

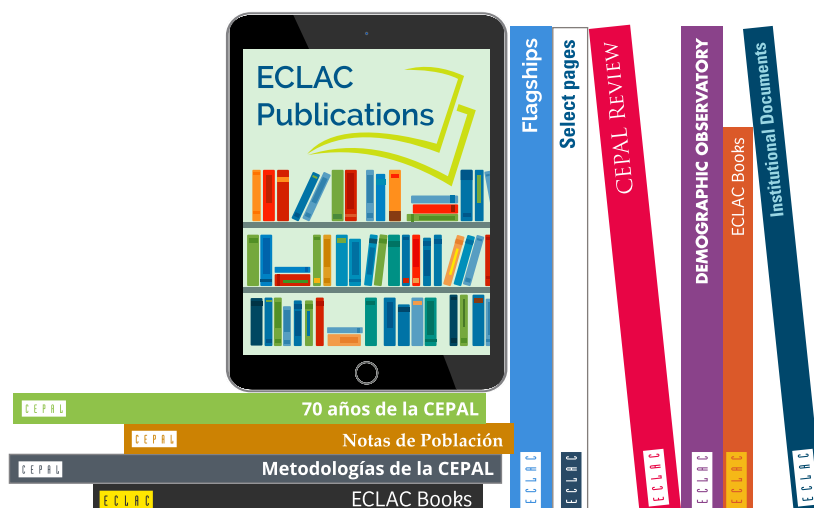
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# Report of the First Annual Forum on Human Rights Defenders in Environmental Matters in Latin America and the Caribbean

Quito,  
22 and 23 November 2022



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# Report of the First Annual Forum on Human Rights Defenders in Environmental Matters in Latin America and the Caribbean

Quito, 22 and 23 November 2022



This document is the official report of the First Annual Forum on Human Rights Defenders in Environmental Matters in Latin America and the Caribbean, held in Quito on 22 and 23 November 2022. The Forum was convened by the Economic Commission for Latin America and the Caribbean (ECLAC), in its capacity as Secretariat of the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement), in partnership with the United Nations Environment Programme (UNEP), the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the Government of Ecuador, and it was supported by the Human Rights, Inclusion and Empowerment trust fund of the World Bank.

The report was prepared by the Secretariat of the Regional Agreement, and it underwent review and incorporates comments by the institutions participating in the organization of the Forum.

Thanks are extended to the team who organized the Forum and collaborated in the work: Carlos de Miguel, David Barrio, María Andrea Sanhueza and Gabriela Burdiles (ECLAC); Andrea Brusco, María Candela Zaffiro and Abi Márquez (UNEP); Jan Jarab, Francisco Xavier Mena and Ignacio Roncagliolo (OHCHR); Walter Schuldt, Christian Anchaluza, José Naula and Nicolás Toro (Government of Ecuador); and Sofia de Abreu, Bastián Pastén and Valeska David (World Bank).

This document was prepared within the framework of the activities of the United Nations Development Account, through the project “Enhancing access to information, public participation and justice in environmental matters in Latin America and the Caribbean to build back greener, fairer and better”.

The views expressed in this document, which is a translation of an original that did not undergo formal editorial review, are those of the authors and do not necessarily reflect the views of the Organization or the countries it represents.

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## Summary

The First Annual Forum on Human Rights Defenders in Environmental Matters in Latin America and the Caribbean was held in Quito on 22 and 23 November 2022. The Forum was convened by the Economic Commission for Latin America and the Caribbean (ECLAC) in its capacity as Secretariat of the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement), in partnership with the United Nations Environment Programme (UNEP), the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the Government of Ecuador, and it was supported by the Human Rights, Inclusion and Empowerment trust fund of the World Bank.

The purpose of the Forum was to create a space for reflection and dialogue on the situation of human rights defenders in environmental matters in Latin America and the Caribbean, bringing together the Parties to the Escazú Agreement, recognized specialists on the subject and the public in general, especially human rights defenders, Indigenous Peoples and local communities, and individual and groups of environmental defenders in vulnerable situations.

To this end, the Forum focused mainly on the following topics:

- The situation and challenges experienced by human rights defenders in environmental matters in Latin America and the Caribbean and testimonies of defenders.
- Experiences and good practices in promoting the rights of environmental defenders.
- Mechanisms for the protection of defenders within the framework of the Escazú Agreement and specific contents of article 9.
- An initial discussion on the preparation of the action plan on defenders of the Escazú Agreement.

This document contains the official report of the First Annual Forum and summarizes the various panels, discussions and presentations. It also contains a systematization of the proposals made by the breakout groups during the proceedings, which will serve as input for the preparation of the action plan on human rights defenders of the Escazú Agreement.





## I. Background

The Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (the Escazú Agreement) is the first environmental treaty to be concluded in the Latin American and Caribbean region and the first in the entire world to set out specific provisions on the protection of human rights defenders in environmental matters.

Article 9 of the Escazú Agreement states that each Party shall guarantee a safe and enabling environment for persons, groups and organizations that promote and defend human rights in environmental matters so that they are able to act free from threat, restriction and insecurity. It also establishes that each Party shall take appropriate, effective and timely measures to prevent, investigate and punish attacks, threats or intimidations that human rights defenders in environmental matters may suffer while exercising the rights set out in the Agreement.

To support the implementation of article 9 of the Agreement, it was decided at the first meeting of the Conference of the Parties to the Escazú Agreement, held in Santiago from 20 to 22 April 2022, to establish an open-ended ad hoc working group on human rights defenders in environmental matters (decision I/6).<sup>1</sup> The working group is to be led and coordinated by Chile, Ecuador, and Saint Kitts and Nevis.

At that meeting, the Conference of the Parties also entrusted the working group with the preparation of an action plan to be presented at the second ordinary meeting of the Conference of the Parties for consideration and adoption in 2024. The parties to the Agreement also decided to hold an annual forum on human rights defenders in environmental matters to be attended by recognized specialists in the field and to draw upon the assistance of the Secretariat (the Economic Commission for Latin America and the Caribbean) for that purpose.

This report summarizes the main discussions and conclusions of the First Annual Forum on Human Rights Defenders in Environmental Matters in Latin America and the Caribbean with a view to serve as an input for the proposed action plan.

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<sup>1</sup> Conference of the Parties to the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean, "Decision I/6: Human rights defenders in environmental matters", Santiago, 22 April 2022 [online] [https://acuerdodeescazu.cepal.org/cop1/sites/acuerdodeescazucop1/files/22-00344\\_cop-ez.1\\_decisions\\_approved\\_4\\_may.pdf](https://acuerdodeescazu.cepal.org/cop1/sites/acuerdodeescazucop1/files/22-00344_cop-ez.1_decisions_approved_4_may.pdf).



## II. Place and date of the Forum

The First Annual Forum on Human Rights Defenders in Environmental Matters in Latin America and the Caribbean was held in Quito, Ecuador, on 22 and 23 November 2022. It was organized by the Economic Commission for Latin America and the Caribbean (ECLAC), in its capacity as Secretariat of the Escazú Agreement, in partnership with the United Nations Environment Programme (UNEP), the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the Government of Ecuador, with support from the Human Rights, Inclusion and Empowerment umbrella trust fund of the World Bank.



### III. Objectives of the Forum and items for discussion

The objective of the Forum was to provide an opportunity to consider and discuss the situation of human rights defenders in environmental matters in Latin America and the Caribbean for the Parties to the Escazú Agreement, recognized specialists in the field and members of the public at large, especially human rights defenders, Indigenous Peoples and local communities, and persons or groups in vulnerable situations who defend the environment.

The Forum also helped to raise awareness of the risks and challenges faced by defenders and of the ways in which the Escazú Agreement can serve as a framework for the provision of support at the regional and national levels. In addition, the Forum sought to help build the capacities of stakeholders and strengthen cooperation among them.

In order to achieve its objectives, the Forum focused primarily on the following topics:

- The situation of human rights defenders in environmental matters in Latin America and the Caribbean and the challenges they face
- Narratives of human rights defenders
- Experiences and best practices in the promotion of the rights of environmental defenders
- Mechanisms for the protection of defenders within the framework of the Escazú Agreement and specifically the provisions of article 9
- An initial discussion on the development of the action plan on environmental defenders under the Escazú Agreement



## IV. Attendance

The Forum used a hybrid format, and participants could therefore register beforehand to take part either in person or remotely. It was attended by 122 persons on site and by over 100 persons remotely, including representatives of United Nations agencies and other regional institutions, States Parties to the Escazú Agreement and other countries of the region. The participants included representatives of national human rights institutions, protection mechanisms and other national public institutions; environmental defenders working in various sectors and subject areas; and representatives of members of the public, academia, Indigenous Peoples and local communities, civil society, the private sector and other interested parties.





## V. Format of the Forum and summary of the presentations

The Forum was held over a period of two days. During the first day, the participants met in plenary. Panel discussions among defenders and experts, round tables and selected narrative presentations framed a general approach to the subject and provided an overview of the situations experienced by defenders in the region and of the national and regional protection mechanisms and initiatives that are in place. On the second day, focused discussions were held on the provisions of the Escazú Agreement and the associated action plan in a number of different breakout groups that then reported back to the plenary session.

### A. Opening session

At the opening session, the participants were addressed by José Antonio Dávalos Hernández, Deputy Minister for the Environment of Ecuador; Lena Savelli, United Nations Resident Coordinator in Ecuador; Derionne Edmeade, Environmental Education Officer with the Department of Environment of Saint Kitts and Nevis; Irene Murillo, an elected representative of the public for the Escazú Agreement; and Joseluis Samaniego, Chief of the Sustainable Development and Human Settlements Division of ECLAC.

The Deputy Minister for the Environment of Ecuador welcomed the participants and spoke of the importance of the issues to be dealt with at the Forum for the region and for Ecuador in particular. He underscored the efforts of the ad hoc working group on human rights defenders in environmental matters formed under the Escazú Agreement and described the work being done by Ecuador to develop a timetable and road map for the protection of defenders at the national level.

The United Nations Resident Coordinator in Ecuador noted that the Escazú Agreement is a landmark Accord inasmuch as it revolves around human rights defenders and seeks to safeguard the right of present and future generations to a sound environment. She emphasized that protecting the environment starts with protecting its defenders.

The representative of Saint Kitts and Nevis highlighted the importance of the opportunities for sharing experiences and knowledge afforded by the Forum for small island States of the Caribbean. He

drew attention to the need to adopt robust measures in this area and recalled the mandates issued by the Conference of the Parties at their first meeting, with special emphasis on the objectives of the ad hoc working group and the annual Forum.

The elected representative of the public for the Escazú Agreement spoke about the action plan on human rights defenders in environmental matters that is to be drawn up by the ad hoc working group, which, she emphasized, should meet the real needs of defenders in the region and ensure that all stakeholders, including Indigenous Peoples, have a significant role to play in the relevant national mechanisms and in the implementation of the measures that they deploy.

The Chief of the Sustainable Development and Human Settlements Division of ECLAC added that environmental defenders are calling upon all people to preserve and care for the environment around them but also to engage in a dialogue and to rethink the existing development model so that the appropriate value will be attributed to natural capital. He went on to say that priority should be placed on long-term investment policies focusing on sectors with a smaller environmental footprint that can act as drivers of economic growth. The Escazú Agreement is, he noted, a cooperation-based tool for building consensus and collaboration among different sectors in working to achieve a sustainable form of development.

## **B. Presentation of the Escazú Agreement Secretariat: background and objectives of the Forum**

Carlos de Miguel, Chief of the Policies for Sustainable Development Unit of ECLAC, on behalf of the Secretariat of the Escazú Agreement, gave an overview of the background of the Agreement, its objectives, structure and contents and its institutional architecture. He invited the Forum participants to visit the website of the Observatory on Principle 10 in Latin America and the Caribbean,<sup>2</sup> which serves as a clearinghouse. He also commented on the implementation guide for the Escazú Agreement recently published and posted on the ECLAC website<sup>3</sup> by the Secretariat, which provides guidance and relevant information for States Parties and other stakeholders concerning the fulfilment of the Agreement's provisions.

He then referred to the regional public mechanism of the Escazú Agreement, highlighting the main objectives of keeping interested persons informed about the Escazú Agreement and allowing for their engagement in the process.<sup>4</sup> The mechanism serves as a platform for the election of representatives of the public, who work to promote and facilitate the participation of the public and to serve as a channel for their contributions and input. Elections for new representatives were held on 2 and 3 November 2022. Lastly, he presented the agenda for the Forum, outlined its objectives and structure, and invited all those attending to play an active role in contributing to the deliberations.

