

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

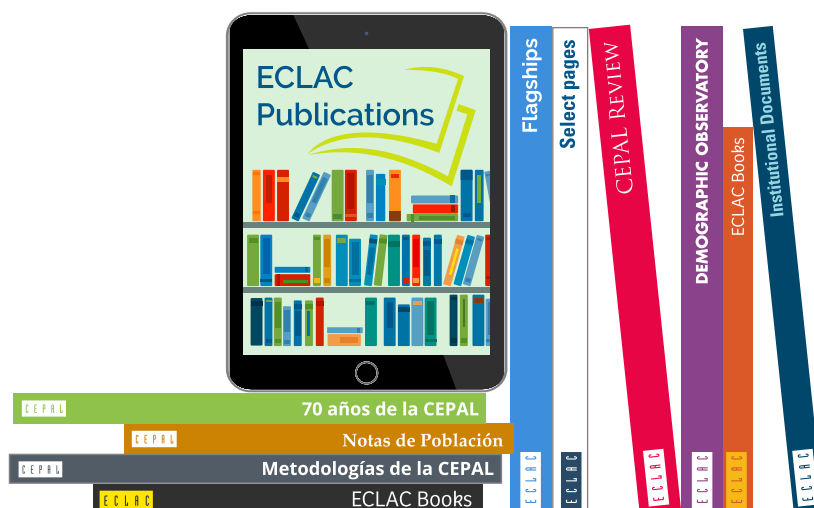
Panama City,
26–28 September 2023



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

Panama City, 26–28 September 2023



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This document is the official report of the Second Annual Forum on Human Rights Defenders in Environmental Matters in Latin America and the Caribbean, held in Panama City from 26 to 28 September 2023. 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 United Nations Development Programme (UNDP), the Office of the United Nations High Commissioner for Human Rights (OHCHR), the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) and the Government of Panama, with support from the Human Rights, Inclusion and Empowerment trust fund of the World Bank.

The report was prepared by the Secretariat of the Escazú Agreement and it was reviewed and incorporates comments by the institutions that participated in the organization of the Forum.

Thanks are extended to the organizing team of the Forum and staff of partner organizations: Carlos de Miguel, David Barrio, María Andrea Sanhueza, Gabriela Burdiles, María Francisca Aguilar and Rocío Noriega (ECLAC); Andrea Brusco, María Candela Zaffiro and Catalina Pedrozo (UNEP); Jan Jarab, Alberto Brunori, Francisco Xavier Mena and Ignacio Roncagliolo (OHCHR); Jessica Young (UNDP); Bárbara Ortiz, Cecilia Alemany, Alejandra Scampini and Verónica Vidal (UN-Women); Jenny Villarreal and Francis Barría (Government of Panama); and Sofía de Abreu and Bastián Pastén (World Bank).

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Summary

The Second Annual Forum on Human Rights Defenders in Environmental Matters in Latin America and the Caribbean was held in Panama City from 26 to 28 September 2023. 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), the United Nations Development Programme (UNDP), the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) and the Government of Panama, with support from the Human Rights, Inclusion and Empowerment trust fund of the World Bank.

The purpose of the Forum was to create an opportunity for reflection and dialogue on the situation of human rights defenders in environmental matters in Latin America and the Caribbean, share experiences and good practices in promoting, safeguarding and protecting the rights of environmental defenders, and continue with discussion and consultation in order to develop the action plan on human rights defenders in environmental matters in Latin America and the Caribbean, to be submitted for the consideration of the Conference of the Parties to the Escazú Agreement at its third meeting, which will be held from 22 to 24 April, 2024, at the headquarters of ECLAC in Santiago.

To that end, the main objectives of the Forum were to:

- Reflect and raise awareness on the situation of and risks faced by human rights defenders in environmental matters in Latin America and the Caribbean.
- Learn about existing mechanisms and initiatives to promote, safeguard and protect human rights defenders, globally and in the region.
- Help to build capacity in and strengthen cooperation among the Parties, the public and other key stakeholders.
- Discuss and receive proposals for the action plan from all participants in the breakout group sessions.

