is universal. In addition, defenders are both rightsholders themselves, and defenders of others' rights with a key role in preventing violations of human rights and to promote the freedom and self-determination of all.

*Source: UN Declaration on Human Rights Defenders.*

Everyone is entitled to civic freedoms, including freedom of speech, association, and assembly. These rights are fundamental for human rights and environmental defenders, who play a crucial role in protecting vulnerable groups, promoting rule of law, democracy, and corporate accountability. By holding state and business actors accountable, defenders help safeguard fundamental rights. Criminalizing their work not only violates their rights but also weakens broader human rights protections and undermines efforts towards the achievement of the Sustainable Development Goals (SDGs).<sup>23</sup>

Defenders from marginalized groups face additional challenges due to intersecting forms of discrimination.<sup>24</sup> Extractive industries and environmental degradation often exacerbate existing inequalities, with conflicts over natural resources disproportionately impacting women and marginalized communities. These groups, who depend on ecosystems for their livelihoods, face heightened risks of harassment, criminalisation, and violence, exacerbated by weak legal protections and limited support networks. Their work extends beyond environmental protection - it is also a fight for their livelihoods and long-term sustainability of their communities.



## Box 4. Civic freedoms

**THE RIGHT TO FREEDOM OF ASSOCIATION** is the right of any citizen to create or join a formal or informal group to take collective action. Associations can include civil society organisations (CSOs), clubs, cooperatives, non-governmental organisations, religious associations, political parties, trade unions, foundations and online associations, as well as loosely defined groups such as social movements. Associations do not have to be registered for this right to apply. This right also allows groups to access funding and resources.

**THE RIGHT TO FREEDOM OF PEACEFUL ASSEMBLY** is the right of citizens to gather publicly or privately and collectively express, promote, pursue and defend common interests. This includes the right to participate in peaceful assemblies, meetings, protests, strikes, demonstrations and other temporary gatherings for a specific purpose. States not only have an obligation to protect peaceful assemblies; they should also take measures to facilitate them.

**THE RIGHT TO FREEDOM OF EXPRESSION** includes the right to access information, critically evaluate and speak out against the policies and actions of state and non-state actors, and publicly draw attention to and carry out advocacy actions to promote shared concerns, without fear of retaliation from anyone. CSOs should be assured the freedom to carry out investigations and document their findings under this right.

*Source: CIVICUS and the Universal Declaration of Human Rights, article 19 and 20.*

## Shrinking civic space and escalating risks

Over the past two decades, democracy has faced mounting challenges, marked by a global surge in autocratization. Indicators show declining media freedom, increasing civil society suppression, and growing restrictions on free speech.<sup>25</sup> As civic space shrinks, civil society actors struggle to organize, protest, and hold governments and corporations accountable.<sup>26</sup> Defenders face numerous obstacles, ranging from administrative hurdles and legal restrictions, to more severe forms of repression including strategic lawsuits (SLAPPs), unlawful arrests, harassment, threats, and smear campaigns. Many also endure physical attacks – and in extreme cases, even killings. According to Frontline Defenders, arbitrary arrests and detention remain the most common violations, followed by legal actions, death threats, surveillance, and physical violence. Authorities frequently use charges such as disturbing public order, illegal gathering, national security offences, defamation, and terrorism to silence and criminalize defenders.<sup>27</sup>

In 2023 alone, Global Witness documented 196 killings of land and environmental defenders worldwide. Since 2012, the number of murdered defenders has reached a staggering 2,106. Latin America continues to be the deadliest region, accounting for 85 percent of HRED killings in 2023. Within this, Colombia remains the most violent country, with 79 killings in 2023 - 40 percent of all recorded cases.

In Asia, attacks against HREDs are also rising, with 468 defenders killed between 2012 and 2023. The Philippines, in particular, has one of the highest rates, accounting for 298 deaths (64 percent of Asia's total). The countries that feature in this report had high numbers of killings: Brazil was the second deadliest country in the world for HREDs in 2023 with 25 deaths, Honduras the fourth deadliest with 18 deaths, and the Philippines the fifth deadliest with 17 deaths.<sup>28</sup>

Defenders frequently face backlash for opposing harmful business practices, particularly when criticizing investment projects or defending land rights. The mining sector is most commonly associated with these attacks, followed by agribusiness and fossil fuels. As renewable energy projects increase, so do related attacks, with 360 incidents tracked by the BHRRC between 2015 and 2022.<sup>29</sup> Figure 2 *Various forms of attacks against defenders in renewable energy projects* (p. 20) shows some of the often-recurring ones.

FACT

### **Box 5. Human rights policy commitments in the renewable energy sector**

A critical first step for companies and investors in addressing attacks on defenders is to express their commitment to human rights and to human rights defenders.

The UN Working Group on Business and Human Rights urges companies and investors to develop and publish policies specific to human rights defenders or to include these requirements into existing human rights policies. Encouragingly, many renewable energy companies are increasingly recognising the need to respect human rights in the context of their business operations. However, significant gaps remain between market leaders and laggards, as well as between commitments and actual implementation.

The 2023 BHRRC's Renewable Energy & Human Rights Benchmark found that:

- Three-quarters of leading wind and solar companies have strong human rights policies aligned with the UNGPs.
- Only nine percent of wind and solar developers have policies acknowledging the work of HREDs.
- Companies scored poorly when assessed for their responses to serious human rights allegations averaging just one percent compliance, regardless of having a policy in place.

Sources: UN Working Group on Business and Human Rights (2021). *The Guiding Principles on Business and Human Rights: guidance on ensuring respect for human rights defenders*. A/HRC/47/39/Add.2, p. 20-23, and the BHRRC (2024) *Renewable Energy & Human Rights Benchmark 2023*.

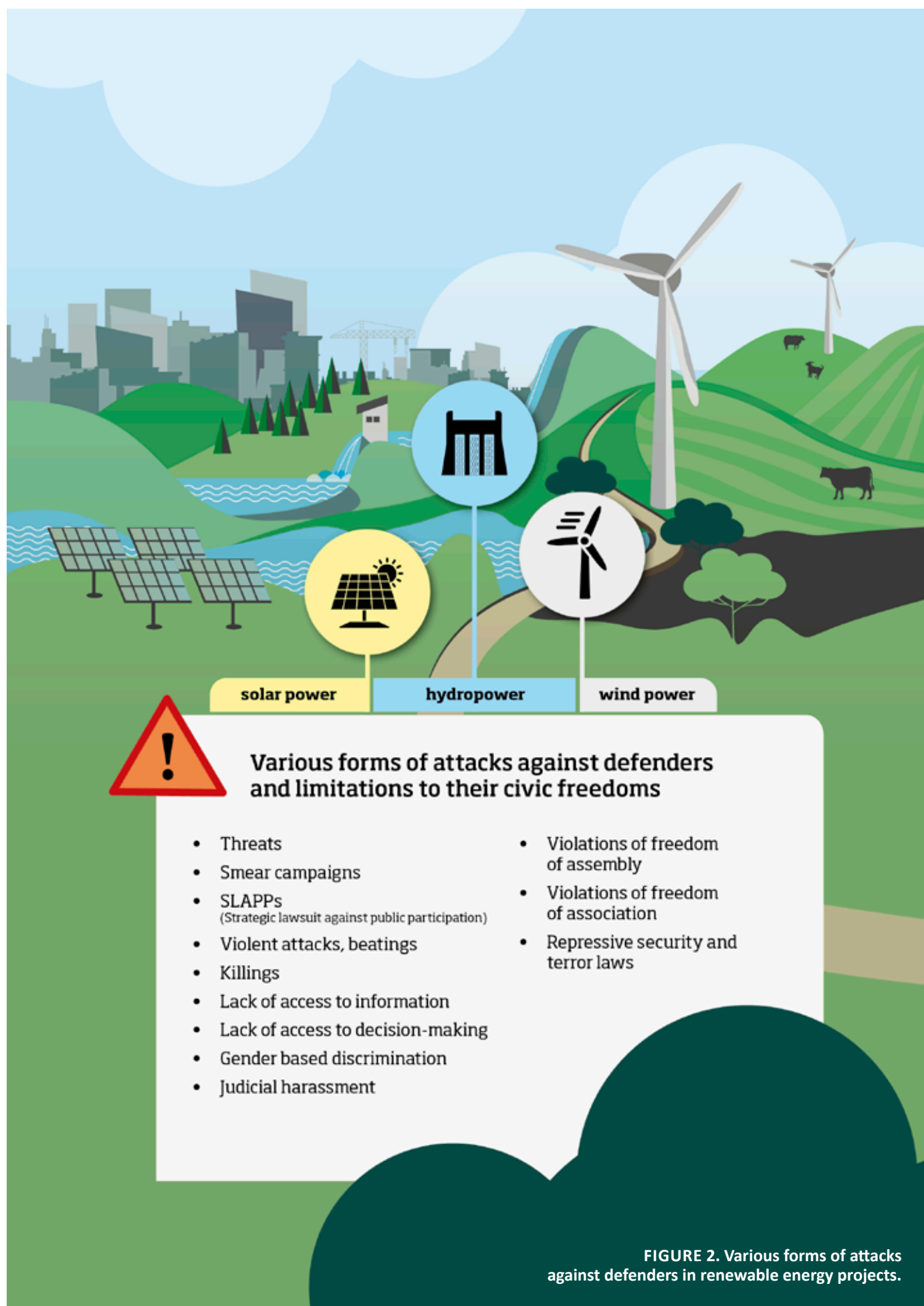


FIGURE 2. Various forms of attacks against defenders in renewable energy projects.

### 3. High-risk countries for defenders in the renewable energy transition

Civic space, which reflects how well countries uphold fundamental civic freedoms such as freedom of association, assembly, and expression, is a crucial indicator of democratic health and the protection of human rights. The civil society organisation CIVICUS tracks such freedoms in different countries. Its CIVICUS Monitor covers 196 countries, rating them along a spectrum of 1-100, ranging from Closed (1-20), Repressed (21-40), Obstructed (41-60), Narrowed (61-80), to Open (81-100).<sup>30</sup>

#### FACT

#### Box 6. CIVICUS Scores

**OPEN (81-100)** = The State enables and safeguards civic space for all people, the police protect protesters, citizens are free to form associations.

**NARROWED (61-80)** = The State allows individuals and CSOs to exercise their rights to freedom of association, peaceful assembly and expression. However, violations of these rights also take place.

**OBSTRUCTED (41-60)** = Civic space is heavily contested by power holders, who impose a combination of legal and practical constraints on the full enjoyment of fundamental rights.

**REPPRESSED (21-40)** = Civic space is significantly constrained. Active individuals and civil society members who criticise power holders risk surveillance, harassment, intimidation, imprisonment, injury and death.

**CLOSED (1-20)** = there is complete closure - in law and in practice - of civic space. State and powerful non-state actors imprison, injure, and kill people with impunity for exercising their rights to associate, assemble, and express themselves. Criticism of authorities is severely punished.

*Source: CIVICUS Monitor (2024) 'Ratings'.*

The data presented by CIVICUS Monitor is not an overall measurement of democracy but a specific measurement of civic freedoms. Countries with high scores on electoral democracy can still score medium or relatively low in civic freedoms, such as the instance of the United Kingdom (categorisation: Obstructed) where the police and security forces have increasingly restricted protests, jailed activists, engaged in racial profiling and used excessive force, according to documentation by CIVICUS.<sup>31</sup>

Swedwatch analysed data from the Global Energy Monitor and TransitionZero on solar power, Global Energy Monitor data on wind power, and compared it with CIVICUS civic space scores. This assessment highlights countries where the renewable energy transition coincides with restricted civic space, posing higher risks for defenders facing reprisals, violence, and obstacles to their work. Low civic space scores combined with rapid renewable energy expansion heighten these risks.



Analysing civic space scores, and comparing it to prospective capacity and expected growth in renewables, can help identify geographic areas where there is heightened risk for defenders in the energy transition, and where business actors, investors, and state entities involved must conduct due diligence with particular focus on defenders-related risks, address potential threats, and ensure remedies for violations. The tables 1-4 under Renewable Energy Growth and Civic Space Risks (p. 24-31) compare projected wind and solar developments with civic space scores, identifying regions where risks to defenders are expected to rise.

## Renewable energy growth and civic space risk

The data collected from CIVICUS, Global Energy Monitor and TransitionZero reveals that a substantial portion of the expansion of renewables will take place in countries with restricted civic space where human rights are frequently violated. In these countries, defenders face elevated risks when reporting on the shortcomings of renewable energy projects. This increases the likelihood that companies and investors will fail to uphold human rights, procedural rights and to comply with established BHR principles such as ensuring meaningful stakeholder engagement. In these contexts, defenders might also be unfairly labelled as working ‘against development’ and as ‘enemies of the State’ – a common accusation seen i.e. in hydropower projects.<sup>32</sup>

As the renewable energy sector expands rapidly, these risks are amplified by the size and swift expansion of the sector. Table 1 *Top 20 countries/areas by prospective wind farm capacity in megawatts (MW) and their civic space status* (p. 24) and Table 3 *Top 20 countries/areas by prospective solar farm capacity in megawatts (MWac) and their civic space status* (p. 30) show prospective capacity in wind farms and solar parks, which measure projects that are announced, under pre-constructions or under construction. In other words, these estimate the projected increase in MW in wind farm capacity and in MWac in solar farm capacity.

Table 2 *Top 20 countries/areas by wind farm capacity growth (prospective/operating) and their civic space status* (p. 25) and Table 4 *Top 20 countries/areas by solar farm capacity growth (prospective/operating) and their civic space status* (p. 31) show countries with the highest percentage growth, calculated as the ratio of prospective capacity to operating capacity (prospective/operating). In other words, it measures the percentage increase in a country’s prospective capacity relative to its current operational wind and solar power.

## Wind power and civic space risks

As shown in Table 1 *Top 20 countries/areas by prospective wind farm capacity in megawatts (MW) and their civic space status*, only five of the top 20 countries are categorised as ‘Open’, with free media and protected civic rights.<sup>33</sup> In contrast, half of these countries have restricted civic space - either ‘Obstructed’ (three countries); ‘Repressed’ (four countries) or ‘Closed’ (three countries). When summarizing the total wind farm capacity, it shows that over half of the world’s total prospective wind farm capacity will be developed in countries with obstructed, repressed or closed civic space,

which significantly heightens the risks for defenders monitoring the impacts of these projects. It also impacts the ability to track and get accurate information on the human rights and environmental impacts and performance of these projects. Brazil and the Philippines, representing around 15 percent of global wind power growth, are notable for high levels of violence against defenders. Brazil was the second deadliest country in the world for defenders with 401 estimated killings in 2012-2023, and the Philippines were the third deadliest country in the world 2012-2023, with an estimated murdering of 401 defenders, according to Global Witness.<sup>34</sup> Additionally, nearly a third of the prospective wind farm capacity is in China – where closed civic space severely restricts defenders’ ability to monitor and report on renewable energy projects.