## **C. Panel 1: The situation of human rights defenders in environmental matters in Latin America and the Caribbean**

The moderator for this panel was Ignacio Roncagliolo, Human Rights Adviser with OHCHR. The panel discussion opened with presentations by Mary Lawlor, United Nations Special Rapporteur on the situation of human rights defenders, and David Boyd, United Nations Special Rapporteur on human rights and the environment.

<sup>2</sup> Economic Commission for Latin America and the Caribbean (ECLAC), Observatory on Principle 10 in Latin America and the Caribbean [online] <https://observatoriop10.cepal.org/en>.

<sup>3</sup> Economic Commission for Latin America and the Caribbean (ECLAC), *Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean: implementation guide* (LC/TS.2021/221/Rev.1), Santiago, 2022 [online] <https://repositorio.cepal.org/handle/11362/48495>.

<sup>4</sup> See [online] <https://www.cepal.org/en/escazuagreement/regional-public-mechanism>.

Special Rapporteur Mary Lawlor addressed the topic of environmental defenders in Latin America and the Caribbean in a global context, drawing upon the reports she had recently prepared in fulfilment of her mandate. She referred, in particular, to the challenge of fully implementing the Escazú Agreement and the importance of the ad hoc working group as a body that could play a decisive role in tackling the issue. She concluded her remarks by urging the participants to listen carefully to what environmental defenders had to say.

Special Rapporteur David Boyd spoke of the recent recognition by the General Assembly of the United Nations of the human right to a clean, healthy and sustainable environment,<sup>5</sup> which he characterized as marking out the way forward for environmental protection efforts. The recognition of this right should act as a catalyst for change and for the respect and protection of the environment which was so sought after by its defenders and which would greatly improve the quality of life of all persons.

A round-table discussion was then held during which defenders from Latin America and the Caribbean described their experiences and the different ways in which environmental rights were being affected in the region.

The first person to speak was Bernardo Caal Xol, a leader of the Q'eqchi' peoples, a teacher and a defender of the rivers of Guatemala. He explained that mega hydropower projects were being developed in his community that had interfered with his peoples' right to water and their access to their sacred rivers. A dispute had arisen when the State authorized the construction of hydropower plants without taking into consideration the community's priorities or International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169), which enshrined the principle of free, prior and informed consent. In the face of this incursion, the community organized itself and lodged an appeal in the courts. In response, the company had brought criminal charges against the community's leaders, and Mr. Caal had spent more than four years in prison, which had had a severe impact on him, his family and his entire community. He spoke of the formidable challenge of improving access to justice in such cases and ending discrimination and racism in the judicial and penal systems. The Escazú Agreement is a tool for all environmental defenders and should be supported by all States so that they could continue to defend their way of life and so that defenders would not be criminalized.

Neidinha Cardozo, Director of Associação de Defesa Etnoambiental Kanindé, a non-governmental organization based in Rondônia, Brazil, then spoke of the specific types of risks to which children and women were exposed in Amazonia. She stated that Brazil was one of the most dangerous countries for environmental defenders and noted that the situation was especially serious in the Amazon region, where the number of murders of human rights defenders had been on the rise for the last four years. People who were fighting to uphold human rights in the area were under constant threat and were in need of both psychological and social support. She went on to describe incidents of sexual violence directed at girls and women and the plight of Indigenous Peoples living in isolation whose way of life and territories were under threat. She called upon all countries in the region to ratify the Agreement and, most importantly, to listen closely to what environmental defenders had to say so that they could then implement the Agreement through appropriate policies for protecting life and nature.

Elvira Jossa, an Indigenous leader of the Asociación Pensamientos Ancestrales Oh Corey of Putumayo, Colombia, described the experiences of communities in that part of Colombia, where, in addition to the effects of the armed conflict, water pollution was a serious problem. People in the area were victims of ongoing violence and were being displaced by armed groups that wanted to occupy their land and to destroy their communities and the natural environment. Women had had to band together to defend their territories and their children without any outside support. For them, the land and water were sacred, were alive and were a source of strength. They would continue working together within the framework of the Forum in order to create new networks and alliances.

<sup>5</sup> United Nations, *The human right to a clean, healthy and sustainable environment (A/76/L.75)*, 26 July 2022.

Víctor Zambrano, Chair of the Tambopata National Reserve Management Committee and owner of the Refugio K' erenda Homet private conservation area in Madre de Dios, Peru, spoke of the risks run by private sector conservationists. He explained that the Tambopata National Reserve was threatened by groups attempting to set up illicit business ventures, such as illegal mining, logging and drug-running operations. His organization was working to defend the Reserve, but some of its members had been killed, with the most recent victim being murdered in March 2022. All the killings had been reported to the authorities, but the perpetrators remained free. He and the other members of his organization had been trying to have the killers brought to justice since 2017 by, among other things, lodging complaints with human rights bodies and rapporteurs of the United Nations. His organization was taking part in the first task force to be established under the Intersectoral Mechanism for Protecting Human Rights Defenders of Peru in Madre de Dios, together with four ministries and the regional government. In closing, he informed the participants that the Management Committee was reinforcing its strategy and seeking the international support and funding that was essential for the continued work of the organization.

Raquel Zapién, Director and founder of Son Playas in Mazatlán, Sinaloa, Mexico, explained that her organization was a group of independent journalists seeking to contribute to the implementation of article 9 of the Escazú Agreement. They were working to disseminate environmental information and were engaging members of the public to help make them aware of emerging issues and of the struggles that were going on and to undertake collective action to ensure that the citizenry was better informed. The local press helped people come to grasp with problems that seemed remote and difficult to understand, using information about local experiences to generate empathy. The local press, whose voice was often muffled by many different means, thus contributed to the common good. She spoke of how dangerous it was to be a journalist in Mexico, where 157 members of the press had been murdered since the year 2000. According to the organization Article 19, 11 journalists had been murdered in 2022 alone,<sup>6</sup> and dozens more had been threatened and had had to flee. Reporters Without Borders ranked Mexico as one of the most dangerous and deadly countries in the world for journalists.<sup>7</sup> It also reported that there was an even higher level of risk for local journalists, especially those working on environmental issues, because they were easy to find and had less protection. Stigmatization and hate speech also tended to be more virulent at the local level, where members of the press were more vulnerable. Yet the greatest threat of all, she warned, was the precariousness of local journalists' working environment, as they often did not have the funds to move from one place to another and lacked support for their investigations, which limited the amount and coverage of the information that they could provide to the public. All those factors could lead to the emergence of "information dead zones", where no journalists were active because they were not free to do their work. She concluded her remarks by calling for the protection of members of the press as more and better environmental journalism was needed now, more than ever, in the face of the environmental crisis.

The final presenter was Alyssa White, an environmental activist with the Caribbean Youth Environment Network (CYEN) of Barbados. She explained that her organization worked through various campaigns and activities to promote environmental protection. She noted the importance of opening up access to environmental information and the difficulties involved in doing so, which hampered the work of environmental defenders. She referred to the serious environmental disputes in Barbados surrounding land use issues and access to housing for the country's growing population, which had been fuelled by the increase in real estate sales to foreign investors and reforestation projects launched since 2019. Environmental movements had taken action on a number of different fronts, including the courts, but reprisals against some members had taken a physical and emotional toll. As a regional organization, CYEN provided a platform for young people who were working to defend the environment and would continue to work to secure ratification of the Escazú Agreement in the Caribbean.

<sup>6</sup> Article 19, "Periodistas asesinado/as en México", 2022 [online] <https://articulo19.org/periodistasasesinados/>.

<sup>7</sup> Reporteros sin Fronteras (RSF), Clasificación 2022: Puntuación Global [online] <https://rsf.org/es/clasificacion>. Mexico is ranked 127th out of 180 countries.

## D. Panel 2: Experiences and good practices in the promotion, prevention and protection of environmental human rights defenders

The second panel discussion, in which participants shared information about progress and good practices at the national and international levels, was moderated by Abi Márquez, of the UNEP Office in Mexico, and by María Candela Zaffiro Tacchetti, of the UNEP Regional Office for Latin America and the Caribbean.

The discussion began with experiences at the national level. The first presenter, Ramón Enrique Barrios, Chair of the Legislative and Constitutional Affairs Committee of the Congress of Honduras, outlined his country's efforts to counter the criminalization of many human rights and environmental defenders over the past 10 years. A milestone event in 2022 had been the declaration of an amnesty for people who had been charged with criminal offences for having committed acts in defence of nature and the Earth during the past decade.<sup>8</sup> He also spoke of the work Congress was doing to move towards the accession of Honduras to the Escazú Agreement.

Ángel González Ramírez, Director of Human Rights Policy and Management of the Ministry of Justice and Human Rights of Peru, gave a presentation on the Intersectoral Mechanism for the Protection of Human Rights Defenders,<sup>9</sup> which had been approved in April 2021. The mechanism pooled the efforts of eight government ministries (including the interior, environment, and justice and human rights ministries) and assigned specific mandatory functions to each one. This was a participatory, multilevel mechanism that facilitated the coordination of different levels of government and provided for the establishment of regional task forces in the highest-risk areas.<sup>10</sup>

The mechanism focused on three main areas of action: (i) prevention: preventive action involved compiling strategic information which was then stored in a register of high-risk situations and ensuring the recognition of the role of human rights defenders in upholding the rule of law; (ii) rapid-response protection: an early warning system was in place and a monitoring mechanism was in operation 24 hours a day, every day, to detect any situation that could put a defender at risk; and (iii) access to justice: free legal defence services were provided both to victims and to persons against whom charges were brought. The mechanism also had a capacity-building component which provided for human rights educational programmes for members of the judiciary, public prosecutors and law enforcement personnel.

Advances in the implementation of the mechanism had included three visits by high-level officials to areas at risk to provide support for victims and the passage of Act No. 31.405 on the protection and promotion of the integral development of children and adolescents who had been orphaned.<sup>11</sup> Under that statute, economic assistance was provided to the children of defenders who had been murdered. The mechanism needed to be further strengthened, however, through the adoption of specific supplementary policy instruments that would enable the participating agencies to provide greater protection to defenders. More funding and more coordination were also needed for the implementation of protective measures, especially in areas where the State's presence was more limited, such as rural zones and, in particular, Amazonia.

Eliane Moreira, Public Prosecutor for the State of Pará, Brazil, outlined the work done by the Prosecution Service. As background information, she noted that Brazil was one of the deadliest countries in the world for environmental defenders, and that was particularly true of the Amazon region, which

<sup>8</sup> Honduras, "Decreto núm. 4-2022: Ley para la Reconstrucción del Estado Constitucional de Derecho y para que los Hechos no se Repitan", Tegucigalpa, 4 February 2022.

<sup>9</sup> Peru, "Decreto Supremo núm. 004-2021-JUS que Crea el Mecanismo Intersectorial para la Protección de las Personas Defensoras de Derechos Humanos", 2021.

<sup>10</sup> These task forces are part of the strategy for setting up regional task forces for the protection of human rights defenders in high-risk areas. These larger regional task forces will coordinate with the heads of regional governments, superior courts, prosecutors' offices, police districts, representatives of offices of ombudspersons, civil society organizations and Indigenous Peoples' organizations at the regional level. To date, three regional task forces have been established.

<sup>11</sup> Peru, "Ley núm. 31405 que Promueve la Protección y Desarrollo Integral de las Niñas, Niños y Adolescentes que se Encuentran en Situación de Orfandad", 2022.

included the State of Pará where most of the ongoing environmental disputes occurred in Brazil. Many defenders of the Earth who were at risk were members of Indigenous Peoples, and 8 out of 10 of them were women. Public prosecutors were responsible for defending these persons, and many of them had also been threatened and harassed to the point where they had been included in protection programmes. Their experiences in working with environmental defenders had shown how important it was to hold public meetings and talks where defenders could speak about their work and about the risks they faced and could network with and learn from others. Prosecutors had invoked provisions of the Escazú Agreement in their court cases, and the force of those arguments had been recognized by the judiciary. It was important for prosecutors' offices to include members of Indigenous Peoples among their staff, and the Prosecution Service of the State of Pará had been the first to ensure diversity in its recruitment procedures with a view to providing a better defence for the collective rights of Indigenous Peoples.

Lucila Taboada, Chief of the Environment and Sustainable Development Division of the Ombudsperson's Office of Argentina, spoke of the responsibilities of the offices of ombudspersons in Latin America in ensuring that the Escazú Agreement was fully implemented. Those offices had an obligation to play an active role in defending human rights because they were in a position to identify failings and violations on the part of the State. It was therefore important for them to keep in direct contact with members of the public, especially those in the most vulnerable sectors. In environmental matters, they should provide support for the more sensitive types of public participation processes, give their backing for petitions for access to information and, if those petitions did not receive a positive response, lodge the appropriate complaints. Local offices of ombudspersons knew more about the situation of environmental defenders on the ground, and it was therefore important for them to network with their counterparts at all levels. Offices of ombudspersons also had a role to play in disseminating information about the Escazú Agreement and promoting access by, for example, providing training on the contents of the Agreement to public officials.