This document contains the official report of the Second Annual Forum and summarizes the various panels, discussions and presentations. It also catalogues the proposals put forward by the breakout groups, which will serve as input for the preparation of the action plan on human rights defenders in environmental matters of the Escazú Agreement.

I. Background and context

The Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean was the first regional environmental treaty in Latin America and the Caribbean and the first in the 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 intimidation 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, the Conference of the Parties to the Escazú Agreement decided, at its first meeting, 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).¹ The open-ended ad hoc working group is currently led and coordinated by Chile, Ecuador and Saint Kitts and Nevis.

Pursuant to decision I/6 of the Conference of the Parties, the open-ended ad hoc working group has been entrusted with the preparation of an action plan in that regard, to be presented at the third meeting of the Conference of the Parties, in 2024, for consideration and adoption. At the first meeting of the Conference of the Parties, the Parties also agreed to hold an annual forum on human rights defenders in environmental matters, with the assistance of the Secretariat, to be attended by recognized specialists in the field.

¹ 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” [online] https://acuerdodeescazu.cepal.org/cop1/sites/acuerdodeescazucop1/files/22-00344_cop-ez.1_decisions_approved_4_may.pdf.

At the second meeting of the Conference of the Parties, an extraordinary meeting, held in Buenos Aires from 19 to 21 April 2023, the coordinators of the working group presented a draft annotated index of the action plan containing preliminary content and its work streams, for consideration. A public consultation on the draft annotated index was held between 21 April and 6 July, 2023.²

The present report summarizes the main discussions and outcomes of the Second Annual Forum on Human Rights Defenders in Environmental Matters in Latin America and the Caribbean.

² Public consultation on the draft annotated index of the action plan on human rights defenders in environmental matters in Latin America and the Caribbean was conducted through the participatory platform of the regional public mechanism and emails from the Secretariat. A total of 237 responses were received from individuals, groups and , Indigenous Peoples' and civil society organizations , from 17 countries of the region. See [online] <https://publicoescazu.cepal.org/en/>.

II. Place and date of the Forum

The Second Annual Forum on Human Rights Defenders in Environmental Matters in Latin America and the Caribbean was held in Panama City from 26 to 28 September 2023. The Forum was organized by ECLAC, in its capacity as Secretariat of the Escazú Agreement, in partnership with UNEP, OHCHR, UNDP, UN-Women and the Government of Panama, with support from the World Bank.

III. Objectives of the Forum and items for discussion

The purpose of the Second Annual 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, share experiences and good practices in promoting, safeguarding and protecting the rights of environmental defenders, and continue the discussions and consultations in order to develop the action plan on human rights defenders in environmental matters to be submitted for the consideration of the third meeting of the Conference of the Parties to the Escazú Agreement (COP3), which would take place from 22 to 24 April, 2024, at the headquarters of ECLAC in Santiago.

To that end, the main objectives of the Forum were to:

- Reflect and raise awareness on the situation of and risks faced by human rights defenders in environmental matters in Latin America and the Caribbean.
- Learn about existing mechanisms and initiatives to promote, safeguard and protect human rights defenders, globally and in the region.
- Help to build capacity in and strengthen cooperation among Parties, the public and other key stakeholders.
- Discuss and receive proposals for the action plan from all participants in the breakout group sessions.

Preparatory meetings were held on Tuesday, 26 September, including a meeting with the public, a meeting of the ad hoc working group on human rights defenders in environmental matters and a briefing to introduce the work of the Committee to Support Implementation and Compliance.

Following the opening session on 27 September, four panel discussions were held, on the following topics: defending freedom of expression and participation for sustainable development: new challenges and risks faced by human rights defenders in environmental matters in Latin America and the Caribbean; lessons and challenges in the implementation of initiatives and mechanisms for the promotion, prevention and protection of the rights of persons, groups and organizations that promote and defend human rights in environmental matters; the Escazú Agreement as a framework for action: towards an action plan on human rights defenders in environmental matters; national implementation plans and the implementation of article 9 of the Escazú Agreement.