Table 2 highlights countries with the highest percentage growth in wind farm capacity (prospective/operating). Countries such as Brazil, Egypt, Morocco<sup>II</sup>, Kazakhstan, Peru, and Vietnam are expanding their wind power industries significantly, even as civic space remains restricted, and defenders are expected to face risks when reporting on these projects.

The combination of rapid wind power expansion and limited civic freedoms creates serious challenges for defenders, elevating their vulnerability to reprisals and threats. This underscores the need for investors, business actors, and governments to prioritize defender-related risks and implement due diligence in the wind power sector.

## Expansion of the renewable energy sectors in Mozambique, Honduras, Brazil and the Philippines

The case studies in the report – Mozambique, Honduras, Brazil and the Philippines - all have growing renewable energy sectors combined with low civic space scores, which places defenders at increased risk. According to the Global Wind Power Tracker and the Global Solar Power Tracker,<sup>35</sup> Mozambique is expecting to grow its solar farm capacity by 11,911 MWac, and wind farm capacity by 150 MW, while also expanding in hydropower capacity, as developed further in the Case study 1: Hydropower in Mozambique. Honduras is expecting to grow its wind farm capacity by 112 MW and solar farm capacity by 139 MWac. Expansion of renewable energy projects in countries like Mozambique and Honduras, with ‘Repressed’ civic space according to CIVICUS, always poses increased risks to defenders. In addition, Honduras is the fifth most dangerous country for defenders in terms of deadly violence during the last decade, according to Global Witness.<sup>36</sup> The other two case studies in the report, Brazil and the Philippines, are both among the top 20 countries by prospective wind and solar farm capacity, which heightens the risk even further by the sheer size and speed of the expansion.

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II The wind and solar trackers track the occupied Western Sahara separately from Morocco. These projects are listed as ‘Western Sahara’ in the ‘Country/Area’ column of the download data and summary sheets, see webpage <https://globalenergymonitor.org/projects/>. Morocco is under heavy criticism from international actors for its occupation of Western Sahara, and the UN lists Western Sahara as a Non-Self-Governing Territory since 1963. Human rights organisations, e.g. Western Sahara Resource Watch, have highlighted that the renewable energy projects in Western Sahara fortifies Morocco’s dependency on natural resources in the area, greenwashes the occupation, and contributes to a prolonged conflict.

**Table 1.** Top 20 countries/areas by prospective wind farm capacity in megawatts (MW) and their civic space status

Rank	Country/Area	Prospective capacity (MW) (Sum of Construction, Pre-construction, Announced)	Percent of global total	CIVICUS civic space status	CIVICUS score 1-100
	Global total	2,470,053	100.00%		
1	China	544,529	22.05%	Closed	10
2	Brazil	278,305	11.27%	Obstructed	52
3	Australia	257,463	10.42%	Narrowed	76
4	Sweden	134,499	5.45%	Open	87
5	United Kingdom	102,288	4.14%	Obstructed	60
6	United States	101,803	4.12%	Narrowed	62
7	Philippines	78,378	3.17%	Repressed	34
8	Vietnam	70,906	2.87%	Closed	10
9	Ireland	69,333	2.81%	Open	81
10	South Korea	63,253	2.56%	Narrowed	73
11	Mauritania	58,100	2.35%	Repressed	40
12	Egypt	47,537	1.92%	Closed	20
13	Italy	46,157	1.87%	Narrowed	65
14	Japan	45,447	1.84%	Open	84
15	Finland	41,535	1.68%	Open	92
16	Spain	41,103	1.66%	Narrowed	72
17	Morocco	36,071	1.46%	Obstructed	43
18	Oman	32,436	1.31%	Repressed	23
19	Denmark	30,320	1.23%	Open	94
20	Kazakhstan	30,282	1.23%	Repressed	31
115	Mozambique	150	0.006%	Repressed	39
118	Honduras	112	0.005%	Repressed	37

Source: Comparison compiled by Swedwatch, February 2025. Data from Global Wind Power Tracker, Global Energy Monitor, February 2025 release, and CIVICUS February 2025.

## Solar power and civic space risk

Table 3 *Top 20 countries/areas by prospective solar farm capacity in megawatts (MWac) and their civic space status* (p.30) illustrates that none of the 20 countries with the largest solar farm prospective capacity have open civic space. Four countries (United States, Australia, Spain and Chile) have a narrowed civic space where legal protections exist, but where violations still occur, according to the CIVICUS scores. Sixteen of the top 20 countries, covering more than two thirds of the prospective solar farm capacity, have repressed, obstructed or closed civic space. China dominates the solar power transition with around 35 percent of the global solar farm prospective capacity, combined with a closed civic space, posing significant risks to defenders who report on solar projects.

Several of the countries with the highest prospective solar farm capacity are also among the most dangerous for human rights defenders. In the past decade, high levels of violence against defenders were widespread in countries like Colombia (461

**Table 2.** Top 20 countries/areas by wind farm capacity growth (prospective/operating) and civic space status

Rank	Country/Area	Percent Prospective Growth Percentage (prospective/operating) >500MW operating	CIVICUS civic space status	CIVICUS Score 1-100
1	Philippines	9287%	Repressed	34
2	South Korea	4253%	Narrowed	73
3	Morocco	2694%	Obstructed	43
4	Egypt	2411%	Closed	20
5	Kazakhstan	2397%	Repressed	31
6	Estonia	1755%	Open	91
7	Australia	1696%	Narrowed	76
8	Ireland	1555%	Open	81
9	Serbia	1421%	Obstructed	49
10	Uzbekistan	935%	Closed	20
11	Sweden	885%	Open	87
12	Vietnam	858%	Closed	10
13	Japan	801%	Open	84
14	Brazil	732%	Obstructed	52
15	Peru	558%	Repressed	40
16	Denmark	506%	Open	94
17	Greece	492%	Obstructed	57
18	New Zealand	486%	Open	89
19	Finland	457%	Open	92
20	Taiwan	416%	Open	82

Source: Comparison compiled by Swedwatch, February 2025. Data from Global Wind Power Tracker, Wind Farms >500MW Operating, Global Energy Monitor, February 2025 release, and CIVICUS Monitor, 12 February 2025.

killings during 2012-2023), Brazil (401 killings during 2012-2023), the Philippines (298 killings during 2012-2023), and Mexico (203 killings during 2012-2023)<sup>37</sup>, amplifying the risks for those exposing issues related to renewable energy projects.

Table 4 *Top 20 countries/areas by solar farm capacity growth (prospective/operating) and their civic space status* shows that 14 out of the 20 countries with the highest prospective growth percentage of solar farm capacity (measured as the prospective capacity in the solar sector relative to current operations) have obstructed, repressed or closed civic space. As these countries expand their renewable energy capacity, defenders face heightened risk if they oppose or criticise the implementation of projects, or advocate for compliance with human rights standards.

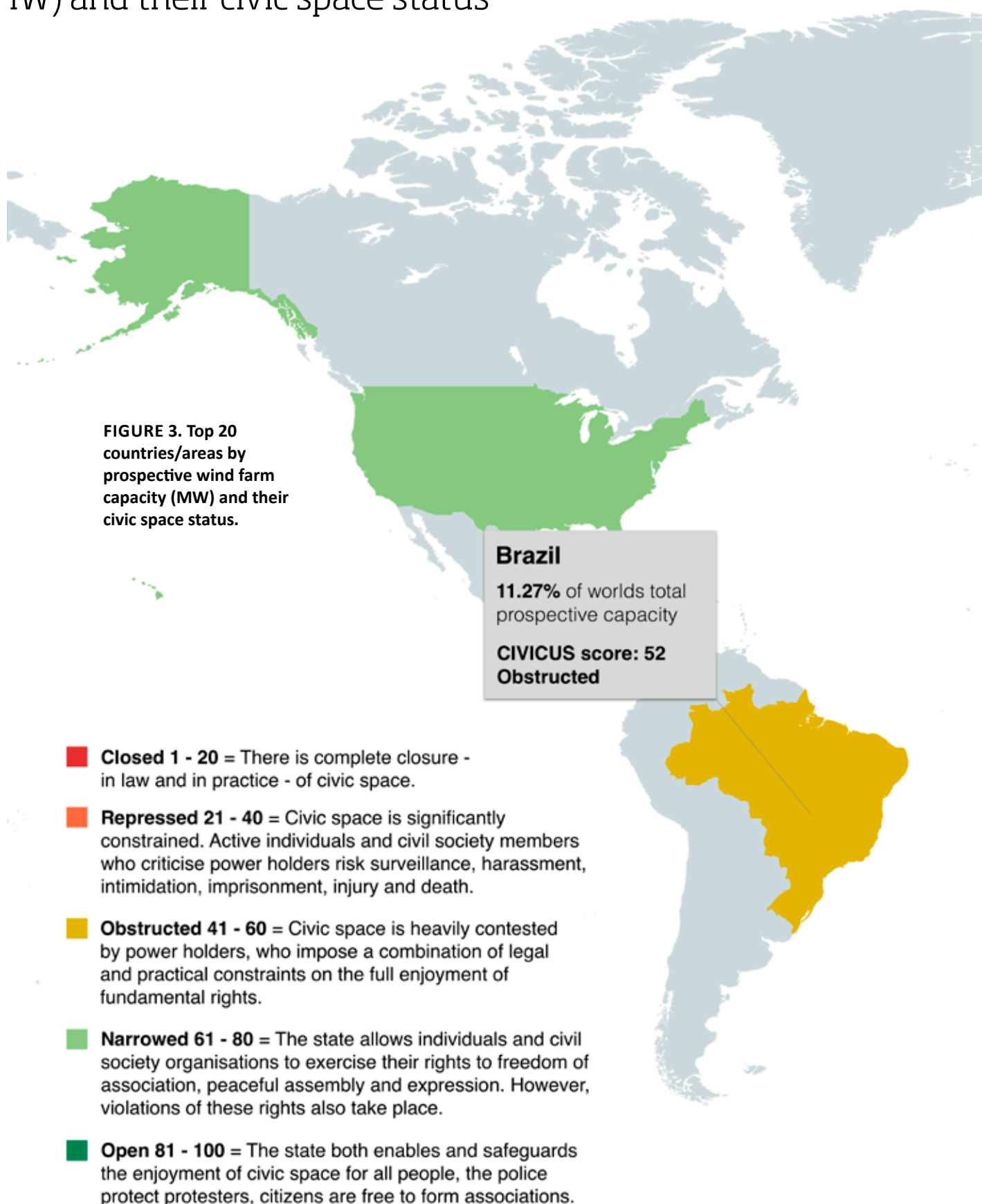
## Conflict sensitivity and solar farm capacity growth

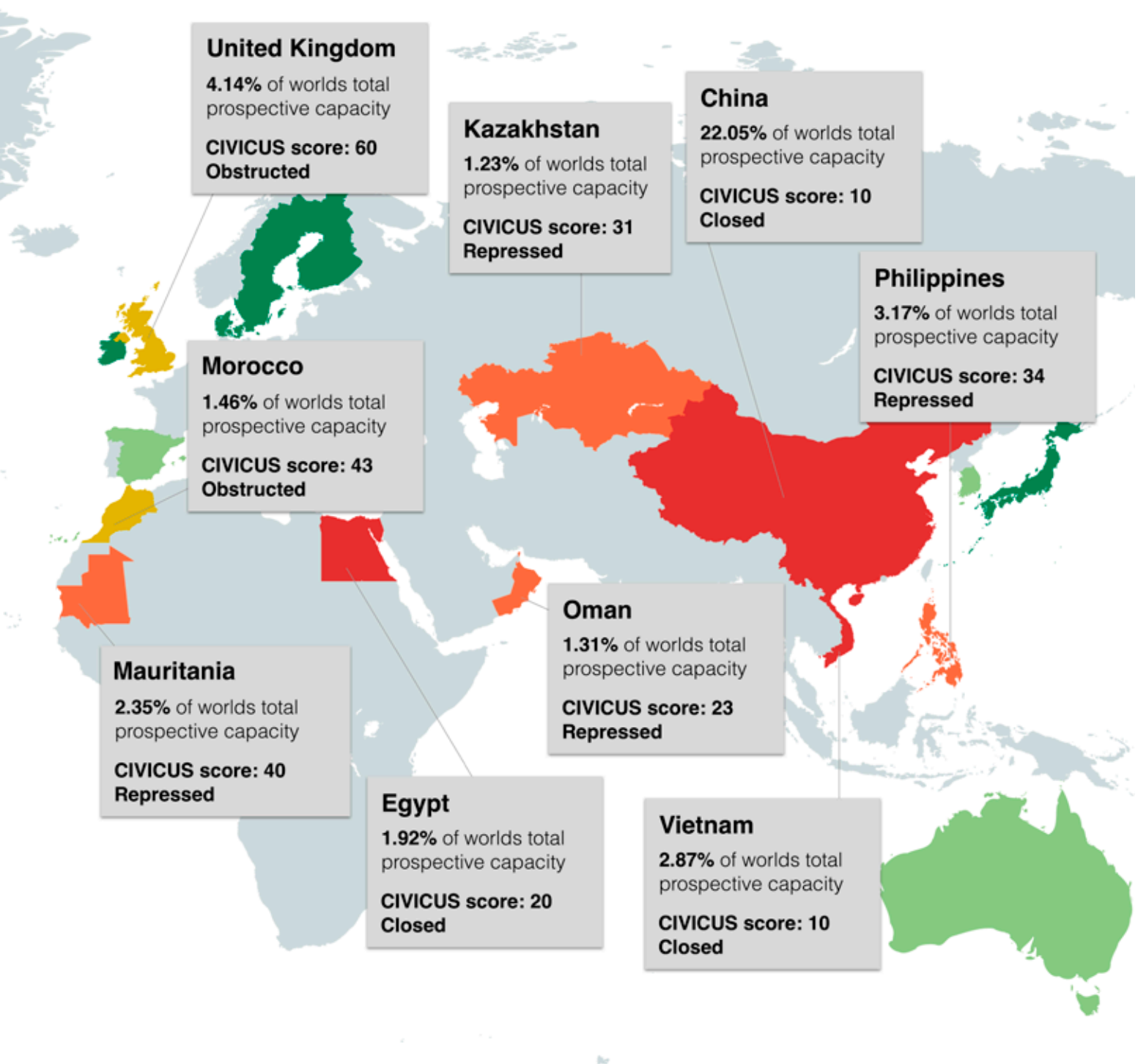
The prospective growth of solar farm capacity in conflict-prone areas like DRC (see Table 4 *Top 20 countries/areas by solar farm capacity growth (prospective/operating) and their civic space status*, p. 31) or high-risk areas raises critical concerns about the need for conflict-sensitivity in renewable energy projects. Companies that operate in high-risk and conflict-affected areas are more likely to