Supreme Court Justice Damaris Vargas Vásquez of Costa Rica outlined the work being done by the judiciary to defend access rights. The Court's case law attested to its application of those rights since, even though Costa Rica was not yet party to the Agreement, access rights were established in numerous other human rights treaties. The legal force of those instruments prevailed over the Constitution pursuant to decisions of the Constitutional Court in the same manner as judgments of the Inter-American Court of Human Rights did. The Inter-American Commission on Human Rights had issued a decision in which it granted precautionary measures for the protection of the lives and persons of the members of the Teribe and Bribri Indigenous Peoples, who lived in the Salitre Indigenous Territory in Punta Arenas.<sup>12</sup> It had also made several important recommendations to United Nations human rights bodies concerning the situation of the Indigenous Peoples of Costa Rica and violations of their rights. Those instruments provided a road map for the protection of the human rights of Indigenous Peoples and of land and the environment in general for all branches of the State, including the judiciary of Costa Rica. The judicial branch also had a role to play in defending the environment, and it was therefore important to safeguard the work of judges, their areas of authority and their independence. The laws of Costa Rica guaranteed specialized public defence services for members of Indigenous Peoples, but it also underscored the importance of providing greater access to justice, not only in a formal sense, but also in a material one, in order to eliminate the barriers faced by vulnerable communities. She told the participants that Costa Rica was working on a policy under which specialized courts would be created for Indigenous Peoples<sup>13</sup> and on a policy for the protection of environmental defenders that would require prior consultations with Indigenous Peoples and the use of a gender-sensitive, intersectional approach. In closing, she reviewed the work being done through the Ibero-American Judicial Summit

<sup>12</sup> Inter-American Commission on Human Rights (IACHR), "Resolución núm. 16/15: Medida Cautelar núm. 321-12: Pueblo Indígena Teribe y Bribri de Salitre respecto de Costa Rica", 30 April 2015.

<sup>13</sup> Costa Rica, "Poder Judicial continua con proceso de coconstrucción de la política de acceso a la justicia de Pueblos Indígenas", n/d [online] <https://pj.poder-judicial.go.cr/index.php/prensa/746-poder-judicial-continua-con-proceso-de-co-construccion-de-la-politica-de-acceso-a-la-justicia-de-pueblos-indigenas>.

and its Environmental Justice Commission, which was currently being headed by Costa Rica<sup>14</sup> and which was focusing on the Escazú Agreement, along with the efforts being deployed to develop open justice policies in coordination with offices of ombudspersons throughout the region.

In opening the portion of the panel discussion to be devoted to regional and global experiences, Isabelle Boittin, Head of the Secretariat of ProtectDefenders.eu, gave a presentation on the European Union Human Rights Defenders Mechanism.<sup>15</sup> She explained that environmental defenders were one of the high-priority groups for this protective mechanism, which operated around the world, and that this European Union initiative was directed by a consortium of 12 non-governmental organizations working in the field of human rights. Its mission was to provide practical support to human rights defenders who were at risk, including environmental defenders, who were the targets of attacks around the world. She described the various support programmes it offered through its partner organizations, which included, for example, the provision of emergency support via a 24-hour hotline and grants of up to US\$ 10,000 for emergency evacuations, along with medical and legal support. Other medium-term forms of assistance that were provided on a case-by-case basis over periods lasting from three to eight months included psychological and social support programmes, capacity-building mechanisms and shelters. The third, longer-term, types of support furnished by the mechanism generally took the form of cooperation with organizations and communities to assist them with, for example, the development of communication and litigation strategies. Lastly, she invited the participants to consult the website of the mechanism to familiarize themselves in greater detail with the various programmes that it offered.

Joel Hernández, Rapporteur on Human Rights Defenders and Justice Operators of IACHR,<sup>16</sup> then spoke about the work being done by the Commission to monitor the situation and his work in seeking to give visibility to the situation of human rights defenders in Latin America and the Caribbean by preparing reports on such subjects as the right to defend human rights and States' obligations in that regard,<sup>17</sup> giving talks, holding town hall meetings and visiting high-risk areas. The Commission's system of petitions, hearings and reparation orders had been helping to shape and delineate the concept of the right to defend human rights, as well as providing protection in individual cases.<sup>18</sup> IACHR resolution 3/21<sup>19</sup> of 31 December 2021 on the scope of inter-American human rights obligations in the context of the climate emergency highlighted the adoption and entry into force of the Escazú Agreement and stated explicitly that States should adopt specific measures to recognize the rights of environmental defenders, to shield them from attacks and intimidation, and to investigate such acts if they occurred and punish the perpetrators.<sup>20</sup> The resolution also emphasized the role of women as defenders of the Earth and States' obligation to ensure women's participation in decision-making with regard to climate change and the energy transition.

Bastián Pastén, Senior Counsel of the Environmental and International Law Unit of the Legal Vice Presidency of the World Bank, then outlined the policies developed by the World Bank to address the situation in the region. He went on to discuss the Environmental and Social Framework adopted by the Bank in 2018<sup>21</sup> for its funding of development projects, explaining that the Framework was based on

<sup>14</sup> See [online] <http://www.cumbrejudicial.org/comision-de-justicia-medioambiental>.

<sup>15</sup> See [online] <https://protectdefenders.eu/>.

<sup>16</sup> See Rapporteurship on Human Rights Defenders and Justice Operators of the Inter-American Commission on Human Rights (IACHR) [online] <https://www.oas.org/en/iachr/jsForm/?File=/en/iachr/r/ddd/default.asp>.

<sup>17</sup> See, for example, Inter-American Commission on Human Rights (IACHR), *Toward a Comprehensive Policy to Protect Human Rights Defenders* (OEA/Ser.L/V/III), 2017.

<sup>18</sup> See Inter-American Court of Human Rights: [online] <https://www.oas.org/en/iachr/jsForm/?File=/en/iachr/r/ddd/corteidh.asp>.

<sup>19</sup> Inter-American Commission on Human Rights (IACHR)/Office of the Special Rapporteur on Economic, Social, Cultural and Environmental Rights (REDESCA), *Resolution No. 3/21: Climate Emergency: Scope of Inter-American Human Rights Obligations*, 2022.

<sup>20</sup> Paragraph 31 of the resolution states that: In cases of abuses or violations of the rights of individuals or groups defending the Land and Nature where companies or private actors related to the extractive sector intervene, States must strengthen transparent and effective mechanisms for monitoring, surveillance and control over these, providing, as appropriate, effective sanctions and adequate reparations to apply the criminal and administrative actions that are available in the countries to the protection of people's lives and livelihoods."

<sup>21</sup> World Bank, *The World Bank Environmental and Social Framework*, Washington, D.C., 2017.

interconnecting courses of action that were aligned with the main provisions and pillars of the Escazú Agreement. The Framework reinforced the World Bank's commitment to sustainable development based on 10 environmental and social standards designed to support borrowers' environmental and social risk management efforts. One of those standards dealt with stakeholder participation in Bank-financed projects on a systematic basis starting from the very outset of the process and continuing throughout a project's life and with the timely disclosure of clearly presented information on those projects. While there was no express mention of defenders as such, the broad term "stakeholders" included anyone who might be affected or have interest in a project. The Bank also had a readily accessible dispute settlement mechanism that was free of charge and that maintained the confidentiality of the parties to any dispute. In closing, he spoke of the Bank's "zero reprisals" policy, which had been in place since 2020 and was designed to address threats or reprisals against anyone who opposed or otherwise questioned projects financed by the World Bank, noting that an institutional complaints mechanism and an independent inspection panel were also in place for dealing with such cases.<sup>22</sup>

Francisca Stuardo, Advisor with the Global Witness programme of the Defenders of the Earth and the environment, gave a presentation on the work that her organization had been doing in that area for over 10 years now. She explained that Global Witness started to document killings of defenders of the Earth and environment in 2012 but was well aware that the information it had gathered was only part of a bigger picture. To date, it had documented 1,733 killings of people who were trying to protect their land and resources,<sup>23</sup> which amounted to an average of roughly one defender being killed every two days over that 10-year period. They had sought to understand the dynamics and motives underlying those murders, which were only the tip of an iceberg involving a wave of violence that included other less widely reported attacks such as acts of intimidation, surveillance, sexual violence, criminalization and others. There were multiple, complex structural causes of attacks on defenders, but a few points in common could be identified in countries where those kinds of attacks were most prevalent, such as: (i) inequality in the distribution of land, which led to conflicts over its control and use; (ii) the existence of armed conflicts that led to the displacement of residents, plundering and the establishment of illegal businesses based on the exploitation of natural resources; (iii) corruption in State institutions; (iv) a reduction of civic space by means of gender discrimination and misogyny, among other factors; and (v) impunity as a root cause. A stop could be put to those killings if policies for their prevention and for the protection of defenders were in place that could create a safe environment for defenders and the civic space they needed to carry out their work. Policies and laws were not enough, however, as demonstrated by the fact that several countries in the region already had protection mechanisms in place and yet the number of killings continued to rise. Full implementation of the Escazú Agreement was imperative, and it was essential to recognize the role of defenders, know who they were, officially document the attacks against them, provide support for their families, understand the causes for those attacks, identify the non-State actors involved in them and understand what their motives were or what interests they were protecting and hold companies—including the firms making up their supply chains and their trading partners—legally accountable.

Luisa Magdalena González, a member of the National Assembly of Ecuador and of Parliamentarians for Global Action (PGA), explained that PGA had been founded in 1978 by a group of parliamentarians from around the world who were seeking coordinated, collective, consensus-based solutions for global problems. PGA had years of experience in mobilizing its members through successful campaigns to win approval of international treaties. In 2021, PGA had launched its rights-based climate action campaign focusing on the Caribbean. The campaign sought to raise awareness of the need to implement the Escazú Agreement, which could be used as a climate governance tool for guaranteeing the rights to information,

<sup>22</sup> World Bank, "World Bank commitments against reprisals", March 2020 [online] <https://www.worldbank.org/en/projects-operations/environmental-and-social-framework/brief/world-bank-commitments-against-reprisals>.

<sup>23</sup> A. Hines, "Decade of defiance", Global Witness, 29 September 2022 [online] <https://www.globalwitness.org/en/campaigns/environmental-activists/decade-defiance/>.



participation and environmental justice.<sup>24</sup> She went on to speak of the inroads that had been made in the protection of human rights and environmental defenders in Ecuador. In 2019, the Office of the Ombudsperson had been established to protect and promote human rights and the natural environment.<sup>25</sup> The Office of the Ombudsperson Organization Act defined who were considered to be human rights and environmental defenders<sup>26</sup> and established the Office's special obligations regarding the provision of protection.<sup>27</sup> Subsequently, Decision No. 077 established specific provisions on the promotion and protection of the rights of human rights and environmental defenders.<sup>28</sup> Those provisions designated the agencies responsible for implementing and monitoring the relevant measures, defined the areas of action open to human rights and environmental defenders and the restrictions applying to them, and outlined a series of protective and promotional measures that were to be adopted by the Office of the Ombudsperson when necessary. Important protective measures included the system for lodging petitions and reporting cases, the Office's risk assessments, unofficial arrangements, its incorporation into the national victim and witness protection system, in situ visits to persons in prison or otherwise deprived of their liberty, the possibility of filing habeas corpus appeals, and oversight of due process and fair trial guarantees. Challenges yet to be met included the establishment of a preventive and early warning system and the improvement of the institutional structure through the introduction of preventive policies and policies to promote human and environmental rights.

Fernanda Hopenhaym, Chair of the United Nations Working Group on Business and Human Rights, outlined the Group's mandate for observing and monitoring the business and human rights agenda. She explained that the Group had been established by the Human Rights Council in 2011 by its resolution 17/4<sup>29</sup> and was composed of five independent experts of balanced geographical representation. She underscored the importance of the Group's work for environmental defenders in the face of the large-scale investment projects being pursued in Latin America and the Caribbean. Its aim was to act as an observer and then to recommend ways of upholding and protecting human rights, including those of persons working to defend the land and nature, and to foster a dialogue concerning the activities of the private sector. Some countries, such as Colombia and Peru, had made some headway by developing national business and human rights action plans. Nonetheless, many challenges remained in terms of the protection of human rights and environmental defenders in dealing with the large-scale investment projects that were being set up in the region, especially those of extractive industries, as the competition for natural resources intensified. A first step taken by the Group had been the publication of guidelines for the protection of human rights defenders<sup>30</sup> as one of the three pillars of the Guiding Principles on Business and Human Rights.<sup>31</sup> The Group had also visited a number of countries and businesses and made recommendations

<sup>24</sup> Parliamentarians for Global Action, Campaign for a Human Rights-based Approach to Climate Action [online] <https://www.pgaction.org/es/gei/climate-action/>.