On Thursday, September 28, breakout groups met to gather input for the preparation of the action plan and the conclusions of the preparatory meeting were presented.

IV. Attendance

The Forum was attended in person subject to prior registration and accreditation, and was also streamed live online. The 434 in-person participants included representatives of States Parties to the Escazú Agreement and of other countries of the region, renowned experts on the topic, key stakeholders, and members of the public, in particular human rights defenders, representatives of Indigenous Peoples, local communities and civil society, and vulnerable individuals or groups of environmental defenders. Participation in the breakout groups, held on 28 September, was in person and was attended by 60 online participants.

V. Format of the Forum and summary of presentations

Preparatory meetings were held on 26 September. The Forum was officially opened in plenary on 27 September and featured panel discussions with experts as well as round tables and selected testimonies to further explore the topic and provide an overview of the situation of environmental defenders in the region, identifying emerging challenges and national and regional protection initiatives and mechanisms. The action plan was discussed on 28 September, with breakout groups focusing on each of its work streams. The outcomes of the group discussions were reported to the plenary.

A. Preparatory meetings

1. Meeting of the open-ended ad hoc working group on human rights defenders in environmental matters

Participants were welcomed by Juan Diego Stacey, an official with the Ministry of Foreign Affairs and Human Mobility of Ecuador, and Constance Nalegach, Chief of the International Affairs Office of the Ministry of the Environment of Chile, representatives of the coordinating countries of the open-ended ad hoc working group on human rights defenders in environmental matters. The representatives then delivered a presentation on the process for the preparation of the draft action plan on human rights defenders in environmental matters, emphasizing that it had been transparent and participatory.

The representatives of the working group said that public consultations had been conducted on the draft annotated index of the plan and its five work streams had been well received. Regarding the first work stream, knowledge generation, they emphasized the importance of assessing the situation of human rights defenders in environmental matters. Regarding the second work stream, recognition, they highlighted the awareness-raising and outreach campaigns and the dialogues with all relevant stakeholders. Regarding the third work stream, capacity-building, national implementation support, and cooperation. They also recommended that the language used in the action plan should not be limited to individuals but rather include organizations and groups of human rights defenders in environmental matters. It was explained that a number of streams had

been merged in the new draft of the action plan, since support for implementation was a cross-cutting theme. The fifth stream had consequently become the fourth and referred to the follow-up and review of the action plan. It was emphasized that the working group had been maintained with a view to following up on the action plan.

The draft action plan should focus on implementing priority actions and on the protection of individuals and groups of defenders, in particular those who in vulnerable conditions. In that regard, strategic actions had been reorganized and prioritized based on suggestions made during public consultation on the annotated index. The coordinators indicated that proposals had also been received regarding mechanisms for follow-up, evaluation and review as a means of achieving an effective and enduring plan. Lastly, the participation strategy included receiving input at the Second Forum and online consultations to gather additional opinions and comments on the draft action plan.

The floor was then opened for discussion. Several human rights defenders shared their testimonies and experiences. An environmental defender from Mexico highlighted the urgency of the situation in the region, mentioning high rates of attacks on environmental defenders, especially in countries such as Brazil, Colombia and Mexico. Issues with the existing protection mechanisms, including the risk evaluation methodology were highlighted. A defender from Panama mentioned a lack of recognition and practical barriers to obtaining protection. A member of the public from Guatemala expressed disappointment with the progress made in some countries in the implementation of the Escazú Agreement. Another member of the public, from the Plurinational State of Bolivia, said that States' will and capacities needed to be strengthened. A defender from Chile highlighted the importance of protecting communities, Indigenous Peoples and the environment. The participants agreed that it was urgent to progress in the implementation of the Agreement to ensure that environmental rights and the rights of defenders were protected in the region.

