Emerging issues in environmental law: procedural rights and the protection of environmental defenders in Latin America and the Caribbean

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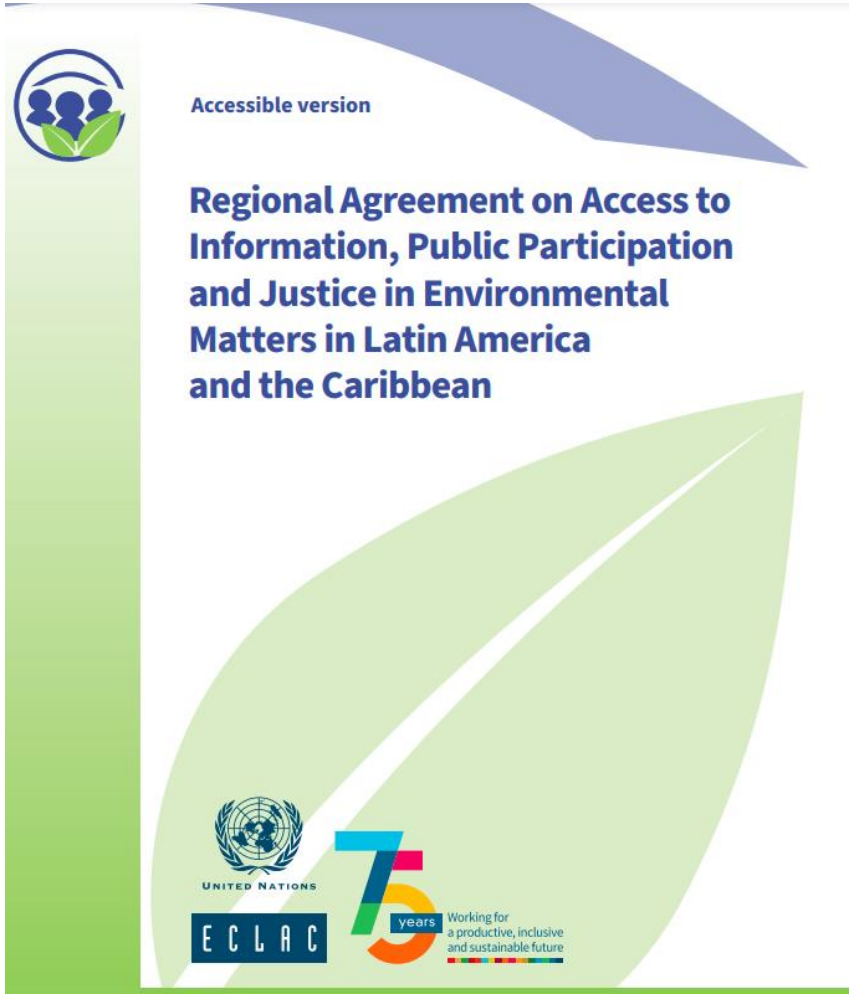
The Escazú Agreement on access rights and environmental defenders

- First regional environmental agreement (MEA) in Latin America and the Caribbean
- First treaty in the world to incorporate specific provision on environmental defenders
- Human rights and environmental rights
- Regional cooperation
- Substantive and procedural rights
- Mimimum common standards to harmonize access rights accross the region
- Environmental Law Emerging Principles (no regression; pro persona; etc)