<sup>25</sup> Ecuador, "Ley Orgánica de la Defensoría del Pueblo", 6 May 2019.

<sup>26</sup> See article 23 of the Office of the Ombudsperson Organization Act (Spanish only). That provision defines human rights and environmental defenders as persons or groups that exercise their right to promote, protect and seek to realize human and environmental rights. It covers both professional activities and personal and collective efforts that are peripherally related to the defence of human rights.

<sup>27</sup> See article 24 of the Office of the Ombudsperson Organization Act (Spanish only) on special protection. That provision provides that the State shall assume the following obligations for the protection of human rights and environmental defenders:

- (a) Ensure that human rights defenders are free to do their work.
- (b) Refrain from hindering their activities and remove obstacles to their activities.
- (c) Avert actions that would dissuade them from doing their work or criminalize their activities.
- (d) Protect them if they are at risk.
- (e) Investigate and uncover crimes committed against them, try and punish the perpetrators of such crimes, guarantee full reparation and ensure their absolute independence and impartiality.

<sup>28</sup> Ecuador, "Resolución núm. 077-DPE-CGAJ-2019: Normativa para la Promoción y Protección de los Derechos de las Personas Defensoras de Derechos Humanos y de la Naturaleza", 2019.

<sup>29</sup> United Nations, *Human rights and transnational corporations and other business enterprises (A/HRC/RES/17/4)*, 6 July 2011. Available at: <https://daccess-ods.un.org/tmp/7742054.46243286.html>

<sup>30</sup> United Nations, *The Guiding Principles on Business and Human Rights: guidance on ensuring respect for human rights defenders* (A/HRC/47/39/Add.2), 22 June 2021.

<sup>31</sup> United Nations, *Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework (HR/PUB/11/04)*, New York/Geneva, 2011.

about ways of avoiding practices that could endanger defenders in certain areas.<sup>32</sup> Challenges facing the Group included the need to develop suitable protection and reporting mechanisms. Remedial action also needed to be taken when attacks occurred, in addition to providing training and ensuring that the requisite measures were enforced by the private or public security forces tasked with controlling protests. She closed by informing the participants about the Group's mechanism for receiving reports and complaints regarding attacks on defenders, inviting them to explore it and explaining that, upon analysing those reports and complaints, the Group could forward communications or recommendations to the States and businesses in question and could issue petitions for urgent action when persons were at risk.<sup>33</sup>

Flavia Scabin, Coordinator of the Sustainable Development Law Clinic and Professor and Researcher at Fundação Getúlio Vargas (FGV) Sao Paulo School of Law, which is part of the Alianza de Clínicas Jurídicas Ambientales de Latinoamérica y el Caribe,<sup>34</sup> shared the work which her organization had been carrying out in defence of the region's environment since 2019. The Alianza worked to further environmental education with a view to strengthening the training in environmental protection received by law students. It was a grouping of various universities in Brazil, Colombia, Chile and Peru that were working together to further environmental legal education through the environmental law clinics which they organized. One of their aims was to train leaders in the defence of environmental rights and access to environmental justice. In Brazil, the Sustainable Development Law Clinic was working with nearly 400 households that had been displaced by the development and operation of the Belo Monte dam. The Georeferenced Information Monitoring System (SAGUI) was a participatory solution being used by local communities in the area to monitor the mitigation and remediation measures implemented by the company. A questionnaire had been sent out to collect reliable data on the living conditions of displaced population groups. One of the advantages of this system was that it was implemented by the relevant communities themselves and thus could be adapted to meet their needs and conform to their own circumstances, which was of key importance in ensuring the success and sustainability of this type of initiative.

Oswaldo Lapuente, Programme Officer with the Ford Foundation, drew attention to the Forum's importance in providing an opportunity to share perspectives and thoughts about how to go about institutionalizing article 9 of the Escazú Agreement. Focusing on the holistic, intersectional perspective reflected in article 9, he spoke of the need to adopt a broad-ranging approach that took into consideration a wide array of variables relating to the rights of women, Indigenous Peoples and groups that society had left behind. He also pointed out that protection measures should not be confined to shielding people from bodily harm; they also were needed to secure organizations' offices and other facilities, support people's psychological well-being and safeguard people from criminalization, which was an issue in many countries. The Ford Foundation deployed a variety of strategies to support local organizations, regional networks and platforms, and multilateral organizations. He closed his remarks by reiterating the Foundation's commitment to working with human rights groups and organizations to devise a mechanism and innovative tools within the framework of the Escazú Agreement for countering the worrisome trend towards the criminalization of environmental defenders that was currently evident in the region.

Irma Pineda Santiago, a member of the Permanent Forum on Indigenous Issues (UNPFII), referred to the heightened risks run by members of Indigenous Peoples; 40% of the environmental defenders who had been murdered in the last 10 years had been members of one or another Indigenous community, and over half of those murders had taken place in Latin America and the Caribbean. This was attributable to the fact that the Indigenous Peoples had been the ones who had historically led the effort to conserve and protect rivers, forests and jungles, as they were aware that, if those riches were lost, society lost not only assets that were important for maintaining health, knowledge, the economy and sustainability, but also lost knowledge that was essential for the livelihoods and ways of life of the Peoples concerned.

<sup>32</sup> United Nations, Country Visits: Working Group on Business and Human Rights [online] <https://www.ohchr.org/en/special-procedures/wg-business/country-visits>.

<sup>33</sup> United Nations, Communication Report and Search [online] <https://spcommreports.ohchr.org/TmSearch/Mandates?m=45>.

<sup>34</sup> See [online] <https://alianzadeclicinasambientales.com/>.

That was why UNPFII was heralding the entry into force of the Escazú Agreement and was urging States Parties to ensure its implementation and the full participation of Indigenous Peoples in its work. She also recalled the fact that, in various documents and declarations, the Forum had drawn attention to the impact that some mining projects and companies were having on the rights of Indigenous Peoples and had called upon States Parties to further those Peoples' actual enjoyment of their rights and to avert reprisals against Indigenous Peoples when they did not consent to a given project.<sup>35</sup>

## E. Panel 3: The Escazú Agreement as a framework for action

The following panel discussion, moderated by Carlos de Miguel, Chief of the Policies for Sustainable Development Unit of ECLAC, addressed the synergies and opportunities presented by the Escazú Agreement with regard to measures for promoting and protecting human rights defenders in environmental matters, as well as the implications of decision I/6 and the progress made by the open-ended ad hoc working group on human rights defenders in environmental matters towards preparation of an action plan.

The floor was taken first by Walter Schmeling Schuldt Espinel, Director of Environment and Sustainable Development of the Ministry of Foreign Affairs and Human Mobility of Ecuador, one of the countries coordinating the open-ended ad hoc working group on human rights defenders in environmental matters of the Escazú Agreement. By way of context, he explained that the working group aimed to support the implementation of article 9 of the Escazú Agreement, and that its composition included the significant participation of the public, especially by Indigenous Peoples and local communities, while also seeking to include persons or groups in vulnerable situations. He noted that the mandate extended by virtue of decision I/6, adopted at the first meeting of the Conference of the Parties to the Escazú Agreement in 2022, was to prepare an action plan on the matter for consideration and adoption at the meeting of the Conference of the Parties to be held in 2024. He added that Chile, Ecuador and Saint Kitts and Nevis were serving as coordinators of the working group. The purpose of the action plan was to generate a set of strategic actions at the regional level that would enable progress towards the full and effective implementation of article 9, identifying orientations that would, in turn, support its implementation at the national level within States Parties. The plan of action would be framed within the provisions of article 9 on: a safe and enabling environment; protection measures; response measures; and, as a cross-cutting theme, cooperation and capacity-building measures. The main inputs for the plan were the *Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean: implementation guide*, which took into account the main written reports and documents on the subject, as well as the reports of the annual forums and the inputs received from the consultations carried out with the parties, experts and the public. As a first step, the presiding officers had proposed that the working group prepare an annotated index for the action plan to be presented within the framework of the meeting of the Conference of the Parties to be held in 2023. Lastly, he indicated that the working group had agreed upon a calendar of work up to the meeting of the Conference of the Parties of 2024, including milestones and specific tasks, which was expected would underpin a successful outcome to the group's work.

Next, the elected representative of the public for the Escazú Agreement, Joara Marchezini, commended the working group on its establishment and noted, in this regard, that the public had put forward proposals<sup>36</sup> to contribute to the preparation of the annotated index of the action plan. First, a safe and enabling environment required respect for the right to public information, participation and the prior, free and informed consultation of Indigenous Peoples. It was also necessary to acknowledge

<sup>35</sup> See Permanent Forum on Indigenous Issues (UNPFII) [online] <https://www.un.org/development/desa/indigenouspeoples/unpfii-sessions-2.html>.

<sup>36</sup> Elected representatives of the public for the Escazú Agreement, *Contributions from the Public for the Thematic Index of the Escazú Agreement's Action Plan on Environmental Defenders*, 2022 [online] <https://www.cepal.org/en/events/first-annual-forum-human-rights-defenders-environmental-matters-latin-america-and-caribbean>.

the work of defenders and to recognize the right to defend rights, and to respect freedom of assembly, association, expression and protest, in safety, without fear of reprisal or defamation. Regarding prevention and protection measures, these should include measures for individual and collective protection (including families and communities), with specific measures for women defenders and journalists. This required implementing safe channels for communication and complaint, with protection of personal or sensitive data. One possible formula was to establish clear protocols for complaints and for victim protection. With regard to measures for access to justice, response and reparation, the public proposed establishing justice measures with an intercultural perspective, and ruling implementation and compliance measures (for example, through verification committees and oversight bodies, systematization mechanisms and access to information on rulings). In relation to capacity-building and cooperation, the public proposed experience-sharing, accountability mechanisms and monitoring of the action plan, considering the differences existing in the region. For future meetings of the Forum, the public hoped to have more information and more time to prepare.

This was followed by an opportunity to express comments and expectations regarding the action plan, during which statements were made by representatives of the Parties to the Escazú Agreement:

First, Kate Wilson, Legal Officer in the Department of Sustainable Development of Saint Lucia, shared a number of recommendations for putting article 9 of the Escazú Agreement into practice. First, she noted that it was important to strengthen regulatory frameworks for protecting defenders; these needed to be implemented in practice and enable the adoption of complaint mechanisms. It was also necessary to make use of the international machinery of the United Nations and other relevant actors. Second, free legal assistance mechanisms, such as clinics and national early warning and protection systems, should be established with clear focal points, greater synergies generated and local organizations and networks strengthened. Financing should be obtained to support the work of environmental defenders, as well as their families and communities coming under attack, including psychological support programmes. In addition, academia, governments and international organizations should work together with guidelines, best practices and codes of conduct to create a structural approach to the problem. Stronger awareness-raising activities were needed, with educational platforms in the form of radio programmes, podcasts, newsletters, and educational materials on this issue. The speaker expressed the opinion that the regional action plan should be bold and send clear “zero tolerance” messages to the media regarding attacks on environmental defenders in the region. It was also important to remember and honour defenders through memorials, scholarships and research institutions, among other commemorative measures. Lastly, she proposed developing mentoring programmes for defenders to enable them to feel safer and supported by their peers.

José Ignacio Juárez García, Chief of the Civil and Political Rights Department of the Ministry of Foreign Affairs of Mexico, said that as a State Party and as Vice Chair of the Presiding Officers of the Escazú Agreement, Mexico viewed the action plan on human rights defenders in environmental matters as an opportunity for States to uphold their commitment to human rights and the environment. Recognition of the transcendental work carried out by human rights defenders in protecting the environment and, more broadly, of the contribution they made to strengthening democracy and the rule of law, should also be at the heart of the plan. The Government of Mexico welcomed the fact that, based on articles 4.6 and 9 of the Escazú Agreement, the working group’s efforts would focus on guaranteeing a safe and enabling environment for exercising the right to defend human rights, and providing prevention and protection measures, access to justice and response measures, as well as cooperation and monitoring. The speaker also highlighted the need to adopt a gender approach, with the perspective of Indigenous Peoples and environmental human rights defenders as central, along with intergenerational equity. These intersectionality approaches should permeate the action plan, its implementation and follow-up. It was also essential to recognize that human rights defenders were currently a vulnerable group owing not only to rights violations, but also to the impunity of violations, as well as the lack of recognition of their work. In Mexico’s view, the provisions of the plan should not

be understood in isolation but build upon and be interpreted in light of existing applicable international standards. In addition, in the implementation of the plan and of the entire Escazú Agreement, the Parties should act in a coordinated and collaborative manner to strengthen their institutional capacities in those areas, based on international cooperation.