Several members of the public commented on the draft action Plan. A member of the public from Argentina said that there was a need to accelerate implementation of the regional action and to adopt the best standards among the countries of the region as a common criterion. She called for the adoption of an intersectional approach that incorporated the principles of good living and the rights of nature in protecting human rights defenders in environmental matters. It should aim not only to prevent killings but also to establish a safe, enabling environment for the defence of collective and individual rights. Another member of the public pointed out that with respect to the second work stream, it was necessary to first define the nature, purpose and target population of recognition. The focus should extend beyond individual leaders, towards recognition of collectives and groups, combating stigmatization and disinformation. In closing, he said that in some countries, some groups had no legal status, which presented a barrier.

The coordinators of the open-ended ad hoc working group thanked the participants for their comments and observations. The action plan would be fundamental for the implementation of article 9 of the Escazú Agreement. The action plan on human rights defenders in environmental matters should also complement national plans for the implementation of the Agreement, and the active participation of all sectors should be ensured. They urged the public to continue to provide input and to engage with States Parties to support the consideration and adoption of the plan at the third meeting of the Conference of the Parties. In closing, they noted that the plan was an initial step on the road to 2030 and that it should be continuously evaluated and improved in the light of the developments and circumstances of the region.

2. Introduction to the work of the Committee to Support Implementation and Compliance

The seven members of the Committee to Support Implementation and Compliance participated in the briefing on the work of the Committee. Patricia Madrigal, the Chair of the Committee, recalled that its members had been elected at the extraordinary meeting of the Conference of the Parties held in Argentina, for a term of office of four years for some members and six for others.

The Committee had been established under article 18 of the Escazú Agreement and its purpose was to promote implementation of the Escazú Agreement and support the Parties in that regard. At the first meeting of the Conference of the Parties, held in Santiago in 2022, States Parties had analysed and adopted the rules relating to the structure and functions of the Committee, in which its purpose and nature, structure and composition, meetings and working methods and functions were defined. The procedure for the election of members were also set forth therein.

The Committee was a subsidiary body of the Conference of the Parties and had a non-punitive, supporting role. Its functions included supporting the Conference, States and the public in the implementation of the Escazú Agreement, among others. The Committee could receive communications requesting support with compliance or alleging non-compliance with the Agreement. The Chair briefly explained the procedure as set forth in the rules on the structure and functions of the Committee. The Secretariat had prepared an infographic to explain those functions, which was publicly available.³

Significant participation of the public in the Committee's functions was a key issue. The public had the right to participate in Committee meetings and provide information in various contexts, including through systemic reports or legal or factual aspects relating to communications. The public could also participate in open dialogues.

The measures that the Committee might take included formulating conclusions and recommendations to States Parties, requesting that the Party concerned prepare action plans, or recommending that it adopt measures to safeguard human rights defenders in environmental matters. However, the Committee would not be receiving communications until after the third meeting of the Conference of the Parties that would be held in April 2024. Communications could not be received until one year after a State had become party to the Agreement.

Detailed working methods were currently being established to facilitate the Committee's internal organization. Although the document was an internal one, the Committee had deemed it important to allow for discussion on the document with the Presiding Officers, States Parties, elected representatives of the public and the general public.

Subsequently, the floor was opened for rounds of questions and answers. A member of the public from Argentina emphasized the importance of raising awareness on the mandate and functions of the Committee so that people could use it more efficiently. Several participants said that non-States parties should join so that they could also benefit from the Committee's support. One participant asked about the timelines for responses and how urgent cases would be handled. Another participant mentioned the need for interaction with Indigenous Peoples. A member of the public from Mexico asked about the scope of the recommendations that the Committee would issue. A participant from Argentina asked what the public could do to support the implementation of the Escazú Agreement. A member of the public from Colombia asked whether there was a strategy for increasing the number of States Parties.