# Top 20 countries/areas

by prospective wind farm capacity (MW) and their civic space status

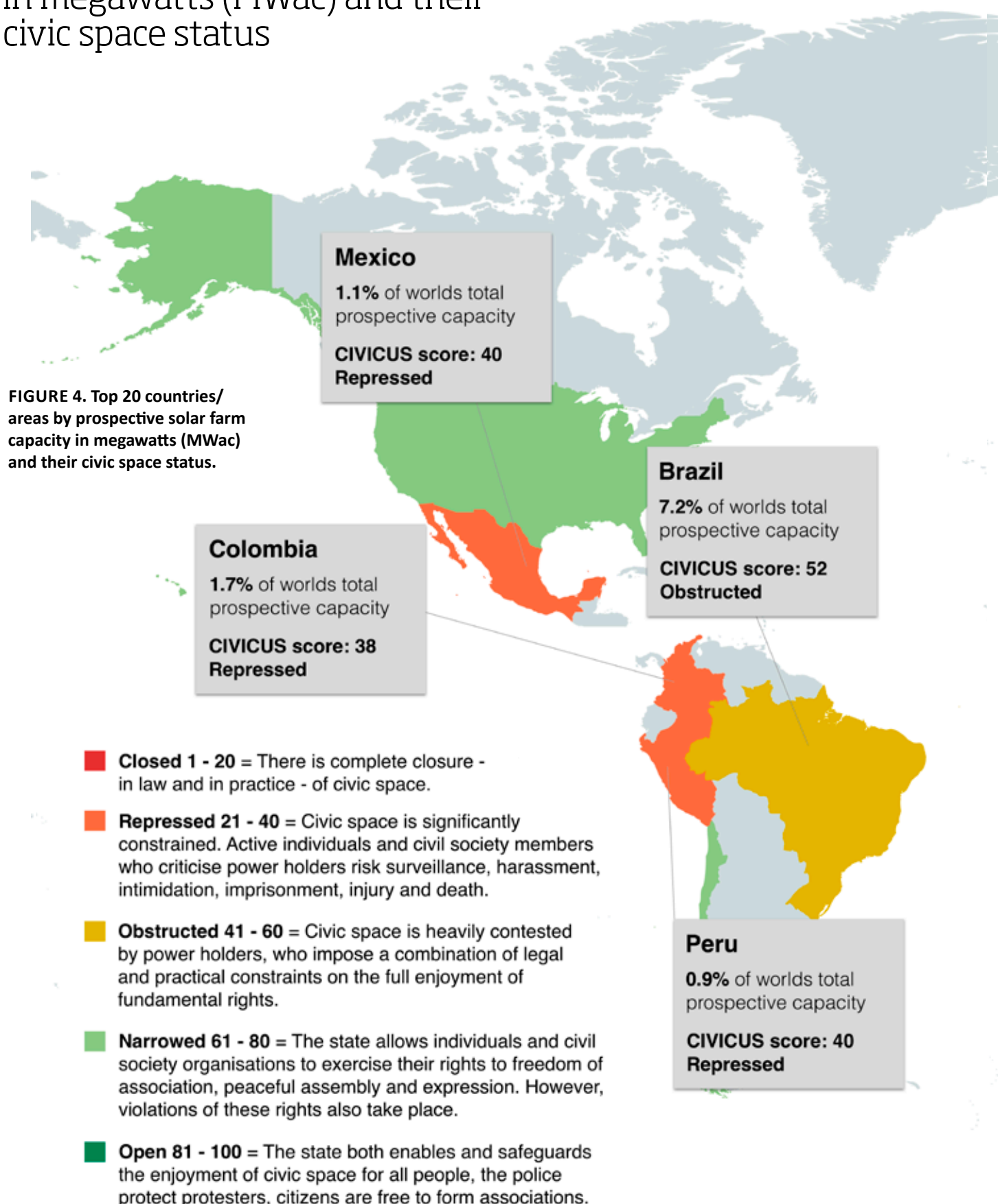


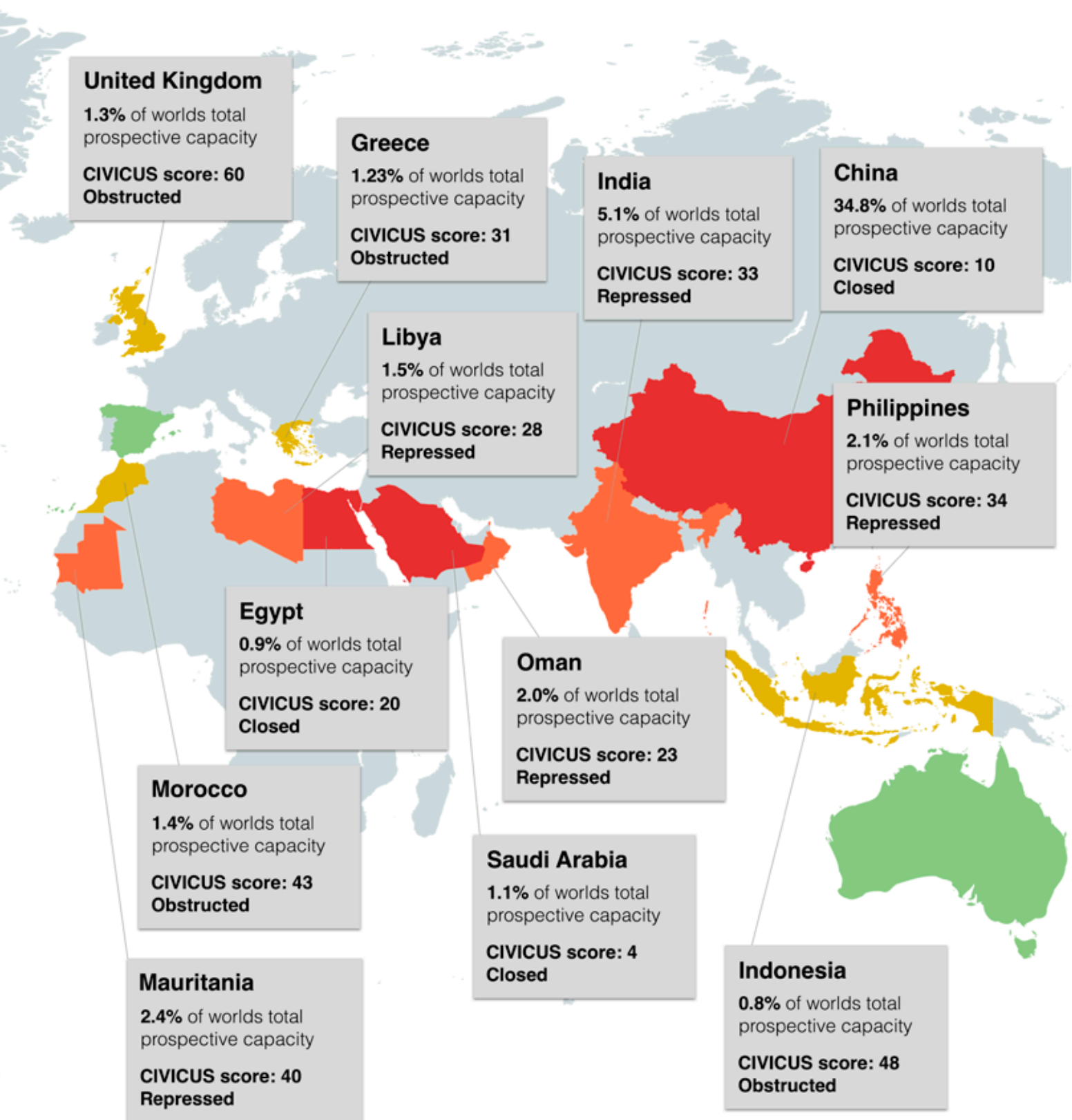


Map interface created  
with mapchart.net

# Top 20 countries/areas

by prospective solar farm capacity in megawatts (MWac) and their civic space status





Map interface created  
with mapchart.net



**Table 3.** Top 20 countries/areas by prospective solar farm capacity in megawatts (MWac) and their civic space status

Rank	Country/Area	Prospective solar capacity (MWac) (Sum of Construction, Pre-construction, Announced)	Percent of Global Total	CIVICUS civic space status	CIVICUS score 1-100
	Global Total	1,927,613	100%		
1	China	670,935	34.8%	Closed	10
2	Brazil	139,376	7.2%	Obstructed	52
3	United States	116,636	6.1%	Narrowed	62
4	Australia	114,147	5.9%	Narrowed	76
5	Spain	103,062	5.3%	Narrowed	72
6	India	98,442	5.1%	Repressed	33
7	Greece	64,512	3.3%	Obstructed	57
8	Mauritania	47,032	2.4%	Repressed	40
9	Philippines	40,359	2.1%	Repressed	34
10	Oman	39,508	2.0%	Repressed	23
11	Colombia	31,955	1.7%	Repressed	38
12	Libya	28,039	1.5%	Repressed	28
13	Morocco	26,219	1.4%	Obstructed	43
14	United Kingdom	25,070	1.3%	Obstructed	60
15	Chile	24,830	1.3%	Narrowed	80
16	Saudi Arabia	21,363	1.1%	Closed	4
17	Mexico	20,943	1.1%	Repressed	40
18	Egypt	17,320	0.9%	Closed	20
19	Peru	16,820	0.9%	Repressed	40
20	Indonesia	14,769	0.8%	Obstructed	48
22	Mozambique	11,911	0.6%	Repressed	39
124	Honduras	139	0.007%	Repressed	37

Source: Comparison compiled by Swedwatch, February 2025. Data from Global Solar Power Tracker, Global Energy Monitor and TransitionZero, February 2025 release, and CIVICUS Monitor, February 2025.

contribute to gross human rights violations through their operations. Businesses are not neutral actors in high-risk and conflict-affected areas and should always identify potential and actual impacts on human rights as well as on the conflict (heightened HRDD), in order to avoid contributing to increased conflict or violations of human rights.<sup>38</sup> In addition, and as highlighted throughout the report, the land-intensive nature of the solar, wind and hydropower sectors poses additional risks to communities and can contribute to increased tensions since company activities dependent on natural resources and land frequently compete with communities and Indigenous peoples for land and resources essential to their livelihoods, food, and sustenance. Research from International Alert specifically linked solar power projects to adverse conflict impacts in Western Sahara, i.e. by linking solar power to water competition in an already water scarce region, jeopardising the livelihoods of the local population dependent on irrigated agriculture and livestock herding. This, in combination with a lack of conflict-sensitivity and respect for BHR, posed a joint threat to prospects of peace.<sup>39</sup>

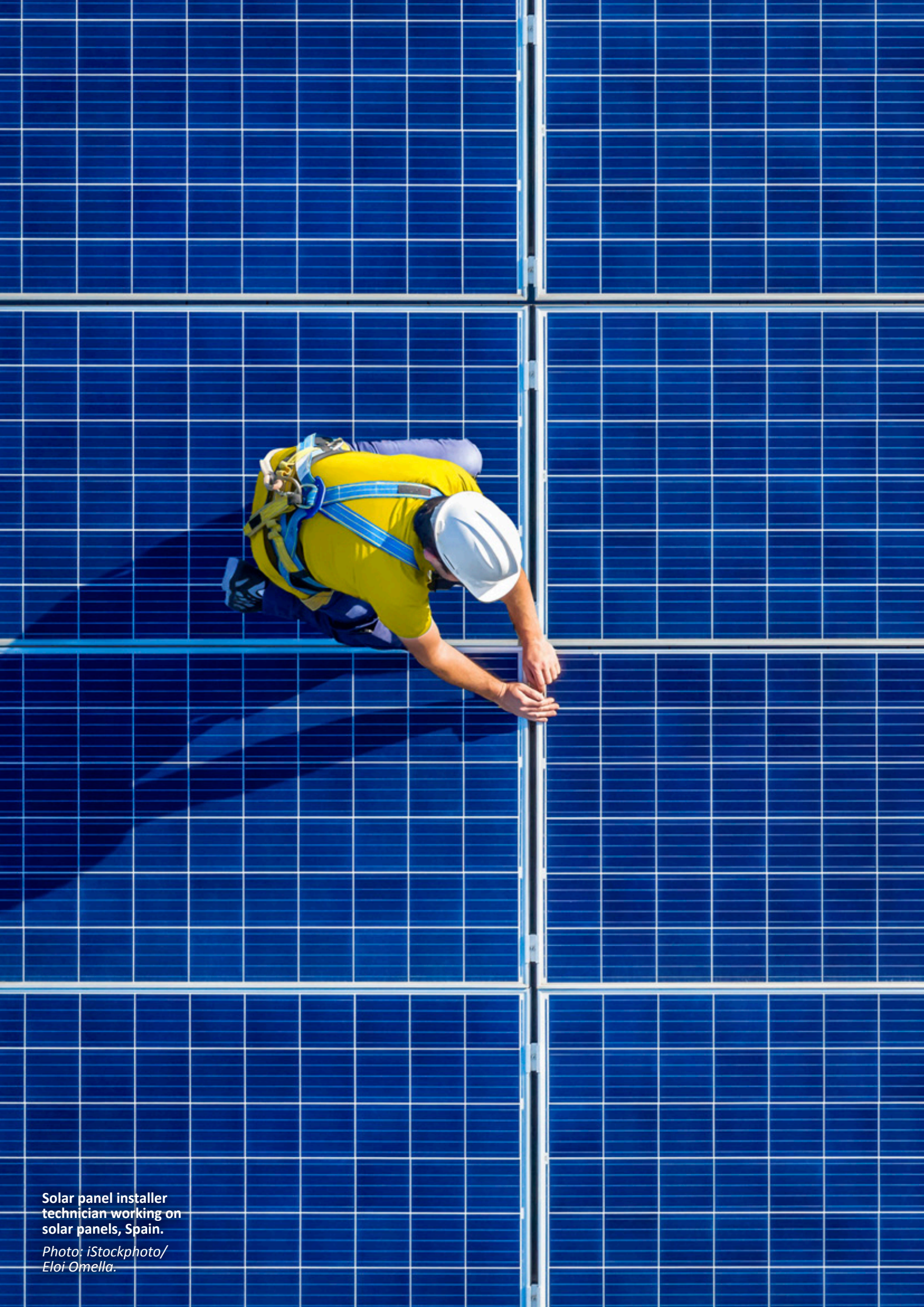
Expansion of solar and wind farm capacity in countries with conflict or widespread violence places defenders at heightened risk of attacks, and requires companies and investors to be conflict sensitive in their operations and investment decisions, and stresses the need for heightened HRDD that takes conflict impacts into account in the due diligence.<sup>40</sup>

**Table 4.** Top 20 countries/areas by solar farm capacity growth (prospective/operating) and their civic space status<sup>III</sup>

Rank	Country/Area	Percent Prospective Growth Percentage (Prospective / Operating)	CIVICUS civic space status	CIVICUS score 1-100
1	Ethiopia	207827%	Closed	20
2	Montenegro	92909%	Narrowed	76
3	DR Congo	62090%	Repressed	27
4	Norway	42051%	Open	97
5	Mauritania	35308%	Repressed	40
6	Botswana	20352%	Narrowed	69
7	Finland	14415%	Open	92
8	Tunisia	13718%	Repressed	37
9	Mozambique	11995%	Repressed	39
10	Sri Lanka	10192%	Repressed	37
11	Bahrain	8738%	Closed	18
12	Republic of the Congo	7022%	Repressed	30
13	Serbia	6806%	Obstructed	49
14	Kuwait	6668%	Repressed	27
15	Laos	6303%	Closed	6
16	Libya	6092%	Repressed	28
17	Paraguay	5170%	Obstructed	56
18	Namibia	4915%	Narrowed	80
19	Greece	4619%	Obstructed	57
20	New Zealand	4100%	Open	89

Source: Comparison compiled by Swedwatch, February 2025. Data from Global Solar Power Tracker, Global Energy Monitor and TransitionZero, February 2025 release, and CIVICUS Monitor, 12 February 2025.