Lastly, in her statement, Natalie Roque, Minister of the Secretariat for Human Rights of Honduras, said that Honduras was making every effort to accede to the Escazú Agreement at an early date. She emphasized the importance of taking concrete action to implement article 9 of the Agreement and said that Honduras already had a human rights action plan that offered protection for human rights defenders and defenders of common goods and the environment. The Secretariat was trying to put an end to the criminalization of human rights defenders. It was also conducting field visits to verify human rights violations and coordinate actions with other State institutions. The Minister also commented on the importance of giving express recognition to the work of human rights defenders in environmental matters and preventing impunity, so that attacks against those individuals would be investigated. She cited as an example the public recognition afforded to the work of Berta Cáceres.

## F. Open dialogue with Forum participants

At the end of the first day, a space was provided for dialogue with the participants, to enable them to share opinions and expectations regarding the Forum and the next steps of the action plan. The main points raised are summarized below:

- The importance of listening at events such as the present one to the voices of those who were in the field defending nature.
- The need to invite more financial institutions and the private sector to engage in actions to address this issue (for example, analyse measures to be taken in cases of human rights violations).
- The need to strengthen the participation of Indigenous Peoples and local communities in the mechanisms of the Escazú Agreement.
- The importance of ascertaining the situation of human rights defenders in countries that were not yet parties to the Agreement and from particularly affected regions, such as the Amazon.
- The importance of improving the dissemination of the Forum, as well as expanding the participation of defenders to afford visibility to the different experiences and violations occurring in the region.
- The suggestion that the Forum be held on a suitable date in accordance with the multilateral agenda, in order to facilitate participation by more focal points from the States Parties and by human rights defenders.
- As a positive aspect of this meeting of the Forum, the achievement of building the narrative that the protection of defenders was an integral part of environmental democracy, as well as the visibility afforded to defenders' stories and actions in defence of the right to a healthy environment. This helped to overcome the stigmatization suffered by defenders in their local areas and to increase their recognition.
- The role of the media and the urgent need to include them in future meetings, with a view to dissemination of progress made by the countries, so that the Forum would be recognized as a milestone in the entire region.
- The importance that development-financing institutions prepare collective frameworks with similar standards to avoid reprisals against defenders, in coordination with States. In this regard, actions, due diligence frameworks and project monitoring measures of the projects were also needed.

- The need for resources to enable the public to participate in future Forums and to enable defenders from various territories in the region to become more involved in the implementation of the Escazú Agreement.
- The need to bring judges and prosecutors into the discussion, given their role in protecting environmental defenders and in view of the risk to which they were exposed in their work.
- The urgency of regulatory frameworks on human rights-related due diligence and of ensuring that companies consider the promotion and protection of the rights of defenders.
- The need to consider the collective dimension in the protection of defenders, including the full participation of Indigenous and Afrodescendent communities in State mechanisms, observing other experiences and existing community protection mechanisms.
- Great concern was expressed regarding national protection mechanisms that were not yielding the desired outcomes, therefore requiring follow-up, strengthening and better implementation. Mention was made of cases of defenders who, even being under protection mechanisms, had been criminalized, threatened or killed.
- The importance was mentioned of impartial justice systems and safeguarding due diligence in judicial investigations against defenders, in order to reduce criminalization.
- Lastly, the discussion highlighted the idea that the Forum should be the body that would serve to ascertain where the region was on this issue. It should be the space for deepening dialogue, and on this basis, for information-sharing to help define shared priorities to be addressed as a region. Those common elements should underpin progress, with an action plan able to provide answers and support follow-up on priority issues.

## G. Panel 4: Introduction to breakout groups

The second day of the Forum began with an introductory panel discussion, moderated by Carlos de Miguel of ECLAC, on the topics to be addressed by each of the breakout groups.

By way of opening remarks, the Forum heard the testimony of Anabela Carlón, a Yaqui Indigenous lawyer from Mexico, who referred to several large-scale infrastructure projects that had affected the territory of the Yaqui people. The Yaqui had suffered threats, harassment and criminalization as a result of these projects and in the process of defending their rights. The speaker described the empowerment work that had been undertaken with the entire Yaqui community, through dissemination of information about their collective rights. She mentioned that some of them had never been recognized as human rights defenders or defenders of nature because they did not serve as leaders or in a particularly visible role; hence the importance of recognizing their work. Despite all the violence that had occurred, in defending their land the Yaqui people had strengthened their historical memory and the awareness that they were responsible for protecting nature and defending their rights. The speaker described as essential the organization of instances such as the present Forum and invited the participants to contribute to the breakout groups and to bring their various community experiences to the table in order to consolidate and institutionalize article 9 of the Escazú Agreement. She concluded her testimony by honouring the memory of environmental defenders.

Carlos de Miguel then explained how the in-person and virtual breakout groups would proceed. The groups would work in parallel to discuss the questions contained in the support material on article 9 prepared by the Secretariat, which was available on the Forum website.<sup>37</sup> Their conclusions would be presented at the subsequent plenary session. The issues to be addressed were as follows: (i) a safe and

<sup>37</sup> Economic Commission for Latin America and the Caribbean (ECLAC), *Support material for in person and virtual breakout groups prepared by the Secretariat*, 2022 [online] [https://www.cepal.org/sites/default/files/events/files/support\\_material\\_for\\_breakout\\_groups\\_eng.pdf](https://www.cepal.org/sites/default/files/events/files/support_material_for_breakout_groups_eng.pdf).

enabling environment (a structural or systemic obligation); (ii) protection measures; (iii) response measures; and (iv) cooperation and follow-up. Lastly, the proposals made by the group would serve as input for the preparation of the annotated index of the action plan on human rights defenders in environmental matters.

Next, introductory presentations were given for each topic:

- Malene Alleyne, Freedom Imaginaries, Jamaica. Safe and enabling environment (systemic and preventive approach): This discussion had to do with the systemic obligation to achieve a safe and enabling environment. Article 9 stated that “Each Party shall guarantee a safe and enabling environment for persons, groups and organizations that promote and defend human rights in environmental matters, so that they are able to act free from threat, restriction and insecurity”. This was to be read in conjunction with paragraphs 2 and 6 of article 4, which spoke to the free exercise of the rights recognized in the Agreement and reinforced the obligation to guarantee an enabling environment for the work of persons, associations, organizations or groups that promote environmental protection, by recognizing and protecting them. In practice, this translated first into the need for a legal framework, that is, regulations of different hierarchical level that recognized the rights of defenders and included the provisions of the Escazú Agreement. Accordingly, the gaps existing between domestic legal frameworks and international human rights standards must be closed, for example, by passing legislation based on General Assembly Resolution 53/144 of 1999, which adopted 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.<sup>38</sup> On the basis of these instruments, States could adopt specific laws and policies with a gender perspective, to facilitate funds and means for human rights defenders in environmental matters. She alerted, however, that beyond establishing new laws and recognizing rights, it was also necessary to eliminate those laws that represented obstacles and regulations that restricted the work of human rights defenders, for example, certain provisions in anti-terrorism laws that might be restrictive, excessive red tape for the registration of associations or civil society organizations, or restrictions on access to environmental information. It was also important to decriminalize peaceful activities in defence of the environment to avoid criminalization. Second, the capacity of State institutions needed to be strengthened, by creating specialized human rights units, and training judicial authorities, police forces or other bodies in these areas. The speaker also referred to the importance of having strong, independent institutions that were supportive of human rights defenders, such as ombudspersons. National human rights institutions should be encouraged to establish focal points for human rights defenders and to investigate complaints of attacks on them. Possible measures for the action plan included the priority of working with State human rights and security institutions to build their capacities. It was also important to strengthen administrative frameworks, establishing codes of conduct for the use of force in controlling demonstrations and protests, and, lastly, to recognize and put resources behind defenders by creating public funds for this purpose.
- Enrique Eguren, Protection International. Prevention and protection measures: The speaker noted that various protection mechanisms existed in Latin America, and that these had in common the risk and security approach. However, this was merely a starting point and a limited approach. The defence of human rights and the environment was not only a security issue but had underlying political and cultural rationales. For this reason, the mechanisms were often limited. For example, many were designed to be implemented in urban areas where the State had greater presence, whereas the State was not always present in rural areas, and there were very different cultural contexts. Underlying conflicts also had to be taken into account: in the case of Latin America and the Caribbean, these

<sup>38</sup> United Nations, *Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (A/RES/53/144)*, 8 March 1999.

generally had to do with cases of historical discrimination. This required taking other, more comprehensive approaches to protection measures. In addition, risk analyses also needed to consider the territory and livelihoods on which a community depended, not only the risk of loss of individual lives. Another weak point of protection mechanisms was the increasing use of the penal system against defenders, i.e. criminalization. It was necessary to analyse how to create measures to avoid that, and to address the impunity that often surrounded those cases. Regarding the gender and intersectionality approach, the challenge was to consider the cultural barriers in relation to making it operational, while giving due consideration to the collective dimension and the community in any measures developed. Lastly, it was necessary for mechanisms to be decentralized and to engage stakeholders at all levels, with accountability and concrete results.

- Andrés Nápoli, Fundación Ambiente y Recursos Naturales (FARN), Argentina. Response measures and access to justice. These referred to the measures set forth in article 9.3, which stated that each Party shall take appropriate, effective and timely measures to prevent, investigate and punish attacks, threats or intimidations that human rights defenders in environmental matters may suffer while exercising the rights set out in the Agreement. The speaker pointed out that it was first necessary to focus on how to transform justice, and that it was of little use to establish measures for a justice system unless it changed its way of resolving and settling such cases. A critical point was therefore how to avoid criminalization by judicial institutions. The challenge was thus to bring these institutions closer to the process and work to disseminate the Escazú Agreement among legal stakeholders. Justice should also have a preventive, not only a reactive, role. The judicial system needed to be able to garner timely preventive measures. Many challenges arose during investigations: compliance with due diligence standards, the need for expedited resources and independence on the part of the institutions. All these standards were set forth in article 8 of the Escazú Agreement and must be implemented. Lastly, citizens needed to be able to accompany the justice process, and this would require standards of access to information in that process.
- Mariano Castro, Fundación para la Conservación y el Desarrollo Sostenible (FCDS), Peru. Cooperation and follow-up of the action plan. In relation to this cross-cutting theme, the speaker said that it was important that the monitoring mechanisms of the plan involve all parties to the Agreement and the public, especially those on the front line of environmental defence. It was also important to have timelines that were clear, but also flexible, because not all countries were ready to deal with the challenges involved. Given the urgency of the problem, cooperation must be undertaken as soon as possible to provide training at the regional level. There were actions that could be carried out in the short term: a communication system for victims with the committee to support implementation and compliance or the Secretariat, enabling Parties to report and take action. Regular reports could be prepared, either through the working group or another relevant ad hoc mechanism. In relation to prevention and protection mechanisms, reports could be prepared on the cooperation and capacity-building activities conducted. In addition, on-site visits could be conducted to certain risk areas, or missions to detect risk patterns. It was important to address financing, seeking collaboration, synergies and cooperation with other international funds. Lastly, an assessment of the issue could be drawn up at the regional level to facilitate cooperation within the region and beyond.

## H. Summary of the breakout groups

After the introductory panel, the participants entered their respective breakout groups. In total, 10 groups worked simultaneously (4 in person and 6 remotely).

The main purpose of the breakout groups was to hold an initial discussion to hear and collect proposals and comments for the preparation of the annotated index of the action plan. Of the breakout



groups, three addressed the structural obligation to provide a safe and enabling environment; three focused on protection measures; three on response measures and access to justice; and the last group addressed the issues of cooperation and monitoring of the future action plan.

A total of 140 people participated in the breakout groups, which made a total of 201 proposals. Each group organized the proposals prepared by its participants under the following categories or fields of action: (i) regional actions; (ii) national actions; and (iii) capacity-building. In addition, each group had to select one proposal within each category to be presented in the plenary session.

Below is a summary of the main proposals presented in the plenary session that had been prepared for the implementation of each of the obligations established in article 9 of the Escazú Agreement, in addition to the proposals on cooperation and monitoring of the action plan. This panel was moderated by Constance Nalegach, Chief of the International Affairs Office of the Ministry of the Environment of Chile.