Members of the Committee, said that the Committee, like the Escazú Agreement, was relatively new and needed to lay its foundations and make itself known in the region. In that regard, it was important to work together to disseminate the Agreement and raise awareness of its bodies. The Committee's mandate was normative and non-punitive, it did not have the purview of a court and did not have sanctioning power. Rather, it was a consultative and support body that could make recommendations. It was also

³ See [online] <https://observatoriop10.cepal.org/en/infographic/committee-support-implementation-and-compliance-escazu-agreement>.

recalled that the rights enshrined in the Agreement were to be implemented and guaranteed at national level. In addition, the Committee would not hear any cases that had been brought before another body at the national level that issued binding rulings. The public should understand the mandate, functions and procedures of the Committee to take full advantage of it and should stay informed through the elected representatives of the public and the regional public mechanism. The members of the Committee also agreed that it was important to work collaboratively with States Parties to implement the Agreement and to the number of States Parties for the greater benefit of the region. It was also recalled that the Escazú Agreement recognized vulnerable persons or groups and Indigenous Peoples.

The floor was opened for a second round of comments and a human rights defender in environmental matters from Peru expressed concern about the Indigenous Peoples of the Amazon. Specific mechanisms were needed to protect Indigenous Peoples in remote areas, who had fewer resources available to them. It was important for the United Nations to keep in mind the cultural diversity of Indigenous Peoples, recognizing their distinct customs, and she called for concrete actions and effective policies. A member of the public from Ecuador suggested that thematic hearings should be held in each State so that environmental organizations, human rights defenders and Indigenous Peoples could participate in the Committee directly. He proposed that the Committee should visit countries to have closer interactions with organizations, enabling recommendations to be better targeted and raising awareness of the Agreement in countries. A member of the public from Brazil said that establishing a training and support mechanism would be key for communities to be able to file communications with the Committee effectively, including evidence in complex cases. He emphasized the need to train jurists and lawyers to ensure the effective application of the Agreement in the protection of environmental rights. Another member of the public from Mexico said that it was important for the Committee to be inclusive.

The members of the Committee clarified that its competence was limited to countries that were Parties to the Escazú Agreement. However, the functioning of the Committee itself and the support provided to States Parties could generate interest and encourage countries to become Parties to gain access to that support. Regarding country visits, such requests could be put to the Committee in accordance with the rules relating to its structure and functions. Regarding cultural sensitivity, the Committee was open to hearing and receiving proposals on how to enhance consideration of the region's specific circumstances and improve interactions. The rules on its structure and functions included mechanisms such as open dialogues with the public. The members of the Committee thanked participants for their engagement and invited the public to continue working together to achieve the effective implementation of the Agreement.

B. Opening session

At the opening session, statements were made by Carlos de Miguel of the Secretariat of the Escazú Agreement, ECLAC; Marcelo Cousillas, the director of Legal Advisory Services of the Ministry of the Environment of Uruguay, in his capacity as Chair of the Presiding Officers of the Escazú Agreement; Nicole Leotaud, elected representative of the public; Ana Patricia Graça, United Nations Resident Coordinator in Panama; and Milciades Concepción, Minister of the Environment of Panama.

The representative of the Secretariat of the Escazú Agreement welcomed participants and said that the preparatory meetings held the previous day had served to coordinate positions and open the discussion on human rights defenders in environmental matters in Latin America and the Caribbean. The Forum was a venue for regional discussion and learning and was being held against the backdrop of a triple climate, biodiversity and pollution crisis that was also reflected in the economy and society. The region was among the most dangerous for environmental defenders. The Escazú Agreement was therefore particularly important because it sought to protect the environment, promote sustainable

development and strengthen democracy and the exercise of rights. The Agreement was already producing results through advances in the granting of environmental permits and the generation of information to support informed decision-making. It was also important to advance in protecting defenders, which could be done by implementing the Escazú Agreement. The Secretariat called for the meaningful strengthening of networks and partnerships for the implementation of the Agreement, recognized the efforts of States Parties such as Panama that were working towards that objective, and invited States that had not yet become Parties to do so.