III The data outlining the Top 20 countries by solar farm capacity growth (prospective/operating) and their civic freedom status, covers all countries regardless of operating capacity, and was chosen to highlight important points about growth in solar farm capacity in high-risk and conflict-affected areas, like the DRC. The data that outlines the top 20 percentage growth>500 MW operating, also shows a few notable risks for defenders. Colombia is the world's most dangerous place to be a defender in, with an estimated 461 killings in 2012-2023, and has the 8<sup>th</sup> largest growth in solar farm capacity (above 500 MW operating capacity). Philippines is the third most dangerous country in the world for defenders, with a staggering reported 298 killings during 2012-2023, and ranks as the fifth largest growing solar farm capacity (above 500 MW operating capacity). See Global Solar Power Tracker Top Data - Feb 2025, Top 20 percent growth>500 MW, and Global Witness (2024) Missing Voices.



Solar panel installer  
technician working on  
solar panels, Spain.  
*Photo: iStockphoto/  
Eloi Omella.*



## 4. Case studies

This section illustrates specific challenges faced by human rights and environmental defenders in hydro, solar and wind power projects in Mozambique, Honduras, Brazil and the Philippines. It serves as a reminder that the transition to sustainable energy is not just a technological shift but also a social, political, and economic one. An enabling environment for defenders – including environmental activists, Indigenous communities, and human rights advocates – is necessary to ensure responsible implementation of renewable energy projects, with due consideration for local communities and the environment. However, defenders frequently face threats, intimidation and even violence for their efforts. Protecting and empowering them is essential for the success and sustainability of renewable energy initiatives. The fact that these testimonies are not unique to the four project sites underscores the urgency of listening to defenders, allowing their experiences to inform the global pursuit of clean energy. The experiences of these defenders shed light on the broader risks associated with renewable energy projects when implemented without adequate safeguards for human rights and environmental protection. Swedwatch interviewed human rights advocates raising concerns about such projects in their communities.

In Mozambique, a defender from the organisation Justiça Ambiental (JA!) was interviewed about the Mphanda Nkuwa hydropower project. In Honduras, defenders from the organisation Red de Abogadas Defensoras de Derechos Humanos (Network of Women Human Rights Lawyers and Defenders) were interviewed about Los Prados solar project. In Brazil, defenders from the organisation Instituto Terramar were interviewed about the Bons Ventos wind power projects. In the Philippines, a defender from the Jalaur River for the People's Movement (JRPM) was interviewed about the Jalaur River Multipurpose Project, a hydropower project.

These cases take place in countries with significant challenges in terms of civic space, and where the rapid expansion of renewables has intensified challenges for local communities. Notably, European companies and investors are involved in all these cases, except for the project in the Philippines, which is financed by a South Korean investor.

Each case presents background information, firsthand accounts from defenders, and a brief analysis of the challenges they face, framed within well-established international human rights frameworks. To ensure full transparency, full interview texts are published, allowing defenders to share their unfiltered experiences of the impacts of these projects have on their communities and the environment.

These cases serve as a snapshot of the challenges, risks and impacts that defenders encounter while working to safeguard human rights and the environment in connection to renewable energy projects. Collectively, these offer critical insight into the realities faced by defenders and the broader implications of these projects. Each case also includes a brief statement from the companies involved. All companies mentioned in the report were contacted for review and given the opportunity to provide feedback and clarification, with their responses are included at the end of each case.



The defenders' testimonies reveal serious human rights risks and critical gaps in the implementation of renewable energy projects, which fail to meet the standards set by the UNGPs and the OECD Guidelines. This includes, but is not limited to, the enjoyment of civil and political rights, human rights and environmental due diligence, stakeholder engagement and access to information. The interviews also revealed risks concerning the rights of Indigenous peoples, social, economic and cultural rights, and the right to a clean and healthy environment. The extent and recurrence of the challenges outlined by defenders should be further mapped and investigated, especially as the energy transition accelerates, expanding in both reach and impact.

### **Case 1. Hydropower in Mozambique: Lack of access to information in the Mphanda Nkuwa hydropower project**

Mozambique has the largest power generation capacity in the southern African region and is a net exporter of electricity to neighbouring countries, primarily to South Africa.<sup>41</sup> Recognising energy access as a policy priority, the Mozambique government has made significant strides, increasing the population's access to energy from 40 percent in 2021 to 64 percent in 2024, with a target of 100 percent in 2030. Additionally, the government aims to position Mozambique as a key energy hub in Sub-Saharan Africa.<sup>42</sup>

Mozambique relies heavily on hydropower for energy generation, and several large hydro projects are under construction. In the Integrated Master Plan Mozambique Power System Development 2018, the Ministry of Mineral Resources outlined 17 planned hydropower projects, with the Zambezi River playing a crucial role for



Justiça Ambiental! (JA!) works with communities that would be affected by the Mphanda Nkuwa hydropower project planned for the Zambezi River in the province of Tete.

*Photo: From video material by Justicia Ambiental*



**FIGURE 5. Location of the Mphanda Nkuwa project.**

future power generation and energy supply.<sup>43</sup> Mozambique has the eighth highest hydropower capacity in Africa,<sup>44</sup> and in 2022 renewable sources accounted for 83.7 percent of electricity generation, with hydropower being the dominant contributor.<sup>45</sup> However, the rapid expansion of large-scale hydropower projects has raised growing concerns among civil society organisations and local communities. Key issues include the social and environmental impacts of large dams, including ecosystem impacts, displacement of communities, lack of respect for procedural rights and lack of access to information and participation in decision-making relating to these projects.<sup>46</sup>

The Mphanda Nkuwa hydropower project – harnessing energy from the Zambezi River, one of Africa’s largest rivers – is expected to have a capacity of 1,500 megawatts, supplying electricity both domestically and for the export, with the first turbine expected to start operating in 2031. The project will also include a 1,300 km transmission line, connecting the hydropower plant to Maputo.<sup>47</sup> In December 2023, the government of Mozambique signed a development agreement to construct a five billion dollar hydropower project in this area, with the Gabinete de Implementação do Projecto Hidroeléctrico de Mphanda Nkuwa (GMNK), Electricidade de Moçambique (EDM) and Hidroeléctrica de Cahora Bassa (HCB) – with EDM and HCB owning 30 percent of the project – while a consortium holds 70 percent of the shares of the venture. The consortium, in turn, is led by French power company EDF (40 percent), as well as the French integrated energy company TotalEnergies (30 percent) and the Japanese integrated trading and business investment company Sumitomo Corporation (30 percent). Apart from the joint development agreement for the hydropower project, a framework agreement was also signed with the Ministry of Mineral Resources and Energy laying the groundwork for future concession agreements.<sup>48</sup>

Hydropower, a renewable energy source with decades of history, remains the most prevalent form of renewable energy today.<sup>49</sup> However, increasingly academic research and NGO reports have pointed to the negative impacts of hydropower, including compromised access to food, livelihoods and economic security for communities,<sup>50</sup> as well as displacement of communities, changes in water quality, and biodiversity loss.<sup>51</sup>

Since the early 2000s, when the Mozambican government first sought funding for the project, civil society organisations and local communities have voiced criticism. The project has been controversial since its inception, and local community members and the civil society organisation *Justiça Ambiental!* (JA!) have raised concerns about environmental risks, including destruction of ecosystems, loss of livelihoods, displacement of communities, lack of transparency about the project plan and its environmental and human rights impacts, and absence of independent impact assessments.<sup>52</sup>

TotalEnergies, one of the companies in the consortium behind the project, has also been accused of serious human rights impacts relating to another project in Mozambique.<sup>53</sup>

#### FACT

### Box 7. Civic space in Mozambique

Civic space in Mozambique has shrunk in the last five years. Between 2018 and 2023, CIVICUS shifted the country's categorization from Obstructed to Repressed. Some of the civic space challenges cited include campaigns of threats, hate speech and vilification against human rights defenders that hold those in power accountable for failures in governance, corruption and human rights violations.

Human rights defenders also face restrictions, i.e. by arbitrary detention, when addressing environmental and human rights claims in relation to company activities.

Those defenders that work on environmental rights, corporate accountability or community rights are particularly at risk of attacks.

*Sources: CIVICUS Monitor, CIVICUS (2021) Bad year for freedom of expression in Mozambique amid human rights crisis in Cabo Delgado. Frontline Defenders, 2024, #Mozambique.*

## Interview with Anabela Lemos, *Justiça Ambiental* (JA!)

The environmental justice organisation *Justiça Ambiental!* (JA!) works with communities that would be affected by the Mphanda Nkuwa hydropower project planned for the Zambezi River in the province of Tete. Human rights defenders from local communities have been working with JA! since 2000 to raise awareness among community members about their rights and environmental impacts of the dam. In December 2022, JA! submitted a petition to the Mozambican parliament on behalf of more than 2,600 Mozambicans, calling for the project to be halted until critical questions about its adverse impacts are addressed. The petition underscores widespread concerns that the project, as currently planned, pose serious risks to both



The Mphanda Nkuwa project – harnessing energy from the Zambezi River, one of Africa’s largest rivers – is expected to have a capacity of 1,500 megawatts and provide electricity both domestically and for the export market, with the first turbine expected to start operating in 2031.

*Photo: From video material by Justicia Ambiental.*

communities and the environment. In addition, the petition claims that the project has been advanced without proper access to information, without transparency and inclusive consultations, and with inadequate social and environmental impact assessments, e.g. regarding seismicity analysis, impacts on sediment, and how communities are adversely affected.

Anabela Lemos, Director of JA!, provides her analysis of the situation in the project area. The testimony of Anabela Lemos is presented in its entirety:

“We believe the environmental impact assessments previously done for the [Mphanda Nkuwa] project are a fraud and that communities affected have never had access to the information they need to be able to take a decision if they want this project on their lands or not.

The companies behind the project should respect communities’ rights, including their Free, Prior and Informed Consent (FPIC), and not contribute to exacerbating inequality and repression. Peoples’ voices need to be heard and respected. People have the right to say yes or no to this project, but they have not been asked. And to be able to answer the question they need to have access to all the relevant information, including the impacts on their lands, livelihoods and culture, but instead they only hear false promises of a ‘better life’. There needs to be proper and rigorous scientific studies to assess the impacts of the dam. We have told the companies that, but they don’t listen. What’s the real cost of this project? It can be a disaster for the communities living there, and for the entire Zambezi River ecosystem. Apart from the climate impacts from the methane emissions from the reservoir, there is also seismic risks due to its unique location, and other environmental risks. Without taking the social and environmental impacts properly into account this so-called sustainable development is only an illusion.





Anabela Lemos, Director of the civil society organisation Justica Ambiental! (JA!). The organisation is committed to environmental justice in Mozambique. For over 20 years, Lemos and JA! have fought corporate-led projects that displace communities, damage livelihoods and intensify climate change. Anabela Lemos and Justiça Ambiental! were honored with the Right Livelihood Award in 2024.

*Photo: Right Livelihood*

We organised workshops in Maputo with community members in 2022 to talk about communities' human rights and the environmental concerns around the project. When communities returned home, the police called them in and questioned them. Community members and JA! staff were accused of being terrorists just because they travelled to Maputo. We were kept at the police for questioning for a few hours, without our lawyer, but they had no proof to sustain the allegations and eventually had to let us go.

Community members from the dam project area who had attended the workshops also received phone calls from local leaders and local government asking them about what they had done and warning them about collaborating with JA!. In subsequent community meetings, some of these same people have been excluded, even though they are part of the community. This is not right. We have also filed complaints to the administrative court about the lack of information around the project. Since the project is in the interest of the state, communities' voices are not heard. It shouldn't be like that.

We have sent letters outlining our concerns about the project directly to the companies involved. We have also informed the company about the threats and intimidations happening on the ground – so both EDF and TotalEnergies are well aware that their project is fuelling social tensions in the local communities, and specifically for environmental and human rights defenders.”



## Analysis: Lack of access to information and meaningful stakeholder engagement

Mozambique's hydropower sector is expanding and will continue to do so in the coming years, increasing the supply of renewable energy both to the country and across the region. However, civil society and communities are raising serious concerns about the social and environmental impacts of this expansion, as exemplified by the Mphanda Nkuwa project. Human rights and environmental defenders face significant challenges, including restrictions on their work and the failure to uphold their rights in the context of large-scale development projects. Ensuring their protection and meaningful participation is crucial for a just and sustainable energy transition.

One of the key issues highlighted in the interview was the lack of access to information, including lack of reliable information (such as adequate environmental impacts assessments). Access to information is a crucial for communities and defenders to make informed views on how projects may impact their lives and the surrounding environment. Comprehensive, transparent and reliable environmental impact assessments (EIA) are important both for upholding the right to access to information in accordance with the Aarhus Convention<sup>IV</sup>, and for ensuring the right to a healthy environment,<sup>54</sup> as well as compliance with other environmental rights.

According to the UNGPs Principle 18, the OECD Guidelines<sup>V</sup> (specifically Guideline 15), and the Aarhus convention, relevant stakeholders must be consulted regarding business activities.<sup>VI</sup> The 2024 CSDD Directive<sup>VII</sup> article 13 also stipulates that companies need to carry out meaningful stakeholder engagement with affected stakeholders, including communities and defenders, at every step of the due diligence process.

The testimony from Mozambique highlights concerns over law enforcement officials allegedly having detained individuals for interrogation, without proper due process, after attending meetings about the renewable energy project with JA!. Holding

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IV For information on the Aarhus convention, see Appendix: International Frameworks for Protecting Human Rights Defenders in Business and Environmental Sectors (p. 47-52), or full Aarhus Convention, 1998. Available at: <https://unece.org/environment-policy/public-participation/aarhus-convention/text>.

V For information on the OECD Guidelines and the UNGPs, see Appendix: International Frameworks for Protecting Human Rights Defenders in Business and Environmental Sectors (p. 47-52). Wording on meaningful stakeholder engagement was strengthened in the 2023 OECD Guidelines update. See i.e. OECD Watch (2023) Meaningful Stakeholder Engagement 2.0.?: Tracing Developments in the Revised 2023 OECD Guidelines for Multinational Enterprises. 24 October 2023. Available from: <https://www.oecdwatch.org/meaningful-stakeholder-engagement-2-0-tracing-developments-in-the-revised-2023-oecd-guidelines-for-multinational-enterprises/> (Accessed: 13 November 2024).