### **Proposals to ensure a safe and enabling environment for human rights defenders in environmental matters**

The main proposals presented to be implemented at the regional level by the bodies comprising the institutional architecture of the Escazú Agreement in this area are summarized below:

First, it was proposed that the Conference of the Parties, in its capacity as the highest deliberative body, should recognize the important role played by defenders in protecting the right to a healthy environment (with special attention for women defenders), through political statements, decisions or other actions. It was also proposed that the Conference of the Parties promote coordination with other protection mechanisms for human rights defenders existing at the regional level, and that it provide recommendations and technical assistance to States that so requested. This would enable national measures of a legislative, regulatory, administrative or other nature to be harmonized with the contents of the Escazú Agreement, in line with its implementation guide and other applicable international standards.

Second, a set of proposals were presented for implementation by the Committee to Support Implementation and Compliance. Among these were: the preparation of an assessment report on the situation of defenders in the region and a registry (database) of cases to be sent to the Committee on threats, attacks and other situations suffered by defenders; inclusion in the organization of the Committee's work of measures to respond to cases of human rights defenders in environmental matters, such as giving these cases priority, shortening time frames for their analysis, providing particular follow-up measures and informing the Conference of the Parties specifically on them; reception of reports prepared by civil society on the situation of defenders in their countries and on collaborative initiatives by civil society and communities to protect defenders and environmental journalists; and, lastly, provision by the committee of regional guidelines or directives for the establishment of early warning systems at the national level.

It was also proposed that the open-ended ad hoc working group on human rights defenders in environmental matters, after completing its mandate to prepare the action plan for human rights defenders in environmental matters, should continue to function as a permanent working group with a broader mandate, which could include follow-up tasks and improvements to the action plan. Specifically, it was suggested that the working group provide spaces for exchanges between different stakeholders, such as defenders, civil society, public and private donors and governments, where recommendations could be made that would serve as guidelines for the Parties; and that it should compile good practices from governments; and promote and compile written and audiovisual materials (in various languages), with the aim of disseminating the Escazú Agreement and providing training on it.

Proposals to be implemented at the national level included strengthening the capacities of national non-State actors to investigate cases of attacks on defenders, in order to provide them with the collaboration and support of relevant international actors, and also raise awareness of the situation of defenders through dissemination activities, with a view to reflecting different local realities and individual and collective situations, in partnership with international organizations.

## Proposals on protection measures

The following proposals on this topic were put forward to be implemented at the regional level.

The first proposal was to establish protection measures of a preventive nature, based on proper risk analysis, with a gender, intercultural and intergenerational approach, incorporating the criteria of data confidentiality and protection for defenders. To this end, financing mechanisms and South-South and triangular cooperation schemes were proposed.

The second proposal referred to strengthening participatory processes for the follow-up and evaluation of implementation and results of protection measures. This meant facilitating access to available information, and creating oversight systems and national commissions with participation by Indigenous Peoples, Afrodescendants, and subsistence farming and local communities.

Third, it was proposed to systematize good practices regarding existing protection mechanisms in the countries of the region, as well as to recognize the collaborative collective protection practices used by communities.

Regarding proposals for prevention and protection measures to be implemented at the national level, it was suggested, first, that safe houses be established for defenders, similar to shelters for women victims of intrafamily violence, and second, that existing practices of collaboration between the State and local and Indigenous communities to protect defenders and community leaders be systematized.

## Proposals on response measures and access to justice

The main proposals for actions to be implemented at the regional level by the institutional architecture of the Escazú Agreement in this matter were as follows:

First, it was proposed recommending to States Parties that they establish rapid response measures for these cases and, in particular, that they adopt measures for situations of imminent threats or attacks. In addition, three principles were proposed to guide the implementation of response measures: gender equity, interculturality and doing no harm.

As part of the recommendations, it was also suggested that the necessary funds be provided to ensure compliance with the rulings and reparation measures handed down in cases of this type. Countries should also consider establishing the category of criminalized environmental refugees, to ensure that defenders could enter other countries.

It was also suggested that a specific portal be set up, containing jurisprudence on cases of human rights defenders in environmental matters. Further, it was proposed that the Committee to Support Implementation and Compliance be enabled to verify aspects relating to the protection of defenders within the framework of its powers and functions.

For the open-ended ad hoc working group on human rights defenders in environmental matters, it was suggested that the action plan include the following aspects: (i) general guidelines on due diligence in investigations; and (ii) protocols to respond to threats or violations of the rights of human rights defenders in environmental matters.

## Proposals on cooperation, capacity-building and follow-up in the action plan

All the breakout groups proposed including capacity-building activities in the action plan, on the following topics: (i) the content of the Escazú Agreement, (ii) human rights and the role of human rights defenders in environmental matters, and (iii) existing measures of protection, response and access to justice in each of the countries.

It was suggested that the training of public officials should include local authorities, owing to their direct interaction with defenders in the field; local officials responsible for executing centrally established

protection measures, in order to improve coordination between national and local actors; officials in prosecutors' offices; and the authorities and officials of the security forces.

Another proposal was to create a management model that would include, among other things, training the corresponding judicial, legislative and executive bodies to improve the registration, documentation and follow-up of cases of criminalization and attacks on human rights defenders in environmental matters.

In relation to civil society actors, it was suggested that training be provided for defenders, especially young people, women, local communities and journalists, in order to foster a better understanding of the Escazú Agreement and the tools it offered for the effective protection of access rights.

Activities were proposed to raise awareness and educate about the role of defenders in protecting human rights and nature, in order to avoid smear campaigns and build an environment of greater respect for their work.

Lastly, in relation to cooperation and follow-up in the action plan, it was proposed, first, that the Conference of the Parties develop a standardized methodology for preparing a regional assessment that would include protection systems for environmental defenders and would serve as a baseline for cooperation and monitoring of the action plan.

In addition, it was proposed that the elected representatives of the public contribute inputs for the capacity-building processes and support the production of the periodic reports by States Parties.

## **I. Closure of the Forum**

The closing session of the Forum was moderated by Carlos de Miguel of ECLAC.

Zulma Ulcué, a defender the Nasa peoples of Putumayo, Colombia, began by describing the situation of her community, which was located in a zone wracked by violence and armed conflict that was driving people out of their homes and had recently led to the deaths of a number of her people. She noted that the Escazú Agreement was intended to be a living document that would help to avert these types of situations and to bring all stakeholders, including business enterprises, together. She hoped to come away from the Forum with a commitment on the part of all those concerned to listen to the defenders, to ensure that what they told others about the violations of their peoples' rights would have an impact and that they would be able to continue to live on their territories. She was convinced that the Escazú Agreement would help to foster a more active dialogue with the authorities that would allow her people to regain their trust in the institutions of the State.

Before hearing the other speakers, the moderator asked for a minute of silence to commemorate the fallen members of the Nasa peoples.

Walter Schmeling Schuldt Espinel, Director of Environment and Sustainable Development of the Ministry of Foreign Affairs and Human Mobility of Ecuador, highlighted the work that had been accomplished during the two days of the Forum and the readiness of the States Parties to develop an action plan based on the narratives, good practices and proposals that had been presented during the Forum. It was clear just how important the cooperative efforts of all parties were and just how diverse and resilient the region was. The Forum was a first major step in the search for the best ways to implement article 9, which was one of the pillars of the Agreement. He thanked all the participants for their contributions, expressed gratitude for the work of the coordinators of the ad hoc working group and called on all the stakeholders who were not present to join in the initiative and on all parties concerned to seek out means of strengthening coordination and synergies with other forums and processes.

Fernanda Ruano, of the Secretariat of Climate Change, Sustainable Development and Innovation of the Ministry of the Environment and Sustainable Development of Argentina, thanked all the participants for the work they had done over the last two days. It was not possible to advance along the path to

sustainable development without the engagement of all members of society, which was why Argentina had assumed a solid commitment since its ratification of the Escazú Agreement to work to ensure its effective implementation. That was also why, at the first meeting of the Conference of the Parties to the Escazú Agreement, Argentina had offered to host the next extraordinary meeting in April 2023, at which she looked forward to making major inroads on important issues relating to the Agreement's implementation and to seeing all the Forum participants once again.

Xavier Mena, Deputy Regional Representative for South America of OHCHR, noted that the Forum had been an initiative of key importance for the region and for progress towards the implementation of article 9 based on a plan of action that prioritized constructive dialogues such as the ones held over the last two days. The situation in the region was an extremely urgent one, given how important defenders were, and especially the women among them, in championing peace in the face of the violations of their rights and the grave risks they faced as a result of their work. It was of the utmost importance to investigate the attacks against them and to punish the perpetrators with the full rigour of the law in order to forestall further violence and bring to bear the fundamental instruments of international law developed by the United Nations. In closing, he called upon more of the countries in the region to join the Escazú Agreement in order to continue to build upon the capacities of the States of Latin America and the Caribbean.

María Candela Zaffiro, from the UNEP Regional Office for Latin America and the Caribbean, expressed her gratitude for the work of ECLAC, the Government of Ecuador, OHCHR and the representatives of members of the public. The achievements of the Forum included the call for collective action that had been sent out and the attention it had drawn to the importance of sharing defenders' experiences and good practices so that everyone could learn from them and put those learnings into action, of engaging all sectors, especially the private sector, and of strengthening governance and building the capacity of government officials and members of the judiciary so that they could better protect environmental defenders. She called upon all the participants to work together and to work strategically to strengthen the rule of law in environmental matters, which entailed developing effective laws, solid institutions and organized, inclusive and peaceful spaces for participation within a framework of interculturality and diversity. Lastly, she emphasized her organization's full support for the Escazú Agreement, which should foster cooperation and trust and serve as a tool for increasing the well-being of the communities of the region and protecting those who were fighting to safeguard the environment.

Joseluis Samaniego, Chief of the Sustainable Development and Human Settlements Division of ECLAC, thanked the Secretariat, the organizers of the Forum and all the participants for the work they had done. He observed that the Forum was a milestone in the work of the Escazú Agreement and attested to the importance of moving forward while never again failing to champion the cause of environmental defenders. Noting the importance of continuing to strive to consolidate the rule of law and put an end to impunity in Latin America and the Caribbean, he called on the participants to continue to work to bring article 9 of the Escazú Agreement to life and strengthen public participation in forthcoming Forums.

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## **Annexes**

## Annex 1

### Systematization of proposals made by the breakout groups

#### Introduction

The proposals developed by the 10 breakout groups have been systematized in this annex to facilitate their review and avoid duplications.

On the second day of the Forum, 10 breakout groups (4 which met in person while the other 6 were held virtually) composed of a total of 140 participants formulated 201 different proposals.

The breakout groups were moderated and facilitated by representatives of UNEP, ECLAC, OHCHR and representatives of the public of the Escazú Agreement.

**Table 1**  
**Number of participants and number of proposals**

Breakout groups	Number of participants	Number of proposals
Safe and enabling environment	41	68
Protection measures	34	38
Response measures and access to justice	50	81
Cooperation and follow-up of the action plan	15	14
<b>Total</b>	<b>140</b>	<b>201</b>

The proposals developed by the breakout groups concerning each of the principal obligations set out in article 9 on human rights defenders in environmental matters and the proposals regarding cooperation and follow-up of the action plan are outlined below. In each of the following sections, the proposals are divided into two categories: those that each breakout group selected for presentation to the plenary meeting of the Forum and those that were not presented.

#### 1. Proposals for ensuring a safe and enabling environment

Article 9.1: Each Party shall guarantee a safe and enabling environment for persons, groups and organizations that promote and defend human rights in environmental matters, so that they are able to act free from threat, restriction and insecurity.

As shown in table 1, the 41 persons who participated in this breakout group developed a total of 68 proposals.

Proposals for regional actions are presented below, followed by proposals for national actions and capacity-building proposals.

##### 1.1. Proposals for actions to be carried out by the Conference of the Parties:

Selected proposals:

- Formulate declarations, policies, decisions or other measures, in its capacity as the highest-level deliberative body of the Conference, to foster a narrative around the importance of the role of defenders (with special emphasis on women defenders).
- Promote linkages between the Escazú Agreement and existing mechanisms for the protection of defenders.
- Formulate recommendations and provide technical assistance to requesting States seeking to ensure that national legislative, regulatory, administrative and other measures, including policies, frameworks and programmes, are aligned with the Escazú Agreement in keeping with its implementation guide and other applicable international standards.



- Gather information about civil society initiatives and participatory and collaborative community practices for the protection of defenders.

Other proposals:

- Establish a special day to commemorate human rights defenders in environmental matters. The proposed date is 3 March.
- Support implementation of the Escazú Agreement with a view to promoting access to environmental information, public participation and access to justice as a means of contributing to the creation of a safe and enabling environment for defenders.