The director of Legal Advisory Services of the Ministry of the Environment of Uruguay, in his capacity as Chair of the Presiding Officers of the Escazú Agreement, thanked attendees and the host country and welcomed the opportunity presented by the Forum to forge a pathway towards the implementation of the Agreement. The existence of a dedicated space for regional action on human rights defenders in environmental matters in the context of the Agreement was crucial, and the action plan that was being developed would bring article 9 into practice. The Escazú Agreement was the first environmental agreement in Latin America that included specific provisions on human rights defenders in environmental matters, and in 2023, the Committee to Support Implementation and Compliance had been established, an important step towards making the Agreement fully operational. He invited the public to participate in that process actively and on an ongoing basis, through the regional public mechanism, and highlighted the importance of the stories and testimonies of environmental defenders about protecting the environment, in particular those of women.

The elected representative of the public for the Agreement thanked the Government of Panama and said that the public had played a critical role during negotiations. Environmental defenders were a diverse group that included everyone from Indigenous Peoples to individuals with no affiliation who were concerned with protecting the environment, even in challenging situations. Proposals had been made during the day of preparatory meetings to improve the draft action plan, which included conducting a comprehensive assessment of the different types of environmental defenders and the challenges and barriers faced in their work, and including quantitative and qualitative indicators to assess the effectiveness of actions taken, among others.

The United Nations Resident Coordinator in Panama also thanked participants and said that the Escazú Agreement, defending the environment, and public participation were crucial in the context of the climate emergency. Environmental information should be accessible to all and people should have a voice in decisions affecting them. There was a collective responsibility to protect human rights defenders in environmental matters, and institutions should empower communities and people to defend their environmental rights. Defending environment-related human rights was critical for building a sustainable and just future and doing so was everyone's responsibility. Lastly, she said that current generations played a key role in protecting the environment and building a better future for the planet and society.

The Minister of the Environment of Panama welcomed participants—and, in particular, defenders of the rights of nature—to his country and stressed that without the public, there was no environmental management. That was particularly valid in national and climate change governance, since defending planet Earth was everyone's task and required teamwork. Legislation on the rights of nature had been passed in his country and that meant that nature was no longer an object, but a subject of rights. The government was committed to protecting the environment and was working with local governments, municipalities, private companies and non-governmental organizations. He congratulated the environmental defenders in attendance and underscored Panama's commitment to the Escazú Agreement and its efforts in that regard. Lastly, he encouraged all participants to seek solutions and urged those with legitimate demands to participate in the process through the existing channels.

C. Panel 1. Defending freedom of expression and participation for sustainable development: new challenges and risks faced by human rights defenders in environmental matters in Latin America and the Caribbean

The panel was moderated by Sara Nuero, a Human Rights Officer with OHCHR. It consisted of opening presentations and a round table of testimonies and cases.

1. Presentations

The first presenter was Francisco Xavier Mena, Deputy Regional Representative of OHCHR in South America, who delivered a presentation on sustainable development, freedom of expression and the importance of speaking out, commenting on the report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Irene Khan, at the fifty-third session of the Human Rights Council.

The Deputy Regional Representative began by noting that freedom of expression was enshrined in the Universal Declaration of Human Rights and other international treaties, as it was crucial for accountability and sustainable development and was linked with freedom of association. Freedom of expression fostered active citizen participation in development, which improved the quality and sustainability of outcomes, as set out in the 2030 Agenda for Sustainable Development. Human rights supported fair, inclusive and transformative sustainable development, as noted in the report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, with regard to the importance of freedom of expression for the achievement of Sustainable Development Goal 16, on promoting peace and justice and building effective and accountable institutions.

Freedom of expression was essential for ensuring transparency and public participation and for more just and peaceful communities. Article 7 of the Escazú Agreement established that States had an obligation to guarantee mechanisms for public participation in the environmental decision-making process. Active public participation was key for developing sustainable development programmes as it contributed valuable and effective perspectives and prioritized factors essential to those processes.