VI See Appendix: International Frameworks for Protecting Human Rights Defenders in Business and Environmental Sectors (p. 47-52).

VII At the time of writing, the Directive is being reshaped, following a European Commission package proposal, the Omnibus package, to weaken EU rules on sustainability, reporting and due diligence. The amendments on accounting, Audit, CSRD, CSDDD, and others are to be decided during 2025. See Appendix: International Frameworks for Protecting Human Rights Defenders in Business and Environmental Sectors (p. 47-52).

meetings to discuss adverse impacts of business activities, such as renewable energy projects, is permitted under the freedom of assembly – an important civic freedom and basic human right outlined in the International Covenant on Civil and Political Rights.<sup>55</sup> According to the UN Declaration on Human Rights Defenders, defenders also have the right to obtain information relating to human rights and to develop and discuss new human rights ideas and principles and to advocate their acceptance.<sup>56</sup>

In cases where there are suspicions of illegal activities by defenders, police must always follow due process and not arbitrarily detain defenders for voicing concerns. In addition, defenders that have used their freedom of expression to criticise projects have allegedly faced retaliation in the form of exclusion from decision-making spaces as well as threats and intimidation. Companies should create a safe environment for defenders to express concerns about adverse impacts from projects, without fear or risk of retaliation (commentary 14, the OECD Guidelines 2023). It is important to note that while these actions were perpetrated by security forces and local authorities, the UNGPs state that companies have a responsibility to identify, prevent and mitigate the human rights risks related to their own activities, as well those related to their business relationships and impacts linked to operations, products and services, see Box 8 *How should businesses ‘take appropriate action’ according to the UNGPs?*

FACT

### **Box 8. How should businesses ‘take appropriate action’ according to the UNGPs?**

Businesses must respect human rights by identifying, preventing, mitigating, and addressing adverse impacts. This includes meaningful consultation with affected groups and stakeholders. If violations occur, they must act to prevent further harm, halt ongoing violations, and provide remedies.

- 1. If the actor has directly caused the harm** – it should take necessary steps to cease and prevent the impact.
- 2. If the business actor has contributed to the harm** – the company should take the necessary steps to stop or prevent its contribution and use its leverage to mitigate any remaining impact to the highest degree possible.
- 3. If the harm is linked to its value chain, operations, products or services or by business relationships** – it depends.
  - a. If there is leverage, the business should use its leverage to prevent or mitigate the adverse impact.
  - b. If there is no, or little, leverage, there may be ways for the enterprise to increase the leverage.
  - c. If there is no way to gain leverage the actors can consider halting the relationship, taking into account realistic assessments of probable negative human rights impacts of doing so.
  - d. If the relationship continues, the business actors must account for ongoing efforts to mitigate the abuse, or else deal with potential reputational, financial or legal consequences.

The more complex the situation the greater the need to draw on independent expert advice in deciding how to respond.

Source: UNGPs, Principles 17-19.

In order to be compliant with human rights standards, companies should conduct meaningful stakeholder engagement and ensure that there is reliable and adequate information about their projects. While businesses should take the necessary steps to cease and prevent the impacts which they caused or contributed to, businesses should use their leverage, if any, to prevent and mitigate the adverse impacts linked to their projects – even when such acts are committed by a third party, like police or local authorities.

## Companies' response

Swedwatch contacted EDF, TotalEnergies, and Sumitomo, inviting the companies to share their perspectives and provide input on the case. The consortium provided a joint answer stating that 'a sound analysis of design alternatives is in progress. This analysis takes into consideration multiple parameters including environmental, social, and economic impacts, hydrology, climate change, technical and economic feasibility. The purpose of the analysis of alternatives is to confirm that the Project will be feasible within the environmental & social standards as per the international best practices such as the IFC Standards.'

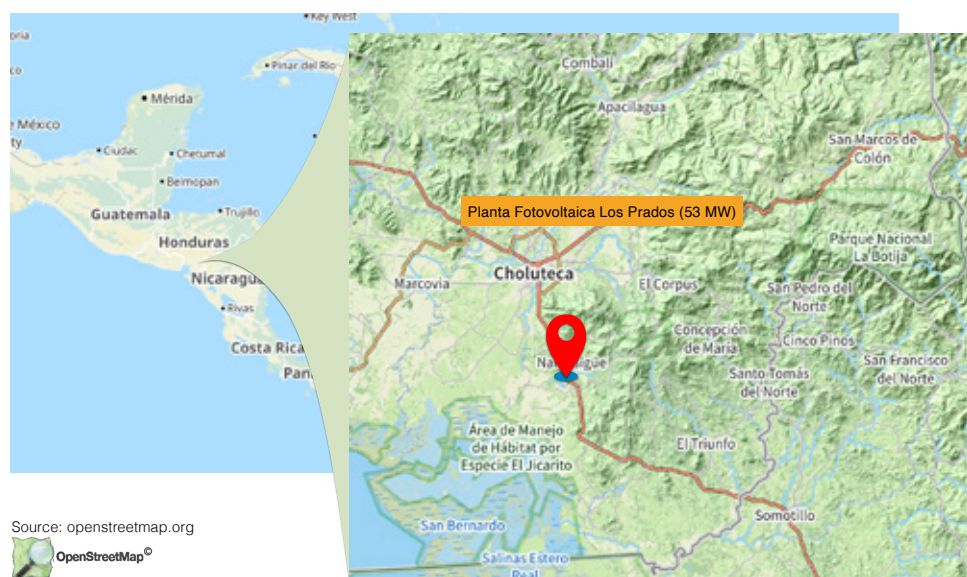
The consortium further stated that the Environmental and Social Impact Assessment (ESIA) is key to identifying and assessing environmental and social risks and impacts during the project lifetime, and that their ambition is to include concerns expressed by stakeholders regarding the project's development status. The consortium also expressed its commitment to respect the rights of local communities and stakeholders. The consortium stated that '[t]ransparency is a key value, and the Strategic Partner is building a stakeholders engagement plan, including communities, to ensure successful collaboration and project development in accordance with Mozambican regulations and International Standards.'

The full response provided by the consortium is available on Swedwatch's website <https://swedwatch.org/ul/report-human-rights-defenders-at-risk-in-the-renewable-energy-transition/>.

## **Case 2. Solar power in Honduras: Community protests and legal conflicts around the Norwegian solar project Los Prados**

The government of Honduras plans to increase investments in the energy sector, including renewables. Honduras' renewable energy sector, encompassing hydropower, solar, wind, and biomass, comprises 55 percent of the country's total electricity mix. By 2038, the government aims to generate 80 percent of the country's total energy output from renewable sources, which will involve a substantial expansion of solar power projects.<sup>57</sup>

With support from the Norwegian development finance institution Norfund and the Norwegian pension fund KLP, the Norwegian company Scatec is developing solar power projects in the southern Choluteca region close to the Pacific coast. In 2014, Scatec entered the market in Honduras and built the 60 MW Agua Fria solar



**FIGURE 6. Location of the Los Prados project**

power plant. By the end of 2015<sup>58</sup> Scatec and Norfund, Norway's DFIs, acquired 35 MW of the Los Prados solar project and in 2018 the plant was connected to the grid. Los Prados is a set of five solar PV projects that together amount up to ca 50 MW. Norfund also provided equity financing for the construction of the projects. Scatec's solar projects in Honduras have also been partly owned and financed by the Norwegian pension fund KLP.<sup>59</sup>

Community members and community leaders have raised concerns over a lack of consultation in relation to renewable energy projects. According to defenders and communities, there have been multiple reports of retaliations against those who oppose the projects, including surveillance using cameras and drones, persecution, hostilities from private security guards and stigmatisation by company representatives. Local media reported strong opposition from the communities impacted by these projects, underscoring the growing tension and risks faced by defenders in the process.<sup>60</sup>

## FACT

### Box 9. Civic space in Honduras

The situation for human rights defenders in Honduras is critical. CIVICUS rated the country as Repressed in 2024, citing issues including violence and harassment against journalists, human rights defenders (HRDs) and civil society organisations (CSOs), intimidations and surveillance of HRDs at protests, and impunity for attacks against HRDs.

Global Witness estimates that in 2012-2023, 149 defenders were killed in Honduras. In 2023 alone, at least 13 HRDs were killed, mostly in relation to land and environmental conflicts. Criminalisation and threats to HRDs defending land has intensified through legal action and charges of 'usurpation.' National protection mechanisms are in place, but HRDs remain at high risk.

*Source: CIVICUS Brief, Honduras: Submission to the UN Human Rights Committee on the deterioration of civic space, 12 August 2024. Global Witness (2024) Missing Voices.*



The solar panels in the Los Prados project provide electricity to the Interconnected National System of Honduras. *Photo: Red de Abogadas Defensoras de Derechos Humanos (RADDH)*

## Interview with Denia Castillo, Red de Abogadas Defensoras de Derechos Humanos

Denia Castillo works at Red de Abogadas Defensoras de Derechos Humanos, a network of female community lawyers in the Choluteca region. The network engages in strategic litigation and supports vulnerable individuals, victims of human rights abuses, and communities negatively impacted by development projects. According to Red de Abogadas, the Los Prados energy projects have been implemented illegally and without proper consultation, which they have also stated to Scatec in a letter to the company.<sup>61</sup>

The testimony of Denia Castillo is presented in its entirety:

“When the solar power projects came to their territories the communities had no information at all. They thought it was an expansion of the sugar cane farm nearby. Later we found out it was not one but several different solar power projects. They had split them up into smaller pieces to make the administrative and environmental license process easier. No one asked what the communities wanted or explained what it was. Some of them were owned by a Norwegian company with funding from Norwegian pension funds and development aid. We couldn’t believe it.

When heavy machinery and technical equipment started to arrive, the communities began a peaceful protest, putting up tents outside the private area. Then the project stalled and was moved to another community. But there too, the project faced resistance, and a camp was put up. The community members, mostly women, stayed





Denia Castillo, lawyer at Red de Abogadas Defensoras de Derechos Humanos, RADDH (Network of Women Human Rights Lawyers and Defenders). RADDH defend, advise and carry out strategic litigation actions for people who have been victims of human rights violation, especially girls and women in southern Honduras.

*Red de Abogadas Defensoras de Derechos Humanos (RADDH)*

there for months. The military came to drive them away. We protested and said it's not the role of the military to protect foreign companies and that they would be committing a crime. Then, private security was sent to remove the camp instead. It was horrible.

The companies responded by presenting charges and criminalising the community leaders.

Later, we were able to find out both corruption and links to narcotraffic in the projects, linked to the previous administration. An open town hall meeting was held and a large majority of the communities said no to the project.

It is worth mentioning that when the permits for these projects were granted, on January 20, 2014, the National Congress was closed. Therefore, the companies are illegal and fraudulent. In light of this, we have filed 33 complaints for corruption against different public officials with UFERCO [Special Prosecution Unit Against Corruption Networks].

As defenders, we have had to face a horrible smear campaign in media and online for working on the case and our office was attacked so we had to move. It hasn't been easy. As we are women some of us have also had to face gender-based forms of harassment, questioning of our private life or marital status for example. Honduras is a dangerous country for women human rights defenders and we know our work is not without risk. But we have to protect the communities."



Los Prados is a set of five solar PV projects that together amount up to 50 MW. It's situated in the southern Choluteca region close to the Pacific coast.

*Photo: Red de Abogadas Defensoras de Derechos Humanos (RADDH)*

## Analysis: Community protests and legal conflicts

In the interview, Red de Abogadas Defensoras de Derechos Humanos points to several defender-related risks and alleged violations. These include a lack of procedural rights, lack of information regarding planned projects, and lack of meaningful stakeholder engagement – all expected under the UNGPs, the OECD Guidelines, and the Aarhus convention.<sup>VIII</sup> Red de Abogadas has also highlighted alleged criminalisation of defenders, specifically the use of legal actions to restrict the work of human rights and environmental defenders.<sup>62</sup>

According to the interviewee, private security forces disbanded the community's protests despite defenders having a right to protest peacefully under the internationally recognised right to assembly, regulated in the International Covenant on Civil and Political Rights (ICCPR). Another concern raised by the interviewee was the criminalisation of community leaders and defenders, i.e. that some of the lawsuits filed against defenders are SLAPPs (Strategic Lawsuits Against Public Participation). SLAPPs are legal cases against defenders brought to the judiciary by companies to restrict the work of defenders and silence criticism. Typical examples of SLAPPs include libel and defamation lawsuits brought by companies in retaliation for legitimate protest or free speech. SLAPPs can also be used by governments, other powerful actors to intimidate, silence, or punish individuals or organisations that are speaking out or engaging in activities related to public interest, often in the context of social, environmental, or human rights issues. SLAPPs can be very effective

VIII For more info on these frameworks, see Appendix: International Frameworks for Protecting Human Rights Defenders in Business and Environmental Sectors (p. 47-52).

in restricting defenders' activities due to the difficulty defenders face defending themselves in a judicial context that requires technical and legal knowledge, time, and significant monetary resources. It also shifts focus from the accusations against companies to the ones against the defenders.

According to Red de Abogadas, there have been smear campaigns online and in the media, by media representatives, regarding defenders' work involving the solar panel park. Also, the network's office was physically attacked, and private security companies allegedly entered the villages. Although these smear campaigns were not initiated by the company itself, it is crucial that companies send a clear and public message in support of human rights defenders' right to work. This includes internal communication with employees and business partners, as well as external messaging directed at media, host governments, local leaders, and the general public.

This is especially critical in countries such as Honduras, where civic space is repressed and where human rights defenders have historically faced violence from both state and business actors. As highlighted by Swedwatch and other organisations,<sup>63</sup> smear campaigns in the media often serve as warning signs that human rights defenders may be at risk of further attacks. If left unchallenged by duty bearers, including state and business actors, these narratives can portray defenders as 'troublemakers,' increasing their vulnerability to threats from other sources.

When such concerns are raised regarding business activities, companies should conduct thorough investigations to identify, prevent, mitigate, and address potential adverse human rights risks and impacts.

Smear campaigns violate international norms and best practice in business and human rights, particularly regarding good faith dialogue. The OECD Guidelines, for instance, state that '[m]eaningful stakeholder engagement is characterised by two-way communication and depends on the good faith of the participants on both sides.'

Even when smear campaigns, threats, raids or other actions are carried out by third parties, like state, media, police, private security companies, companies remain responsible for conducting HRDD. Companies must cease, mitigate, prevent and remedy any direct adverse impacts that they are causing or contributing to, and take appropriate steps to address negative impacts linked to their operations, services, or business relationships. More on *How should business 'take appropriate action' according to the UNGPs?* in Box 8.