### **1.2. Proposals for actions to be carried out by the Committee to Support Implementation and Compliance:**

Selected proposals:

- Prepare a baseline report on the situation of defenders in the region that covers, inter alia, the issues of the protection and preservation of civic space, causes of violence, risks and hotspots, and success stories and good practices.
- Maintain records (a database) of cases sent to the Committee concerning threats, attacks and other forms of aggression targeting defenders.
- Receive reports prepared by members of civil society on defenders in their countries and on civil society and community collaborative initiatives for protecting defenders.
- Draw up regional guidelines for the establishment of early warning systems at the national level.

Other proposals:

- Prepare guidance material on the definition of human rights defenders in environmental matters and the concept of a safe and enabling environment.
- Establish channels for coordination with offices of ombudspersons and national human rights institutions (e.g. designating a focal point for the Escazú Agreement), with the Office of the United Nations High Commissioner for Human Rights (OHCHR) and with other international agencies and civil society organizations with a view to sharing information on human rights violations while respecting the requirements of confidentiality associated with their respective mandates.

### **1.3. Proposals for actions to be carried out by the open-ended ad hoc working group on human rights defenders in environmental matters:**

Selected proposals:

- Continue to work, inter alia, to monitor and improve the action plan once the working group has fulfilled its mandate for the preparation of that plan.
- Create opportunities for defenders, civil society organizations, public and private donors, governments and other stakeholders to share information with a view to drawing up recommendations for the Parties, compiling good practices, and furthering the preparation and compilation of written and audiovisual materials in various languages that will serve to disseminate information and educational materials regarding the Escazú Agreement.

### **1.4. Proposals of actions to be carried out at the national level:**

Selected proposals:

- Build the capacity of independent, non-State national stakeholders to investigate the cases of defenders in collaboration with international actors.

- Raise public awareness of the situation of defenders, local realities, and individual and collective situations in partnership with international agencies.

Other proposals:

Given the large number and diverse nature of these proposals, they have been grouped into the following subject areas:

*Access to environmental information:*

- Strengthen information systems by promptly incorporating information on reports of attacks against defenders and the status of the measures taken in response and by training interested groups in the use of those information systems.
- Consider translating information administered by the State into native languages in order to provide the citizenry with greater information access.

*Examples of government action:*

- Ecuador: The recognition of the rights of nature in the Constitution has enabled the Constitutional Court to hand down decisions that have promoted the consideration of environmental rights and the rights of defenders in cases having a strong environmental impact.
- Mexico: The Escazú Agreement has been translated into three national languages, and audio material on the Escazú Agreement in the Mayan language has been published.
- Peru: The judicial branch in the Madre de Dios region has established the Environmental Justice Observatory, which gathers information on threats directed at defenders. Three environmental prosecutors' offices have created an environmental crimes unit.

*Examples of civil society action:*

- El Salvador: Civil society organizations have carried out a series of actions, such as maintaining links with defenders, offering courses to journalists on the coverage of social and environmental disputes, and preparing graphics illustrating the connection between the Escazú Agreement and the concept of civic space and showing how implementation of the Escazú Agreement contributes to the implementation of the Paris Agreement and the Convention on Biological Diversity.
- Peru: Indigenous organizations have a programme for reporting on cases involving defenders.
- Mexico: The Access Initiative coordinates the Escazú Centre, a virtual platform that compiles material produced by civil society.

### **1.5. Capacity-building proposals:**

Selected proposals:

- Provide training on the Escazú Agreement to:
  - Local authorities who are the first point of contact with defenders in their areas.
  - Civil servants working in field offices who are responsible for implementing protection measures established at the central level of government and for improving coordination between national and local actors.
  - Staff of the Prosecution Service.
  - Defenders, especially young people, women, members of local communities and journalists.
  - Authorities and officials of security forces.
- Raise the awareness of authorities and civil servants and educate them about the role of defenders in protecting human rights and nature with a view to averting smear campaigns and cultivating an environment of respect.

#### Other proposals:

- Place priority on training for security forces (police officers, members of the army, security details or teams) at the national, regional and local levels responsible for ensuring the safety of defenders in order to build their capacity and improve their response times. These training initiatives should be coordinated with other institutions and with civil society organizations that can contribute to these efforts.
- Involve the legislative branch in the promotion of human rights.
- Systematize examples of good capacity-building practices and share them with States Parties and others.
- Involve academia in activities for the promotion of the Escazú Agreement, including research and the analysis of key elements, including implementation of the Agreement by States Parties.
- Build the capacity of the public to play a significant part in public environmental protection forums.
- Train civil servants through strategic litigation and prevention campaigns incorporating a multicultural and gender perspective.
- Set up a civil society observatory to monitor training activities.
- Offer basic courses free of charge on environmental democracy and on public access to environmental information.

## 2. Proposals on protection measures

Article 9.2: Each Party shall take adequate and effective measures to recognize, protect and promote all the rights of human rights defenders in environmental matters, including their right to life, personal integrity, freedom of opinion and expression, peaceful assembly and association, and free movement, as well as their ability to exercise their access rights, taking into account its international obligations in the field of human rights, its constitutional principles and the basic concepts of its legal system.

Article 9.3: Each Party shall also take appropriate, effective and timely measures to prevent, investigate and punish attacks, threats or intimidations that human rights defenders in environmental matters may suffer while exercising the rights set out in the present Agreement.

As shown in table 1, the 34 persons who participated in this breakout group formulated a total of 38 proposals.

Proposals for regional actions are presented below, followed by proposals for national actions and capacity-building proposals.

### 2.1. Proposal for actions to be carried out by the Conference of the Parties:

Selected proposal:

- At the request of States Parties, strengthen administrative measures for facilitating access to information that is useful for monitoring and evaluation purposes and set up national commissions that include members of Indigenous Peoples and Afrodescendent, campesino and local communities.

Other proposals:

- Secure the participation of defenders in all bodies at all levels where decisions are made within the framework of the institutional architecture of the Escazú Agreement in accordance with the modalities of public participation set out in the rules of procedure of the Conference of the Parties.
- Broadly distribute information about the Escazú Agreement, especially to local communities.

- Forge links with other instruments, such as the European Parliament resolution of 10 March 2021 with recommendations to the Commission on corporate due diligence and corporate accountability and the Guiding Principles on Business and Human Rights.

## **2.2. Proposals for actions to be carried out by the Committee to Support Implementation and Compliance:**

Selected proposals:

- Recognize collaborative and participatory community initiatives to protect defenders.
- Systematize protection measures in which the State and local and Indigenous communities work together to protect defenders and community leaders.
- Validate measures related to the protection of defenders within the framework of their scope of action and functions as established in the rules relating to the structure and functions of the committee to support implementation and compliance.
- Establish early protection measures for defenders faced with imminent threats or attacks and ensure that the necessary funding is in place for their effective implementation, which may include making safety houses available for defenders in much the same way as shelters are provided for women victims of domestic violence.

Other proposals:

- Promote the creation of information systems containing official data on acts of aggression directed at defenders.
- Systematize and monitor protection measures for defenders advocated by the United Nations system and the Inter-American system.
- Encourage States Parties to exchange good practices relating to such instruments as relevant legal provisions.
- Furnish technical assistance to requesting States Parties for the implementation of the Agreement, including protection measures.

## **2.3. Proposals for actions to be carried out by the open-ended ad hoc working group on human rights defenders in environmental matters:**

Selected proposals:

- Develop an action plan that includes the following: (i) the establishment of preventive measures and risk assessments incorporating a gender, intercultural and intergenerational perspective; (ii) the incorporation of confidentiality and data protection standards; (iii) the establishment of national commissions that include members of Indigenous Peoples and Afrodescendent, campesino and local communities and that are equipped with monitoring mechanisms that can be used by the public to track and evaluate the measures taken; and (iv) the establishment of financing and cooperation schemes.
- Systematize the good practices in the area of protection existing in the various countries and recognize communities' collaborative and collective protection practices.

## **2.4. Proposals of actions to be carried out at the national level:**

Selected proposals:

- Recognize and systematize the various participatory and collaborative measures used by communities to protect defenders.
- Make safety houses available for women defenders in much the same way as shelters are made available to women victims of domestic violence.

Other proposals:

- Establish effective mechanisms for safeguarding and providing preventive protection measures for defenders.
- Provide legal protection for defenders and persons who lodge complaints on behalf of defenders.
- Implement a communications strategy aimed at disseminating information on existing measures for preventing attacks against defenders.

## 2.5. Capacity-building proposals:

Selected proposals:

- Devote priority attention to the relevant bodies within the judicial, legislative and executive branches where there is a need to strengthen the registration, documentation and monitoring of cases involving the criminalization of human rights defenders in environmental matters and attacks against them.
- Establish mandatory training programmes on human rights and the work of environmental defenders for government staff, especially members of security forces and prosecution services.
- Develop a governmental management model for coordinating the work of the various agencies, particularly those in the executive (human rights institutions), legislative and judicial branches. It is suggested that the model include the following components: (a) the collaborative formulation of policies using an inclusive, diversity-based approach that includes defenders; (b) the reinforcement of regulatory frameworks that will serve as a foundation for protective action; (c) the development of protocols entailing effective, timely protection and monitoring measures; (d) the application of a knowledge management model in all relevant agencies that incorporates a local perspective; and (e) the creation of teams to monitor the effective application of judicial measures.
- In addition to public authorities and officials, it is suggested that the following agencies and groups be included: (i) local governments; (ii) civil society organizations and defenders; (iii) media and researchers (in academia) focusing on environmental issues; (iv) businesses and trade unions; and (v) Indigenous Peoples, taking into account the importance of a differential approach, primarily for women defenders.

Other proposals:

- Develop ongoing training courses on the Escazú Agreement in the judicial branch.
- Provide training to members of prosecution services and national police forces.
- Publicize the work of human rights defenders in environmental matters.
- Organize educational workshops and seminars on environmental democracy and the Escazú Agreement in areas subject to environmental degradation.

## 3. Proposals on response measures and access to justice

Article 9.3: Each Party shall also take appropriate, effective and timely measures to prevent, investigate and punish attacks, threats or intimidations that human rights defenders in environmental matters may suffer while exercising the rights set out in the present Agreement.

As shown in table 1, the 50 persons who participated in this breakout group drew up a total of 81 proposals.

Proposals for regional actions are presented below, followed by proposals for national actions and capacity-building proposals.

### 3.1. Proposals for actions to be implemented by the Conference of the Parties:

Selected proposals:

- Recommend that States Parties provide the necessary funding for the implementation of rapid response measures and the implementation of judicial decisions and reparations.
- Create a web portal that provides access to case law concerning defenders.
- Give consideration to the possibility of establishing the category of environmental refugees so that defenders can gain entry to other countries.
- Consider the three principles of gender equity, interculturality and doing no harm when implementing response measures.

Other proposals:

- Facilitate mechanisms for reporting attacks against defenders.
- Ensure a dialogue and interaction between the Escazú Agreement and other international law instruments, particularly the Protocol of San Salvador.
- Create a regional observatory to function as a warning mechanism in the event of attacks and conflicts.
- Request the submission of periodic country reports, as is done, for example, in the universal periodic review, covering, inter alia, spaces, bodies and options for the protection of defenders that incorporate a cross-border perspective in the analysis of their situation.
- Ensure the implementation of the Escazú Agreement through the establishment of a long-term tracking system.
- Establish funds for reparations and expenses.

### 3.2. Proposals for actions to be carried out by the Committee to Support Implementation and Compliance:

Other proposals:

- Create mechanisms for responding to high-risk situations.
- Develop and administer a set of indicators on access to environmental justice for use in monitoring relevant cases.
- Create a traffic light system or list of the risks faced by defenders.

### 3.3. Proposal for actions to be carried out by the open-ended ad hoc working group on human rights defenders in environmental matters:

Selected proposal:

- Include the following elements in the plan of action: (i) general due diligence guidelines for investigations; (ii) protocols for dealing with and responding to threats to or violations of the rights of human rights defenders in environmental matters; and (iii) information on measures of protection, response and access to justice for defenders that can be accessed in the languages of the communities concerned.

Other proposals:

- Develop defender response protocols covering, inter alia, due diligence, differentiated protection and the obligation to provide reparation.
- Prepare a guidance document that includes the inputs developed by the committee to support implementation and compliance once it begins its work.
- Create an emergency fund for access to justice at the national and regional levels.

### 3.4. Proposals of actions to be carried out at the national level:

Selected proposals:

- Establish spaces for dialogue around the Escazú Agreement in different cities in each country in which different stakeholders, including defenders, can take part.
- Ensure that offices of the ombudsperson or similar bodies have early warning systems in place such as those already established in Ecuador and Peru.
- Mention was also made of the following practices: (i) a collective petition for a writ of habeas corpus which allowed a protocol to be modified in order to align it with the protective mandates set out by the Escazú Agreement (Argentina); (ii) a protocol for the prosecution service for the prevention of crimes against human rights defenders (Peru); and (iii) the Madre de Dios Environmental Justice Pact, which includes judges, prosecutors and other justice officials (Peru).