Lastly, he highlighted the factors that hampered the exercise of the right to speak out and participate fully, such as threats, arbitrary detention, attacks and criminalization, in particular directed at human rights defenders. Moreover, disinformation threatened not only freedom of expression but also fundamental rights, such as the right to life, health and gender equality, compromising the response to the climate crisis.

A presentation was given by Lady Nancy Zuluaga Jaramillo, representative of the Business and Human Rights Resource Centre on the Centre's report entitled "SLAPPs in Latin America: Strategic lawsuits against public participation in the context of business and human rights".

The representative of the Business and Human Rights Resource Centre said that the Centre monitored the human rights situation in business contexts around the world, enabling it to prepare a report that compiled an extensive number of attacks on defenders, with Latin America and the Caribbean being the most dangerous region for human rights defenders and also for those who defended the environment.

She said that the transition to renewable energies was increasingly linked to attacks on human rights defenders in environmental matters in Latin America and the Caribbean, and people who expressed different opinions or sought to raise awareness of the impacts of that sector were being attacked. The report found that 86% of those attacked were defending land and a clean, healthy and sustainable environment, 35% of attacks were against Indigenous persons, and around 30% of attacks took the form of judicial harassment, including arbitrary arrests, unfair trials and strategies to silence public

participation. Strategic lawsuits against public participation (SLAPPs) (such as filing of abusive complaints with courts) were increasingly being used to attack human rights defenders, affecting freedom of expression and participation. Criminal proceedings could result in prison sentences of up to 5 or even 10 years, and in some regions of the world, defenders had even faced death penalties. The effects of attacks, including through the court system, were more than individual, affecting communities and fragmenting societies. The situation called for measures to prevent abuse of the judicial system and to protect human rights defenders.

2. Round table of testimonies and cases

The moderator introduced the panellists: Carlos Baraona, environmental defender of Chile; Javier Mamani, human rights defender and environmental defender from the Apurímac Region of Peru; José Marcelo Galicia, community journalist from Radio La Voz de Mi Gente and member of the Association of Community Radio Broadcasters of El Salvador; Theresa Rodriguez-Moodie, Chief Executive Officer of Jamaica Environment Trust; and Akilah Jaramogi, Founder and Managing Director of the Fondes Amandes Community Reforestation Project (FACRP) of Trinidad and Tobago.

The environmental defender of Chile recounted his experience as a plaintiff in the case that led to the judgment of the Inter-American Court of Human Rights on the case Baraona Bray vs. Chile, after being convicted of the crime of defamation related to forest fires that affected the alerce (Patagonian Cypress) tree, a species native to Chile. He said that in Chile he had been swiftly convicted and faced several civil lawsuits, which had led to exposure in the media and had a psychological impact on him. The Chilean justice system never investigated the destination of the funds related to the sale of alerce and the Inter-American Court of Human Rights had issued a judgment in 2022 on the case, highlighting the importance and broad concept of environmental defenders and freedom of expression. The judgment prohibited criminalization of speech that was in the public interest or expressions of dissent from public authorities' actions.

The human rights defender and environmental defender from the Apurímac Region of Peru shared his experiences in defending the land against mining activities. A mining company had filed a complaint against him, resulting in his detention pending trial and prosecution. He was familiar with cases of defenders who had been killed and it was important to bring an end to judicial harassment of environmental defenders. He called for Peru to ratify the Escazú Agreement to protect environmental defenders and for participation and transparency in decision-making processes that could affect the environment. Lastly, he stressed the importance of leaving a better world for future generations.

The Chief Executive Officer of Jamaica Environment Trust said that her organization's mission was to protect Jamaica's natural resources by defending rights and making use of the existing legal framework. Environmental defenders in Jamaica faced significant challenges in exercising their right to freedom of expression and participation in environmental matters and there were major obstacles to accessing environmental information, on subjects such as water and air quality. Environmental defenders in Jamaica often faced stigmatization, threats and violence from those who opposed their environmental protection efforts, and had experienced intimidation tactics, including protests to discredit their efforts. Lastly, environmental defenders advocated sustainable use of natural resources, but often faced resistance from other stakeholders.