Additionally, when smear campaigns originate from third party, such as media outlets, but relate to a company's business activities, the company should still take a clear stance. This includes publicly expressing support for human rights defenders and implementing zero-tolerances policies against retaliation and defamation. In accordance with recommendations from the UN Working Group on Business and Human Rights, companies and states should view human rights defenders as valuable partners who provide insights into local contexts and on-the-ground human rights risks, rather than perceiving them as adversaries.<sup>64</sup> Companies should ensure adherence to international human rights standards - including access to information, and meaningful stakeholder engagement.



Denia Castillo from RADDH, left in the picture, says that when heavy machinery and technical equipment started to arrive, the communities began a peaceful protest, putting up tents outside the private area. The project was stalled and was moved to another community. But there too, the project faced resistance, and a camp was put up. The community members, mostly women stayed there for months, until private security removed the camp.

*Photo: Red de Abogadas Defensoras de Derechos Humanos (RADDH)*

At the outset of the interview, the interviewee explained that the project comprises multiple solar initiatives, each constructed and owned by different entities at various times, with funding from diverse investors. In cases involving complex ownership and funding structures, or where ownership changes over time, transparency, access to information, and clear guidance on seeking remedy are particularly important for community members and defenders. The current majority owner, Scatec, has previously stated that appropriate consultations were conducted prior to the project being initiated by their predecessor. It is essential to note that, according to international norms, companies must perform thorough HRDD in cases of ownership change, before, during and after mergers and acquisitions, and upon market entry. Risks are often inherited from earlier stages in a project cycle that include consultation, licensing, and initial setup. Assessments of human rights impacts, corruption risks, and other factors should be conducted before establishing new relationships. This is outlined in Principles 16-19 of the UN Guiding Principles on Business and Human Rights (UNGPs).<sup>65</sup> Companies and investors that cause or contribute to violations must cease, mitigate and remedy negative impacts on defenders. Companies and investors must also take appropriate action to address violations from a third party that are linked to their operations, such as a previous developer.<sup>IX</sup>

IX For more details on appropriate measures, see ‘How should business enterprises ‘take appropriate action’ according to the UNGPs?’ in Appendix: International Frameworks for Protecting Human Rights Defenders in Business and Environmental Sectors (p. 47–52).

Scatec has affirmed its commitment to all internationally recognised human rights, encompassing the International Bill of Human Rights and the International Labour Organisation's (ILO) Declaration on Fundamental Principles and Rights at Work, along with the process of HRDD.<sup>66</sup>

## Companies' responses

According to Scatec, the previous developer conducted community consultations prior to the commencement of the Los Prados project, with most community members responding positively. Scatec has also stated that, since 2016 and ahead of construction and operation of the solar parks, it held several meetings with community members, updating them on the scope of the project.<sup>67</sup>

Swedwatch contacted Scatec, KLP and Norfund to allow the companies and investors to provide their commentary and input on the cases. Scatec submitted a response, also on behalf of Norfund and KLP. In their response, the three actors addressed key concerns and provided detailed clarifications. The response emphasised the companies' commitment to transparency and accountability as foundational principles of their operations. They highlighted their openness to dialogue with stakeholders and addressed specific issues raised.

Regarding the issue of private security, Scatec, KLP and Norfund stated that the role of private security personnel associated with the project was limited to protecting power plant facilities, and that the security staff do not operate within local communities or outside the project's boundaries. Furthermore, Scatec outlined its policy requiring all private security personnel to undergo regular human rights training to ensure ethical conduct and adherence to best practices.

The companies firmly denied any involvement in smear campaigns, attacks or actions targeting human rights organisations. They reiterated their commitment to respecting human rights through established corporate policies and practices. Following the claims from Red de Abogadas, Scatec has stated that it has had an ongoing dialogue with the communities impacted by their projects. Scatec also stated that over time it had maintained strong and stable relationships with neighbouring communities, and provided an overview of the project's operational history and community engagement efforts. Specific community development initiatives included medical brigades, community PV installations, environmental campaigns, community reforestation, support to local schools and water system improvements. Scatec has stated that they continue to support and monitor the PV installations for community water wells on the Ranchería and El Obraje, which has saved more than 50 percent of the community's electricity bills since 2022.

In addition, the companies stressed their commitment to continuous stakeholder engagement and open dialogue, underlining these practices as essential to addressing concerns and ensuring mutual understanding with local communities.

The full company response is available on Swedwatch's website: <https://swedwatch.org/ul/report-human-rights-defenders-at-risk-in-the-renewable-energy-transition/>.

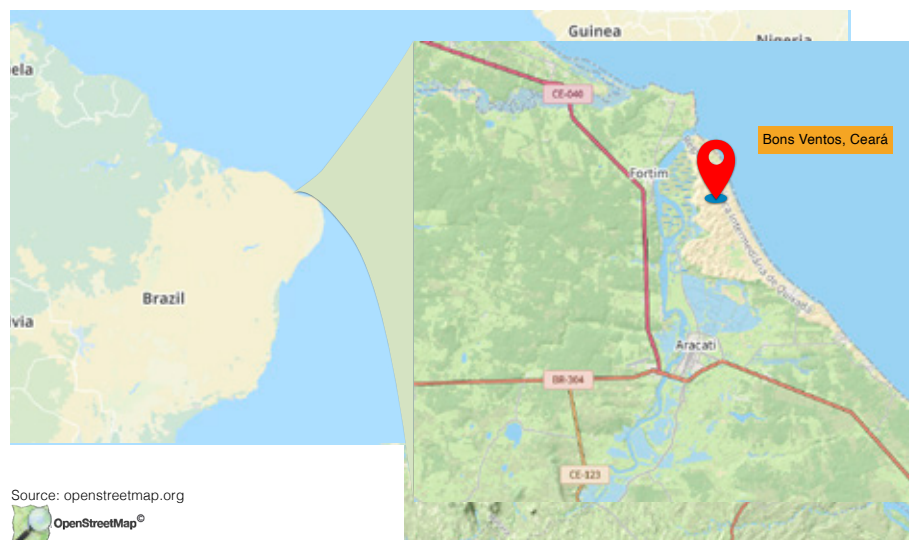


### Case 3. Wind power in Brazil: Lack of meaningful stakeholder engagement in the Bons Ventos projects

Renewable energy accounts for nearly 45 percent of Brazil's primary energy supply, positioning the country among the world's least carbon-intensive nations in terms of power generation. While hydropower remains the dominant renewable energy source, solar and wind power are growing rapidly and are set for significant expansion in the coming years.<sup>68</sup>

In northeastern Brazil, in the state of Ceará, existing onshore wind farms are being boosted by plans to construct offshore wind power production and green hydrogen production. The development of wind farms in the state of Ceará began as a public-private programme to diversify and stabilise the country's energy supply. This was in response to a water shortage and energy crisis in 2001, which occurred while Brazil was still 90 percent dependent on hydropower.<sup>69</sup>

The Bons Ventos project, installed in Quilombo do Cumbe in the municipality of Aracati, on the west coast of Ceará, consists of 67 wind turbines and is one of the largest wind farms in Brazil. The project began in 2008, and in 2010 obtained a loan of 50 million USD from the Nordic Investment Bank (NIB) – the international financial institution of Nordic and Baltic countries. The NIB loan was co-financed by the Brazilian development banks BNDES (Banco Nacional de Desenvolvimento Econômico e Social, or Bank for Economic and Social Development) and BNB (Banco do Nordeste do Brasil, a bank in Northeast Brazil). Advanced technology from several companies in the NIB member states was selected for the project.<sup>70</sup> The first owner of the project was the Brazilian company Bons Ventos Geradora de Energia S.A., which sold the project in 2012 to its current operator, CPFL Energias Renováveis.<sup>71</sup>



**FIGURE 7. Location of the Bons Ventos project**



Bons Ventos wind farm on the edge of Cumbe beach, Aracati, Brazil. The wind farm projects in Ceará are concentrated in areas where traditional fishing, and quilombola communities live. According to Terramar Insitute, the fishing community had their access to the sea restricted. Terramar Institute is a civil society organization, its work is primarily focused on ensuring the collective and individual rights of these traditional coastal communities in Ceará, particularly the rights to a healthy environment, territory, cultural diversity, work, and political participation.

*Photo: Terramar Institute*

According to a project description on NIB's webpage, the negative environmental impact has been deemed acceptable since it will be offset by the positive environmental impacts of greener electricity. Community members 'have been compensated for inconveniences related to the project (such as traffic and limited access to the project areas) through improvements of roads, housing, social infrastructure and the provision of educational programmes.'<sup>72</sup>

FACT

### **Box 10. Protection programme for human rights defenders**

The Protection programme for human rights defenders is a governmental programme in Brazil, regulated in Decrees 6044 and 9937, and formed in 2004 to offer protection to human rights defenders at risk. It is one of the world's first governmental defenders protection programmes. Despite the programme, Brazil remains one of the most dangerous places in the world for defenders.

*Source: OHCHR.*

However, academic researchers and civil society organisations have documented an increase in social tensions and several adverse impacts on the livelihoods of marginalised traditional communities, including quilombola communities,<sup>x</sup> from wind power in the Ceará state.<sup>73</sup> In addition to concerns over environmental impact, loss of livelihoods and disputes over access to land and natural resources, interviews with the NGO Terramar Institute and members of the communities affected also suggest that the situation for defenders has been adversely impacted.

FACT

### Box 11. Civic space in Brazil

In 2023, Brazil was reportedly the second deadliest country in the world for land and environmental defenders, and in 2012-2023 an estimated 401 defenders were killed, according to Global Witness report 'Missing Voices'.

There is widespread impunity for corporations, state and other actors that violate human rights or commit violent crimes. CIVICUS categorizes the civic space in Brazil as Obstructed.

The UN Special Rapporteur on the situation for defenders have highlighted economic interests as drivers of conflict in Brazil, and claimed that 'the revision of the legality of all existing concessions given to companies must be prioritised', and that defenders are criminalised for defending human rights.

Brazil has signed, but not yet ratified, the Escazú Agreement, a regional treaty aimed at protecting environmental rights, access to information, and justice in Latin America and the Caribbean. The agreement guarantees everyone's right to access environmental information, including details on environmental risks and environmental protection measures. It upholds meaningful participation in decision-making processes that impact communities and the environment. Additionally, the treaty requires countries to provide access to justice when these rights are violated and to create measures to provide environmental defenders with a safe and enabling environment so that they are able to 'act free from threat, restriction and insecurity', as well as holding those who threaten or commit acts of violence and intimidation against them, accountable.<sup>74</sup>

*Source: OHCHR (2024) Brazil: Systemic impunity and economic interests are killing human rights defenders one after the other, says UN expert, CIVICUS Monitor 2024, Global Witness Annual Report 2023/2024, 2022/2023, Global Witness (2024) Missing Voices, p.16.*

## Interviews with defenders in the Brazilian state of Ceará

Swedwatch interviewed representatives at Terramar Institute about projects in the area. Due to the serious security situation and significant risk of retaliation, they requested to submit a collective response rather than individual statements.

X "Quilombola communities are considered to be (...) ethnic-racial groups, according to self-attribution criteria, with their own historical trajectory, endowed with specific territorial relations, with a presumption of black ancestry related to resistance to historical oppression suffered", Article 2 of Decree 4.887/2003, which regulates the procedures for the identification, recognition, delimitation, demarcation, and titling of lands occupied by remnants of quilombo communities, as referred to in Article 68 of the Transitory Constitutional Provisions Act. Available from: [https://www.planalto.gov.br/ccivil\\_03/decreto/2003/d4887.htm](https://www.planalto.gov.br/ccivil_03/decreto/2003/d4887.htm).

“In the communities of the Coastal Zone that we support directly or indirectly, there are people enrolled in the Human Rights Defenders Protection Program. And the number of defenders included has been increasing in recent years, covering various economic sectors, including wind companies. Territorial disputes are becoming more intense, with wind companies using various strategies to weaken community organisation and intensify disputes between the people who live there. With the growing presence of organised crime in territories affected by socio-environmental conflict, the situation of human rights defenders is further aggravated.

Although Brazil already has a predominantly renewable energy matrix, there is a growing demand to expand onshore wind and solar power generation, in addition to developing new fronts, such as offshore wind power and energy production via green hydrogen. All official documents indicate that this projected production will be destined for export and not for domestic demand. We live in times of climate change and a growing global call for changes in energy matrices, with the energy transition being listed as a central strategy to combat global warming. However, the expansion of renewable energy in the Global South has revealed contradictions, human rights violations, socio-environmental impacts and reiterated historical inequalities. Currently, Ceará has 100 wind farms in operation onshore, in addition to 75 projects in the planning phase. The state also stands out for its ambitious offshore expansion plan: according to the Brazilian Institute of the Environment and Renewable Natural Resources (IBAMA), there are 97 offshore wind farms planned in the country, of which 25 are planned for Ceará, in addition to the expansion of green hydrogen production. The way in which renewable energy projects have been implemented has intensified socio-environmental conflicts, threatening biodiversity and leaving a trail of profound, often irreversible impacts



According to interviews The Bons Ventos wind farm was built where the century-old cemetery of the Cumbe community in Aracati, Brazil, is located. As a result, the cemetery was fenced off, and the community now has to request permission to access it.

*Photo: Terramar Institute*



Brazil is one of the most dangerous countries for defenders in the world. For the report the interviewees are anonymised to avoid retaliation.

*Photo: Terramar Institute*

The choices of location for the installation of wind farm projects in Ceará are concentrated in areas where traditional fishing and quilombola communities live, and are often in a socioeconomically vulnerable situation. During the licensing process, discrimination against these people is common, they are excluded from decisions, they are not consulted and often they are not even informed about what will happen in their territories and their ways of life. Their lands are expropriated, their presence is made invisible, and they are even expelled from their territories. There are also adverse effects on human health, changes to the landscape and customs of local communities, parental abandonment and sexual exploitation of women during the installation phase of wind farms. Thus, all the burdens and losses fall on these populations, who already suffer from various inequalities and injustices, and do not even benefit from the energy produced in their territories.'

In addition, a community member, who wished to remain anonymous, stated: 'When the wind farm was installed, we were taken by surprise. The company came and showed no respect for the people who lived in our community. When a project of this size arrives, we feel so small in front of it, it seems like we have no power. They came without information, without explanation. How can you plan something that affects me, that affects a population, that affects us, the traditional community, who have a whole relationship with this territory, without us? The wind power company has fuelled the division between the members of the community who are in favour and those who are against the company. This practice is very old, since colonisation, dividing in order to have this control. Over time, we gained more prominence for being on the front line of the fight, but we also faced persecution and criminalisation. Some of our leaders had to leave the territory because the risk was too high.'

In addition to the onshore wind farms already in operation, several interviewees also expressed concerns about the social and environmental impacts, as well as impacts for defenders, from the planned expansion of wind power off-shore.





According to interviewees, the danger of electric cables makes it impossible to move through the area occupied by the plants. The windmills in the picture are situated in Quilombo do Cumbe, Aracati.