Other proposals and examples:

- Develop investigation protocols incorporating the world view of Indigenous Peoples and draw up national implementation plans and guidelines for police forces and the judiciary.
- Costa Rica: The judicial branch has recruitment quotas for Indigenous persons and members of Afrodescendent communities, as well as gender quotas.
- Colombia: Under the Timely Action Plan on Preventive Measures and Protection for Human Rights Defenders, Social and Community Leaders, and Journalists, when a case is reported to the State, it has an obligation to carry out a risk assessment and, on that basis, to develop a security plan for the defender in question. The Office of the Ombudsperson, the police force, local authorities and the Prosecution Service coordinate with each other in implementing that plan. It is noted, however, that the pace of coordination and implementation is slow.

### 3.5. Capacity-building proposals:

Selected proposals:

- Include the following elements in the action plan:
  - Capacity-building for human rights defenders in environmental matters.
  - Training aimed at working towards an effective justice system.
- Budget the appropriate economic and human resources for the implementation of protection measures.

Other proposals:

*Prosecution services:*

- Draw up guidelines for preventing the criminalization of defenders.

*Justice systems:*

- Establish specialized units to investigate crimes against defenders.
- Incorporate gender and intercultural perspectives into the justice system.
- Develop protocols for investigations into attacks and criminalization.
- Promote the Escazú Agreement with a view to its citation in judicial decisions.
- Ensure that the judicial and legislative branches of government work in coordination with one another to improve provisions and procedures relating to acts of aggression directed at defenders.

- Include the provisions of the Escazú Agreement in law degree programmes.
- Promote mechanisms for cooperation between the courts and academia in the analysis and improvement of measures for the protection of environmental defenders.
- Systematize and standardize methodologies for use by judges in dealing with cases in which defenders require protection.

Other proposals and examples:

- Encourage justice ministries to work together and with other stakeholders to draw up protocols for dealings with human rights defenders in environmental matters.
- Implement protection and response mechanisms at the subnational and municipal levels.
- Build the capacity of Indigenous and local communities so that they will have the necessary tools for the effective protection of their rights by using such means, for example, as the organization of campaigns to inform defenders about where they can obtain assistance and where they can go to lodge a complaint.
- Give consideration to the practices of the lawyers who serve as a liaison between defenders and national institutions (e.g. Colombia's Road Map for Collective Protection).
- Establish "Escazú schools" for young people and civil society organizations.
- Provide training to the staff of offices of ombudspersons.
- Compile statistics on defenders that reflect an intersectional, intergenerational and disability-affirmative approach.
- Work with persons who speak out to champion justice and human rights to help them build their capacity to avert hate speech directed at defenders.
- Upgrade public facilities of those public agencies in charge of response measures and access to justice.

#### 4. Proposals for cooperation and follow-up

This breakout group dealt with the linkages between article 10, on capacity-building, and article 11, on cooperation, of the Escazú Agreement with the protection of human rights defenders in environmental matters.

As shown in table 1 above, the 15 persons who participated in this breakout group developed a total of 14 proposals.

Proposals for regional actions are presented below, followed by proposals for national actions and capacity-building proposals.

##### 4.1. Proposals for actions to be implemented by the Conference of the Parties:

Selected proposal:

- Define a standardized methodology for the preparation of an assessment study on systems for the protection of environmental defenders that will serve as a baseline for cooperation and follow-up of the action plan.

Other proposals:

- Encourage each Party to include the measures provided for in the action plan in its national implementation plan.
- Encourage each Party to foster opportunities for dialogue between defenders and international financial institutions and to promote the identification of good practices.



**4.2. Proposal for action to be carried out by the Committee to Support Implementation and Compliance:**

Selected proposal:

- Present to the Conference of the Parties a system-wide report on human rights defenders in environmental matters.

**4.3. Proposal for actions to be carried out by the elected representatives of the public:**

Selected proposal:

- Prepare, receive and systematize capacity-building inputs and support the preparation of periodic reports by the States Parties.

Other proposals:

- Facilitate multi-stakeholder and multilevel dialogues.
- Promote the sharing of knowledge among defenders.
- Strengthen follow-up and support for the cases of defenders through, for example, national human rights institutions and the Alianza de Clínicas Jurídicas Ambientales (Alliance of Environmental Law Clinics).
- Conduct advocacy and lobbying activities with a view to securing funding for the action plan and national implementation plans.

## Annex 2 Programme

### First Annual Forum on Human Rights Defenders in Environmental Matters in Latin America And the Caribbean

Quito, 22 and 23 November 2022

Tuesday, 22 November (day 1)

Schedule: 9 a.m. – 4.30 p.m. (in person and webcasting)

9–9.30 a.m. (30')	<p>Opening ceremony</p> <ul style="list-style-type: none"> <li>Lena Savelli, United Nations Resident Coordinator in Ecuador</li> <li>Derionne Edmeade, Saint Kitts and Nevis, country serving as coordinator of the open-ended ad hoc working group on human rights defenders in environmental matters of the Escazú Agreement</li> <li>Irene Murillo, elected representative of the public for the Escazú Agreement</li> <li>Joseluis Samaniego, Chief of the Sustainable and Human Settlements Division of ECLAC</li> <li>José Antonio Dávalos Hernández, Deputy Minister of Environment of Ecuador</li> </ul>
9.30–9.40 a.m. (10')	Background and objectives of the Forum: Secretariat of the Escazú Agreement
9.40–10.40 a.m. (60')	<p style="text-align: center;"><b>PANEL 1:</b> <b>The situation of human rights defenders in environmental matters in Latin America and the Caribbean</b> Moderator: Ignacio Roncagliolo Benítez, Human Rights Advisor, OHCHR</p> <p style="text-align: center;"><i>Presentation: Environmental human rights defenders in Latin America and the Caribbean in a global context</i></p> <ul style="list-style-type: none"> <li>David R. Boyd, United Nations Special Rapporteur on human rights and the environment (virtual)</li> <li>Mary Lawlor, United Nations Special Rapporteur on the situation of human rights defenders (video)</li> </ul> <p style="text-align: center;"><b>Round table of testimonies from defenders</b></p> <ul style="list-style-type: none"> <li>Bernardo Caal Xol, leader of the Q'eqchi' people, teacher and defender of rivers, Guatemala</li> <li>Ivaneide Bandeira Cardozo, Associação de Defesa Etnoambiental Kanindé, Rondônia, Brazil</li> <li>Elvira Jossa, Indigenous leader, Asociación Pensamientos Ancestrales Oh Corey, Putumayo, Colombia</li> <li>Víctor Zambrano, President of the Management Committee of the Tambopata National Reserve and owner of the Private Conservation Area Refugio K'erenda Homet, Madre de Dios, Peru</li> <li>Raquel Zapién, Director and founder of Son Playas, Mexico</li> <li>Alyssa White, Caribbean Youth Environment Network, Barbados</li> </ul>
	Break
11 a.m.–1.30 p.m. (150')	<p style="text-align: center;"><b>PANEL 2:</b> <b>Experiences and good practices in the promotion and protection of environmental human rights defenders</b> Moderator: Abi Márquez, UNEP Office in Mexico</p> <p>National experiences</p> <ul style="list-style-type: none"> <li>Ramón Barrios, Chair of the Legislation and Constitutional Affairs Commission, Congress of Honduras</li> <li>Ángel González, Director of Human Rights Policies and Management, Ministry of Justice and Human Rights, Peru</li> <li>Eliane Moreira, Public Prosecutor of the State of Pará, Brazil</li> <li>Lucila Taboada, Head of Environment and Sustainable Development, Federal Ombudsperson's Office, Argentina</li> <li>Damaris Vargas, Judge of the Supreme Court, Costa Rica</li> </ul> <p>Discussion with participants</p>

	<p>Moderator: María Candela Zaffiro, UNEP Regional Office for Latin America and the Caribbean</p> <p>Regional and global experiences</p> <ul style="list-style-type: none"> <li>• Isabelle Boittin, Head of Secretariat, ProtectDefenders, EU human rights defenders mechanism (virtual)</li> <li>• Bastián Pastén, Senior Counsel, International and Environmental Law Unit, Legal Vice Presidency, World Bank</li> <li>• Francisca Stuardo, Advisor, Land and environmental defenders, Global Witness (virtual)</li> <li>• Luisa Magdalena González, parliamentarian from Ecuador, Parliamentarians for Global Action</li> <li>• Joel Hernández, Rapporteur on Human Rights Defenders and Justice Operators, Inter-American Commission on Human Rights (virtual)</li> <li>• Fernanda Hopenhaym, Chair, United Nations Working Group on Business and Human Rights (virtual)</li> <li>• Flavia Scabin, Professor and researcher, Fundação Getulio Vargas (FGV), Legal clinics alliance</li> <li>• Osvaldo Lapuente, Programme Officer, Ford Foundation (virtual)</li> <li>• Irma Pineda, member of the United Nations Permanent Forum on Indigenous Issues (virtual)</li> </ul> <p>Discussion with participants</p>
	Break
3–5 p.m. (120')	<p style="text-align: center;"><b>PANEL 3:</b> <b>The Escazú Agreement as a framework for action</b></p> <p>Moderator: Carlos de Miguel, Chief of the Policies for Sustainable Development Unit of ECLAC</p> <ul style="list-style-type: none"> <li>• Counsellor Walter Schmeling Schuldt Espinel, Director, Environment and Sustainable Development, Ministry of Foreign Affairs and Human Mobility of Ecuador, country serving as coordinator of the open-ended ad hoc working group on human rights defenders in environmental matters of the Escazú Agreement</li> <li>• Joara Marchezini, elected representative of the public for the Escazú Agreement</li> </ul> <p style="text-align: center;">Comments and expectations on the Annual Forum on Human Rights Defenders in Environmental Matters</p> <ul style="list-style-type: none"> <li>• José Ignacio Juárez, Chief, Civil and Political Rights Department, Ministry of Foreign Affairs, Mexico</li> <li>• Natalie Roque, Minister, Human Rights Secretariat, Honduras</li> <li>• Kate Wilson, Legal Officer, Department of Sustainable Development, Saint Lucia</li> </ul> <p style="text-align: center;">Comments and expectations on the action plan on human rights defenders in environmental matters</p> <p style="text-align: center;">Open discussion</p>
5 p.m.	End of day
	Wednesday, 23 November (day 2)
	Schedule: 9 a.m. – 4 p.m. (in person with webcasting)
9–10 a.m. (60')	<p style="text-align: center;">Anabela Carlón, Yaqui Indigenous lawyer, Mexico</p> <p style="text-align: center;">General introduction about the objectives of the breakout groups: Secretariat of the Escazú Agreement</p> <p style="text-align: center;">Initial presentations</p> <p style="text-align: center;">Group 1: Malene Alleyne, Freedom Imaginaries, Jamaica</p> <p style="text-align: center;">Group 2: Enrique Eguren, Protection International</p> <p style="text-align: center;">Group 3: Andrés Napoli, FARN, Argentina</p> <p style="text-align: center;">Group 4: Mariano Castro, Fundación para la Conservación y Desarrollo Sostenible, Peru</p>

Parallel breakout groups 10–11.30 a.m. (90')	Breakout group 1	Breakout group 2	Breakout group 3	Breakout group 4
	Safe and enabling environment (systemic and preventive approach)	Protection measures	Response measures and access to justice	Cooperation and follow-up of the action plan
	Discussion	Discussion	Discussion	Discussion
11.30 a.m. – noon (30')	Break			
Noon – 12.30 p.m. (30')	Conclusions			
	Break			
2–3.30 p.m. (90')	<p style="text-align: center;"><b>Plenary</b>  <b>Presentations by in person and virtual rapporteurs</b>  Moderator: Constance Nalegach, Head, Office of International Affairs, Ministry of the Environment, Chile, country serving as coordinator of the open-ended ad hoc working group on human rights defenders in environmental matters of the Escazú Agreement</p>			
3.30–4 p.m. (30')	<p style="text-align: center;"><b>Closing ceremony</b></p> <ul style="list-style-type: none"> <li>• Zulma Ulcué, Defender of the Nasa peoples of Putumayo, Colombia</li> <li>• Walter Schmeling Schuldt Espinel, Director of Environment and Sustainable Development of the Ministry of Foreign Affairs and Human Mobility of Ecuador</li> <li>• Francisco Xavier Mena, Deputy Regional Representative for South America, OHCHR</li> <li>• María Candela Zaffiro, UNEP Regional Office for Latin America and the Caribbean</li> <li>• Joseluis Samaniego, Chief of the Sustainable Development and Human Settlements Division of ECLAC</li> </ul>			



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