The Escazú Agreement on access rights and environmental defenders

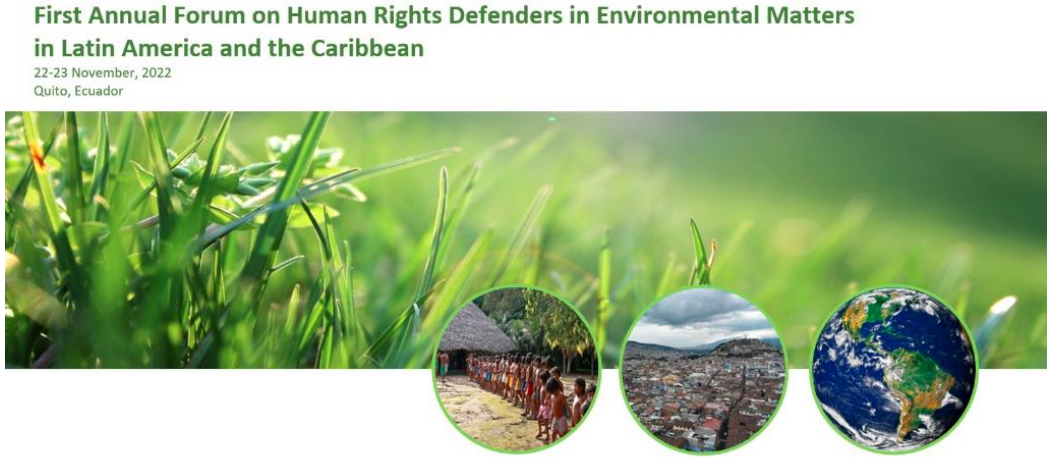
- Identification of gaps and good practices in the implementation of the Bali Guidelines adopted by the UNEP Governing Council in 2010.
- Support to the work of the Special Rapporteur on HR and Environment.
- Support to the negotiation process of the Escazu Agreement, and support for the signature and ratifications.
- Support to countries for the effective implementation of the Agreement
- Participation and contributions in deliberations of the COPs.
- Convening of side events:
  - Human right to a healthy environment
  - Regional cooperation
  - Criminalization of environmental defenders

Human Rights Defenders in Environmental Matters

- At the COP-1 to the Escazú Agreement (Santiago de Chile, April 2022), **Decision 1/6** established an open-ended ad hoc working group on human rights defenders in environmental matters coordinated by Chile, Ecuador and St. Kitts and Nevis.

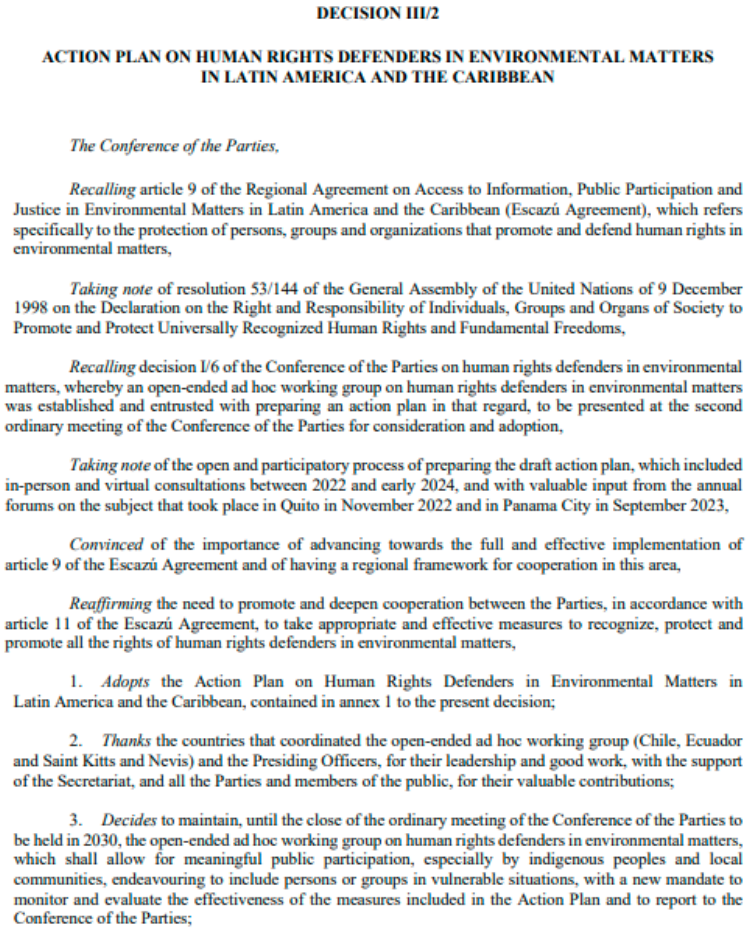
- **Objective of the Decision**: Elaboration of an action plan on human rights defenders in environmental matters, to be presented at the second ordinary meeting of the Conference of the Parties (April 2024), for consideration and adoption.