*Photo: Terramar Institute*

## Analysis: Protection programmes for defenders and lack of meaningful stakeholder engagement

In a visit to Brazil in April 2024, the UN Special Rapporteur on the situation of human rights defenders highlighted the extreme threat that HREDs in the country face. She also acknowledged that business actors have been a driver of conflicts in the country, putting human rights defenders at risk. Quilombola and other traditional peoples' land is often in dispute with business projects. 'The demarcation and titling of Indigenous, quilombola and other traditional peoples' land, as well as the revision of the legality of all existing concessions given to companies must be prioritised', according to the Special Rapporteur.<sup>75</sup>

Given this context, safeguarding defenders should be a top priority in HRDD by companies and investors. The expansion of wind power in Brazil highlights that even clean energy projects can have significant social and environmental impacts for communities. In an interview with Terramar, they outlined how defenders reporting on these risks face retaliation and persecution.

Terramar and community members have raised several concerns related to procedural rights, including limited access to information, the exclusion of certain ethnic groups from decision-making, and the absence of Free, Prior, and Informed Consent (FPIC). In Brazil's Constitution of 1988, the quilombola have collective land rights and in the Convention 169 of the International Labour Organization (ILO) which Brazil has ratified, the rights of Indigenous and Tribal people, the latter which applies to quilombola, stipulates that people impacted by projects need to be consulted properly and relocation should "take place only with their free and informed consent".<sup>76</sup>

Companies are expected to conduct meaningful stakeholder engagement, as outlined in the UNGPs, the OECD Guidelines, and the Aarhus Convention. Additionally, states have a responsibility to protect against human rights abuses within their territories by third parties, including businesses, as specified by the UNGPs. Testimonies gathered by Terramar Institute reveal that an increasing number of defenders are enrolled in the government's Human Rights Defenders Protection Programme. As an early adopter of the government-led protection program,<sup>77</sup> Brazil has demonstrated a policy commitment to human rights. However, ensuring policy coherence between government entities is crucial. The government should ensure that human rights protection policies align with guarantees to respect human rights in renewable energy projects, concession agreements, and public-private partnerships (PPPs), as recommended by principles 8-10 in the UNGPs. Many renewable energy projects receive public funding, either from the national government or from international government donors, export credit agencies, and DFIs. Projects with significant state backing - through state-owned enterprises, PPPs, or other forms of support - require heightened scrutiny as outlined in the chapter on State-Business Nexus in the UNGPs, and states should take extra measures to protect defenders from human rights abuses.

DFIs should carry out their own HRDD, carefully taking defenders and civic space into account, to ensure that their financing, clients and projects are not linked to human rights abuses.

## Companies responses

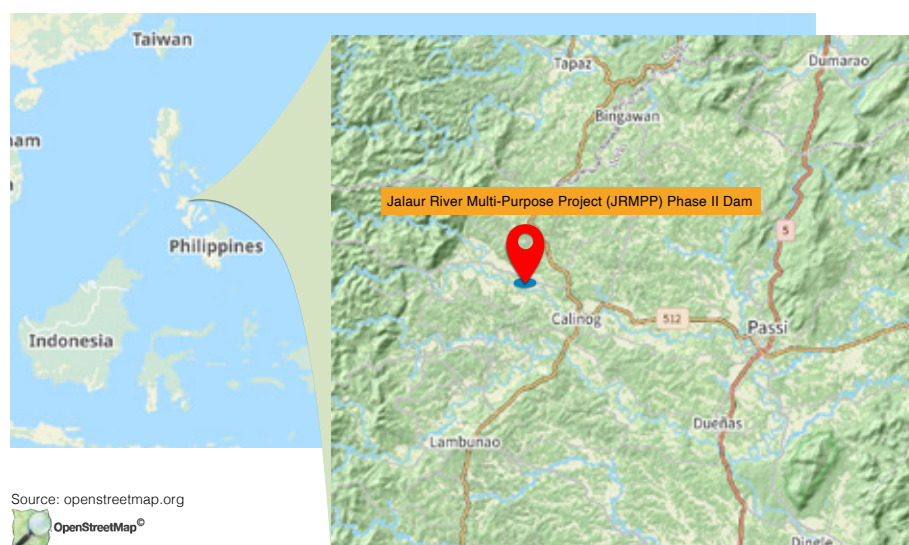
Swedwatch contacted CPFL, the company operating the project, as well as BNB, NIB and BNDES, the investors involved in Bons Ventos, inviting them to share their perspectives and provide input on the case. CPFL and BNB did not provide any answers, despite several reminders. The Nordic Investment Bank (NIB) responded, stating that it acknowledged the significance of social responsibility in banking and emphasised that it assesses the compliance of projects with social standards, including human and labour rights. NIB confirmed issuing a USD 50 million loan to Bons Ventos Geradora de Energia S.A. in September 2010, and stated that the project's details and sustainability summary were disclosed on NIB's website. The initiative was co-financed by the Brazilian development banks BNDES and BNB, and the loan has since been repaid. NIB further stated that at the time of financing, the project adhered to NIB's requirements which included an environmental and social due diligence process involving site visits to the project location in Ceará, Brazil. The Brazilian development bank BNDES stated that it is attentive and sensitive to the various criticisms that have emerged in recent years regarding the implementation of renewable energy generation projects, particularly in the Brazilian Northeast, and that it has been promoting a series of internal and external discussions aimed at improving its role in the sector to mitigate these impacts. BNDES further stated that, in this process, the contribution of civil society and research institutions is essential.

The full responses from NIB and BNDES are available on Swedwatch's website <https://swedwatch.org/ul/report-human-rights-defenders-at-risk-in-the-renewable-energy-transition/>.

## Case 4. Hydropower in the Philippines: Red-tagging and persecution of defenders in the Jalaur River Multipurpose Project

The Philippine government is prioritising the development of the renewable energy sector including hydro, solar, wind and geothermal energy sources, and has introduced several new policies to attract foreign investments to the sector.<sup>78</sup> The Philippines has announced its ambition to increase its renewable energy generation share from 6 percent to 35 percent by 2030. This would represent a 160 percent increase in hydropower capacity from current levels, where hydropower currently makes up nearly 4.5 percent of the energy mix. To reach these goals, the government has in recent years approved 450 new hydropower facilities, ranging from small microgrids to large megaprojects. Although the small microgrids are higher in number, nearly all energy provision comes from large hydroelectric plants.<sup>79</sup> Hydropower, through both small-scale and large-scale projects, is predicted to account for 10 percent of the country's electricity production in the upcoming years, and several new projects are under construction.<sup>80</sup>

Hydropower has the most developed infrastructure of any of the renewables, but academic researchers and NGOs have also highlighted its adverse impacts on biodiversity, local ecosystems, floodings, fisheries and people's livelihood.<sup>81</sup> The Jalaur River Multipurpose Project is one of the many hydropower projects in the Philippines and is the first large-scale water reservoir to be built in the Visayas and Mindanao regions. The Jalaur River Multipurpose Project consists of two phases, with phase one concerning the rehabilitation of four existing river irrigation systems in the province of Iloilo, and phase two covering the construction of three dams and associated infrastructure. On 3 September 2018, the National Irrigation Administration (NIA) and Daewoo Engineering and Construction Co. Ltd. signed a 212 billion USD contract for Daewoo Engineering and Construction Co. Ltd. to develop the project.<sup>82</sup>



**FIGURE 8. Location of the Jalaur River Multipurpose project**



The Jalaur River Multipurpose Project is one of the many hydropower projects in the Philippines and is the first large-scale water reservoir to be built in the Visayas and Mindanao regions. According to the Jalaur River for the People's Movement, community members in the area have raised concerns about landslides, environmental impacts, as well as threats against those who oppose the dam.

*Photo: JRPM*

The project has faced resistance from local communities and created social tensions between communities, developers and the military.<sup>83</sup> According to the civil society organisation Jalaur River for the People's Movement, community members in the area have raised concerns about landslides, environmental impacts, as well as threats against those who oppose the dam.<sup>84</sup> The Defend Panay Network – a broad alliance of Indigenous Peoples' Rights Advocates, Human Rights groups and Environmental Organisations – submitted input to the Office of the High Commissioner for Human Rights for the Universal, Periodic Review of the Philippines. The organisation submitted that 'the Philippine government [has] implemented a state policy of systematic persecution of activists and civil society organisations resulting in widespread human rights violations.' It also reported 'executions and mass arrests under the pretext of serving search warrants' by police and military, where 'victims were members of an Indigenous people known as the Tumandok who were opposing the construction of a mega-dam on their ancestral land.'<sup>85</sup> The HRD Memorial Network – a project that gathers information on the killings of HRDs working in all human rights sectors globally – also reported on the militarisation of communities, as well as threats, intimidation and killings of those who defend their land and oppose major industrial projects. In a solidarity statement, the network specifically highlighted attacks on those who had opposed the Jalaur River Multipurpose Project Mega Dam.<sup>86</sup>



## Box 12. Civic space in the Philippines

The work of HREDs in the Philippines is heavily restricted, with CIVICUS ranking the country as Repressed. Defenders that hold the government or corporations accountable for abuses risk facing repression, harassment, criminalisation, threats and violence from the police, military and other state actors.

It is the deadliest country in Asia for defenders, with an estimated 298 killings between 2012-2023, according to Global Witness.

Some project areas for energy projects have been militarised, which hinders the work of defenders. Militarisation is the act of bringing military forces into an area, or the act of making organisations and police forces similar to a military force, for example by giving it military weapons.

Another practice that limits the work of defenders in the Philippines is the practice of red-tagging. Red-tagging in this context refers to when the government accuses individuals and groups of supporting or belonging to the communist insurgency or of having links to the banned New People's Army. The Supreme Court of the Philippines has ruled that 'red-tagging, vilification, labelling, and guilt by association threaten a person's right to life, liberty, or security.'

*Sources: Supreme Court ruling. SC: Red-Tagging Threatens Right to Life, Liberty, and Security, Siegfried D. Deduro Vs. Maj. Gen. Eric C. Vinoya, Supreme Court Ruling, G.R. No. 254753. July 4, 2023. Concurring Opinion of Senior Associate Justice Marvic M.V.F. Leon, G.R. No. 254753. July 4, 2023. CIVICUS "Philippines", Cambridge Dictionary Definition "Militarisation". Global Witness (2024) Missing Voices, p. 16.*

## Interview with John Ian Alenciaga, the Jalaur River for the People's Movement (JRPM)

In his role as a human rights and environmental defender and coordinator for the Jalaur River for the People's Movement (JRPM), John Ian Alenciaga works to protect the rights of the Tumandok Indigenous people who oppose the Jalaur River Multipurpose Project. John Ian Alenciaga is also a member of the secretariat of the Defend Panay Network, a broad alliance of Indigenous peoples' rights advocates, church people, environmental organizations, academia, and human rights advocates in Panay Island working to promote human rights, support victims of human rights abuses and environmental and human rights defenders facing threats.

In his testimony, presented here in its entirety, he described how defenders have been targeted for opposing and raising concerns related to the Jalaur River Multipurpose Project.

'We have supported the Indigenous communities in reaching out with their message through articles, radio shows and an online platform. We even went to South Korea to talk to funders of the project. With our advocacy we became target of attacks by state forces and three of us were declared persona non grata by the local government where one of the projects is located. My photo was included in a gallery of photos of other activists that were labelled as members of a communist movement. Some





Site visit by John Ian Alenciaga and his colleagues in 2016 where the Jalaur dam is planned to be built.

*Photo: JRPM*

tarpaulins were hanged in the city's footbridges labelling us as communist members and I was surveilled many times too. But this is nothing compared to the experiences of Tumandok Indigenous people. Their communities were militarised, they were harassed, intimidated and threatened every day because of their strong opposition to the mega dam project. Some were offered bribes just to agree to the project. Others were threatened with charges under the terrorist law because they were accused of being supporters of the New People's Army.

In early 2020 [the Tumandok's] communities were heavily militarised until the December 30 massacre occurred. Intense militarisation began six months before the massacre. Following the passage of the Anti-Terrorism Law in July 2020, military forces deployed to the communities used the law to intimidate the Tumandok people further. They threatened the residents, saying that anyone supporting the rebels could be charged under the anti-terrorism law.

The military conducted house-to-house visits, coercing hundreds of villagers into surrendering. Many were forced to falsely confess that they were rebels. These individuals were then paraded as 'rebel returnees', supposedly having rejoined the law-abiding fold of society.

During this period, the military also profiled the Tumandok, particularly targeting their leaders and elders. In early December 2020, they sought search warrants from various courts in the National Capital Region to legitimise their planned operations on December 30. On December 29, more than 300 units of combined police and military personnel were deployed around midnight and headed toward nine villages to search for Tumandok leaders. It resulted in the death of nine Tumandok elders and leaders and by the morning 16 people had been arrested. According to the army the nine elders fought back and were killed during the operations but testimonies from their family members and other community members say this is not true.



In his role as a human rights and environmental defender and coordinator for the civil society organisation Jalaur River for the People's Movement (JRPM), John Ian Alenciaga works to protect the rights of the Tumandok Indigenous people who oppose the Jalaur River Multipurpose Project.

*Photo: Altermidya Panay*

On the day the search warrants were executed, hundreds of armed men from the national police and armed forces entered the villages. From midnight until 5 a.m., they conducted raids. Tragically, nine Tumandok were killed before they could see the sunrise that day. Sixteen others were arrested, with operatives planting fabricated evidence – such as firearms, ammunition, and grenades – against them.

Despite the repeated protests, appeals and lobby of the indigenous groups the funder, contractor, Philippines and South Korean governments and local government have not listened and still pushed through the project despite the violations.”

## Analysis: Alleged surveillance, red-tagging and killings of HREDs

In February 2024, the UN Special Rapporteur on freedom of opinion and expression visited the Philippines. In a press release, he expressed concerns about the dire human rights situation for defenders, with vilification, threats, unlawful surveillance, attacks or even unlawful killings that suppresses legitimate activism, and criticism.<sup>87</sup>

In a report mandated by the United Nations Human Rights Council, the United Nations High Commissioner for Human Rights outlined that since 2007, ‘United Nations human rights mechanisms have repeatedly raised concerns about threats against and vilification, arbitrary detention, legal harassment, enforced disappearances and killings of human rights defenders’ in the Philippines.<sup>88</sup>

In cases with widespread violence and gross human rights violations, such as the Philippines, companies should be additionally aware of the adverse impacts on defenders and take adequate measures to avert these, in accordance with the UNGPs' concept of proportionality – the higher the risk, the more complex the processes and the more diligent the controls should be.