- The process begins in October 2022, proceeded by **two Forums on Environmental Defenders** (**Quito** -2022- and **Panama** -2023-), as well as public virtual consultations and the establishment of working groups.



Action Plan on Environmental Defenders

- **Area A: Knowledge creation and raise awareness** on the situation, rights and role of persons, groups and organization that promote and defend human rights in environmental matters.
- **Area B**: **Recognition** of the work and contribution of persons, groups and organizations that promote and defend human rights in environmental matters.
- **Area C: Capacity-building and cooperation for national implementation of the action plan** to the formulation and implementation of measures to protect and promote the rights of environmental defenders.
- **Area D:** Implement measures for **evaluation, follow-up and review** of the action plan.



DECISION III/2

ACTION PLAN ON HUMAN RIGHTS DEFENDERS IN ENVIRONMENTAL MATTERS IN LATIN AMERICA AND THE CARIBBEAN

The Conference of the Parties,

Recalling article 9 of the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement), which refers specifically to the protection of persons, groups and organizations that promote and defend human rights in environmental matters,

Taking note of resolution 53/144 of the General Assembly of the United Nations of 9 December 1998 on the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms,

Recalling decision I/6 of the Conference of the Parties on human rights defenders in environmental matters, whereby an open-ended ad hoc working group on human rights defenders in environmental matters was established and entrusted with preparing an action plan in that regard, to be presented at the second ordinary meeting of the Conference of the Parties for consideration and adoption,

Taking note of the open and participatory process of preparing the draft action plan, which included in-person and virtual consultations between 2022 and early 2024, and with valuable input from the annual forums on the subject that took place in Quito in November 2022 and in Panama City in September 2023,

Convinced of the importance of advancing towards the full and effective implementation of article 9 of the Escazú Agreement and of having a regional framework for cooperation in this area,

Reaffirming the need to promote and deepen cooperation between the Parties, in accordance with article 11 of the Escazú Agreement, to take appropriate and effective measures to recognize, protect and promote all the rights of human rights defenders in environmental matters,

1. *Adopts* the Action Plan on Human Rights Defenders in Environmental Matters in Latin America and the Caribbean, contained in annex 1 to the present decision;

2. *Thanks* the countries that coordinated the open-ended ad hoc working group (Chile, Ecuador and Saint Kitts and Nevis) and the Presiding Officers, for their leadership and good work, with the support of the Secretariat, and all the Parties and members of the public, for their valuable contributions;

3. *Decides* to maintain, until the close of the ordinary meeting of the Conference of the Parties to be held in 2030, the open-ended ad hoc working group on human rights defenders in environmental matters, which shall allow for meaningful public participation, especially by indigenous peoples and local communities, endeavouring to include persons or groups in vulnerable situations, with a new mandate to monitor and evaluate the effectiveness of the measures included in the Action Plan and to report to the Conference of the Parties;

National implementation and capacity-building activities

Legal analysis and identification of gaps

- Legal analysis of the status of environmental and procedural rights legislation, and environmental defenders.
- Identification of gaps and recommendations to enhance substantive pillars of the Escazú Agreement.

Knowledge products

- Knowledge materials on the human right to a healthy environment; and on environmental constitutionalism, HRHE and access rights.

Capacity-building and awareness raising

- Capacity-building and awareness-raising activities to different stakeholders: government officials, civil society, legal community, and EHRD
- Work with the Judiciary.
- Support to the Regional Alliance of Environmental Law Clinics.
- Workshops on women environmental defenders and the HRHE.

UN Inter-agency collaboration

- Joint work with ECLAC and UNHRHC in the organization of Regional forums of Environmental Human Rights Defenders (Ecuador and Panama).
- Joint work with UNHCHR in the Regional Forum on Business and Human Rights.
- Promotion of HRHE in the UN system at national level (formulation of UNSDCFs).

Thank you!

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