In his testimony, the interviewee described attacks on human rights defenders ranging from threats made to defenders to terror-labelling, militarisation of communities, and even killings by security forces. Other civil society actors, for instance the HRD Memorial network, have also condemned the continuous terror-labelling, red-tagging and killings of defenders as well as the impunity around these violations in the Philippines.<sup>89</sup> During a visit to the Philippines, the United Nations Special Rapporteur on the promotion and protection of human rights in the context of climate change, met with human rights defenders, visited Iloilo, Calinog and the Jalaur mega dam project, and had meetings with Tumandok indigenous leaders. On the events in the Tumandok villages, the Special Rapporteur wrote: 'Nine members of the Tumandok people who had opposed the dam project were executed by the military on 30 December 2020. Their traditional way of life has been destroyed by the dam project.' Concluding the report, the Rapporteur expressed that he 'was deeply troubled by the treatment of environmental human rights defenders, in particular members of Indigenous peoples. The military's use of intimidation, harassment, abduction, prosecution, jail sentencing and extrajudicial killing based on trumped-up charges against human rights defenders is contrary to many of the country's international human rights obligations.'<sup>90</sup>

In the interview, the interviewee recounts how the Anti-Terrorism Act of 2020 was enacted before military forces entered communities. The law has drawn sharp criticism from civil society organisations, legal experts, and international bodies. Several UN Special Rapporteurs have expressed serious concerns about the law's overly broad and vague definition of terrorism, which has been used to label many defenders and CSOs as terrorists, and about provisions allowing arrests without judicial warrants and due process.<sup>91</sup> International NGOs such as Human Rights Watch report that activists, indigenous leaders, and human rights and environmental defenders have been 'red-tagged' (labelled as communist insurgents) or accused of terrorism under the law.<sup>92</sup> The Philippine Supreme Court warns that 'red-tagging, vilification, labelling, and guilt by association' threaten fundamental rights. Indigenous groups and land defenders opposing major industrial projects are particularly at risk, according to the HRD Memorial Network.<sup>93</sup>

Overly strict security policies with broad and vague labels of terrorism can negatively impact civic space, since dissidents and defenders can be targeted under terrorism accusations. To promote a more enabling environment for defenders, states should formulate counter-terrorism laws that have clear, delineated definitions of what constitutes terrorism. These definitions should avoid conflating legitimate defenders' work with terrorism, in line with recommendations by the Mandate of the United Nations Special Rapporteur on the Protection and Promotion of Human Rights while Countering Terrorism.<sup>94</sup>

According to the UNGPs, and the OECD guidelines<sup>XI</sup>, it is not only the actors directly carrying out abuses that have a responsibility to prevent, mitigate and remediate harm. Infringements on human rights carried out by third parties – such as police, military, suppliers or sub-contractors – also imply that business actors and investors have a responsibility to act and take appropriate measures. What constitutes appropriate measures varies by case. For more information on the varying responsibilities when a company causes, contributes or is linked to harm, see Box 8 *How should business ‘take appropriate action’ according to the UNGPs?*<sup>95</sup>

The Philippines government claims that the December 2020 raid was part of a government anti-insurgency plan to stop rebels from the banned communist-friendly New People’s Army.<sup>96</sup> When BHRRC reported on the incident and gave companies the chance to respond to the allegations, the main contractor, Korean company Daewoo Engineering & Construction Co. Ltd, did not answer to allegations of abuse in relation to its project site.<sup>97</sup>

## Company response

Swedwatch made multiple attempts to contact Daewoo Engineering & Construction Co. Ltd for comments on the matter at hand but did not receive a response on the case.

# 5. Conclusion

A swift transition away from fossil fuels is crucial, but it must not deepen existing inequalities, harm marginalised communities or occur at the cost of defenders. In order for this to happen, it is critical that a rights-based approach to renewable energy projects is adopted. Renewable energy projects often require extensive land use, impacting local ecosystems, water resources, biodiversity, and livelihoods. State and business actors should work together to identify, minimize, and mitigate these negative impacts. Upholding human rights must remain a fundamental principle in all project developments.

Swedwatch’s analysis show that several renewable energy projects are in countries with restricted civic space and poor human rights protections, where defenders face threats, violence, and legal retaliation. Interviews with defenders in Mozambique, Brazil, Honduras and the Philippines reveal systemic failures in stakeholder and community engagement, consultations and environmental and social impact assessment, often causing or contributing to human rights violations.

Defenders recounted incidents of threats, repression, criminalisation, and even deadly violence against defenders and communities opposing renewable energy projects. These accounts reveal a troubling pattern of human rights violations, strikingly familiar to well-known abuses in high-risk sectors such as mining, oil and gas and agribusiness – often at the expense of communities and defenders.

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XI For more information on the frameworks, see Appendix: International Frameworks for Protecting Human Rights Defenders in Business and Environmental Sectors (p. 47-52).

Based on these findings, it is argued that governments must take steps to effectively protect defenders and ensure that remedies are available for violations committed by state actors, businesses, police or military forces. Companies and investors must strengthen their HRDD processes and engage meaningfully with stakeholders – particularly human rights defenders – throughout the planning and execution of renewable energy projects. The findings of this report also underscore the need for companies and investors to adopt a zero-tolerance approach to any form of retaliation or repression against defenders and to take decisive action when their business partners or third parties are implicated in such violations.

Defenders play a vital role in safeguarding universal human rights, as recognised in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights (ICCPR), and other binding international treaties. Their work helps uphold the rights of communities, women, Indigenous peoples, and workers, including access to a clean, healthy, and sustainable environment, food security, land rights, and progress toward the Sustainable Development Goals (SDGs). Recognising defenders as key allies in due diligence processes allows duty-bearers to gain critical insights into local risks, develop effective mitigation strategies, and promote a sustainable energy transition that respects human rights. Conversely, silencing defenders weakens due diligence and violates their fundamental rights, including freedom of expression, assembly, association, access to information, and participation. In cases of violence, it threatens their physical integrity and even their lives. Ensuring that defenders' voices are heard is essential for protecting human rights and for fostering responsible, sustainable development.

Governments must ensure an enabling environment for defenders to voice concerns and report project impacts without fear of retaliation. Governments, business and financial stakeholders involved in renewable energy projects in countries with high risks to defenders should therefore protect and respect defenders' rights and pay close attention to the human rights risks faced by defenders, especially those from marginalised groups such as women and Indigenous groups. However, even in countries with more open civic space, defenders' rights may be undermined when economic interests or urgent reforms take precedence. Companies operating in all contexts should therefore see defenders as key stakeholders and respect their rights in relation to renewable energy projects. The energy transition must not come at the expense of human rights and the environment. Green energy must break, not repeat or uphold, existing patterns of repression.



## Appendix

### **International frameworks for protecting human rights defenders in business and environmental sectors**

Duty bearers – governments, corporations, and other entities responsible for upholding human rights – operate within international frameworks that define their obligations and guide their actions. Rooted in international law, treaties, and ethical standards, these frameworks establish the principles duty bearers must respect, protect, and fulfil. This section examines these key frameworks, and the actions required to put them into practice.

#### **United Nations Guiding Principles on Business and Human Rights (the UNGPs).**

Adopted by the UN Human Rights Council in 2011, the UNGPs provide the leading framework for preventing, addressing, and remedying business-related human rights abuses through HRDD. They outline the responsibilities of states to protect against such abuses and of businesses to respect human rights by identifying, preventing, and mitigating potential or actual impacts.

According to the UNGPs, states hold the primary duty to protect human rights, including the human rights of defenders, as also emphasized in the UN Declaration on Human Rights Defenders.<sup>98</sup> Businesses must ensure their operations and supply chains do no harm to human rights, address adverse impacts they cause or contribute to, and offer remedy. The UNGPs encourage companies to engage with human rights defenders, recognizing their vital role in promoting accountability and transparency. As highlighted in the UN Working Group on Business and Human Rights report, *The Guiding Principles on Business and Human Rights: Guidance on Ensuring Respect for Human Rights Defenders*, states must protect defenders and prevent obstruction of their legitimate work. Businesses are urged to consult defenders during HRDD, acknowledging their role as watchdogs and advocates for stakeholders, communities, workers, Indigenous groups, and others affected by business activities.

#### **The OECD Guidelines for or Multinational Enterprises on Responsible Business Conduct**

The OECD Guidelines for Multinational Enterprises on Responsible Business Conduct (the OECD Guidelines)<sup>99</sup> issued by OECD members' governments provide recommendations for multinational enterprises on topics like human rights, labour rights, the environment, taxation, and other business responsibilities. Regarding human rights defenders, the OECD Guidelines promote rule of law and safe civic space, urging companies to respect defenders' rights, foster safe reporting on business impacts, and avoid and address harm caused by reprisals.

The OECD updated the Guidelines in 2023, with changes including stronger protections for people and groups at risk. These include defenders who raise concerns around corporate accountability, i.e. by calling for governments to enhance rule of law and civic space, create an enabling policy environment (Preface: paragraph 6) and call on enterprises to refrain from discriminatory, disciplinary actions and reprisals on workers and trade unions, including by preventing use of reprisals in their own enterprise or by business partners.<sup>100</sup>

#### FACT

### **Human rights due diligence and risks for defenders**

Protecting defenders and respecting their rights is a legal duty for states and a responsibility for businesses. HRDD, as outlined in the UNGPs, the OECD Guidelines, and related guidance, is essential for preventing and mitigating harm to defenders.

Severe attacks on defenders, such as killings and assaults, are often preceded by non-violent tactics like smear campaigns, arbitrary detentions, surveillance, and legal harassment. These early warning signs are frequently overlooked but are crucial for preventing violence.

Effective HRDD involves monitoring the environment defenders operate in, engaging with them to understand their challenges, and identifying threats like restrictive laws or rhetoric portraying defenders as ‘enemies of the state.’ Specific groups, including women, Indigenous defenders, and those tackling sensitive issues like land rights, often face heightened risks.

Moreover, HRDD should consider the specific contexts and intersectionalities that may exacerbate risks for certain groups of defenders. Women human rights defenders, indigenous defenders, and those working on contentious issues like land rights or corporate accountability often face heightened threats.

By recognizing these risks early, states and businesses can take proactive measures to protect defenders, ensuring they can work safely and without fear. This proactive approach is central to HRDD and fosters a supportive environment for defenders to continue their critical work.

## **The Aarhus convention**

Adopted in 1998 and signed by 47 countries across Europe and Central Asia, the Aarhus Convention establishes key rights to empower individuals and civil society in environmental matters. These rights, vital for environmental defenders, include ensuring access to environmental information; public participation in decision-making and access to justice, allowing citizens to challenge violations of these rights.

One of the key pillars of the Aarhus Convention is the right to access environmental information, enabling citizens to obtain data from public authorities. This transparency fosters informed decision-making and empowers communities to address environmental challenges.

To ensure these principles are upheld, the convention requires public authorities to promote transparency, participation, and accountability, turning policy commitments into practical action.<sup>101</sup>

## The Voluntary Principles on Security and Human Rights

The Voluntary Principles on Security and Human Rights help companies identify and address human rights risks in their interactions with public and private security providers. These principles are especially relevant for issues involving human rights defenders, emphasizing the prevention, mitigation, and response to human rights violations. The guidance focuses on: 1) conducting risk assessments for personnel, communities, and assets; 2) reducing the risk of abuse while engaging with public security forces; 3) guidance on private security practices.<sup>102</sup> Companies participating to the principles are also guided ‘to address underlying issues that create conditions for conflict, including repression of human rights defenders’.<sup>103</sup>

While primarily aimed at the extractive and agribusiness sectors, the principles also apply to sectors like renewable energy. Companies are encouraged to recognize and engage human rights defenders, implement and disclose zero-tolerance policies for threats and attacks, include defenders in risk assessments and consultations, and provide safe and accessible remedies for violations.

## The EU Directive on Corporate Sustainability Due Diligence

The Corporate Sustainability Due Diligence Directive (CSDDD), as adopted in 2024, would apply to large EU companies with over 1000 employees and an annual turnover exceeding 450 million euros, as well as non-EU companies generating the same turnover within the EU. At the time of writing, the Directive is being reshaped, following a European Commission package proposal, the Omnibus package, to weaken EU rules on sustainability, reporting and due diligence. The amendments on accounting, Audit, CSRD, CSDDD, and others are to be decided during 2025.

The original aim of the CSDDD is to ensure that companies identify and address adverse human rights and environmental impacts of their operations and supply chains. Companies in the scope of the Directive should integrate due diligence into their policies and risk management systems. This implies the need to identify and assess, and where necessary prioritise, prevent and mitigate as well as cease and minimise the extent of actual and potential adverse human rights and environmental impacts while providing remediation in relation to actual adverse impacts. An important part of this is the need to carry out meaningful engagement with stakeholders, as well as establishing and maintaining a notification mechanism and complaints procedure. In addition, companies need to monitor the effectiveness of measures taken, in accordance with the requirements provided for in the Directive, and communicate publicly on their due diligence.<sup>104</sup>

To comply with due diligence obligations, companies would need to take appropriate measures with respect to the identification, prevention, ending, minimisation and remediation of adverse impacts. In addition, companies need to carry out meaningful engagement with stakeholders throughout the due diligence process.<sup>105</sup>

According to the Directive, effective engagement should cover providing consulted stakeholders with relevant and comprehensive information, as well as ongoing consultation that allows for genuine interaction and dialogue at the appropriate level (i.e. project or site level) and with appropriate periodicity. Meaningful engagement with consulted stakeholders should take due account of barriers to engagement and ensure that stakeholders are free from retaliation and retribution, including by maintaining confidentiality and anonymity. Particular attention should be paid to the needs of vulnerable stakeholders and to overlapping vulnerabilities and intersecting factors, including by taking into account potentially affected groupings or communities – for example, those protected under the UN Declaration on the Rights of Indigenous Peoples and those covered in the UN Declaration on Human Rights Defenders.<sup>106</sup> There are situations in which it will not be possible to carry out meaningful engagement with consulted stakeholders, or where engagement with additional expert perspectives is useful to allow the company to comply fully with the requirements of the Directive. In such cases companies should additionally consult with experts, including civil society organisations or natural or legal persons defending human rights or the environment, so as to gain credible insight into actual or potential adverse impacts.

Furthermore, the CSDD Directive states that companies should provide the possibility for persons and organisations to submit complaints directly to them in case of legitimate concerns regarding actual or potential adverse human rights and environmental impacts. Persons and organisations who could submit such complaints should include persons who are affected, or have reasonable grounds to believe that they might be affected by business activities, and the legitimate representatives of such persons. These may include human rights defenders, trade unions and other representatives of those working in the chain of activities concerned, and civil society organisations active and experienced in the areas related to the environmental adverse impact that is the subject matter of the complaint.<sup>107</sup> Companies should also take reasonable measures to prevent any form of retaliation by ensuring the confidentiality of the person or organisation submitting the complaint or notification, in accordance with national law.

Many CSOs, including Swedwatch, have criticised<sup>108</sup> the Omnibus package and the further watering down of the Directive, and advocated for the Directive to be enacted by member states in its current version.

## The Escazú Agreement

The Escazú Agreement, adopted in 2018, is a groundbreaking treaty designed to enhance environmental rights in Latin America and the Caribbean. It requires signatory states to ensure access to environmental information, promote public participation in decision-making, and guarantee the right to justice in environmental matters. Additionally, it obligates states to protect human rights defenders, ensuring a safe and enabling environment free from threats. By October 2024, 24 countries had signed the agreement, with 17 ratifying it, making its provisions legally binding.

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