The Founder and Managing Director of FACRP of Trinidad and Tobago spoke about the fight against fires and the need for a prevention policy, outlining her experience as a defender and stressing the importance of collaboration with the State and civil society to shape national environmental protection policies. She called on the authorities to fulfil their responsibility to protect the environment. Lastly, she thanked everyone present for giving her strength and stressed the importance of listening and sharing stories to protect Mother Earth.

The community journalist from Radio La Voz de Mi Gente and member of the Association of Community Radio Broadcasters of El Salvador said that in his country the Telecommunications Law had been amended to the detriment of community and public media, affecting the right to freedom of expression. Journalists in the region suffered from censorship and he called for the action plan to protect communicators and journalists.

The moderator opened the floor for questions and comments. A member of the public from Guatemala said that the forum was important, and she hoped that the Escazú Agreement could reach more affected communities.

A member of the public from Peru asked the human rights defender and environmental defender from Peru how the police had acted and whether protocols for respecting the freedom of expression of people defending their territory had been complied with. He stressed the discrimination frequently suffered by Indigenous persons and women. The human rights defender and environmental defender from Peru answered that racism still existed in the country and repression was a reality. Lastly, he described the aggression he had suffered, highlighting his time in prison without evidence against him.

D. Panel 2. Lessons and challenges in the implementation of initiatives and mechanisms for the promotion, prevention and protection of the rights of individuals, groups and organizations that promote and defend human rights in environmental matters

The panel was moderated by Andrea Brusco, Regional Coordinator for Environmental Governance of UNEP, and comprised a round of presentations and a round of questions and dialogue with the panellists.

1. Presentations

(a) International and regional initiatives

The moderator introduced the members of the first panel on international and regional initiatives: Fernanda Hopenhaym of the Working Group on the issue of human rights and transnational corporations and other business enterprises; Darío Mejía, Chair of the Permanent Forum on Indigenous Issues of the United Nations; Matteo Banti, Head of Cooperation for Costa Rica, Panama and regional Central America of the European External Action Service; Soraya Marie Claire Senosier, Social Specialist of the Environmental and Social Solutions Unit of the Inter-American Development Bank (IDB); Junior Nicacio Wapichana lawyer of the Indigenous Council of Roraima of Brazil; and Cecilia Alemany, Deputy Regional Director for the Americas and the Caribbean of UN-Women.

The representative of the Working Group on the issue of human rights and transnational corporations and other business enterprises said that the Group promoted the Guiding Principles on Business and Human Rights. Businesses played an important role in protection of human rights and the environment, and they had a responsibility to respect human rights, refrain from doing harm, provide for remediation when they did do harm, and implement preventive measures to prevent harm. The pillar of the principles of access to remedy when human rights were affected encompassed environmental rights. The Working Group entered into dialogue with all sectors and produced reports and recommendations on how companies should behave and how they would be supervised. It was important for businesses to condemn attacks on environmental defenders and to use their influence to protect them. Lastly, there needed to be dialogue and consultation between businesses and defenders.

The Chair of the Permanent Forum on Indigenous Issues of the United Nations said that Indigenous Peoples had not delegated their value systems, thoughts or forms of governance to States. Indigenous Peoples had existed with their worldviews and forms of governance since before the creation of States. Indigenous Peoples' organizations were fundamental for defending the environment and nature, since for those Peoples there was no fabricated division between culture and nature; it was not a matter of defending but of living in a harmonious relationship with the land on a daily basis. The organizational capacities of Indigenous Peoples had led to the creation of key international mechanisms, such as the Permanent Forum on Indigenous Issues of the United Nations. The work of Indigenous Peoples had contributed to diversification of democracies in the region, and to reform of constitutions to recognize the diversity and plurinational nature of States. It was important to distinguish between individual rights, collective rights and the rights of Indigenous Peoples as collective rights-holders, to avoid confusion and understand their complexity. Lastly, he presented alarming data on the violence and dangers faced by defenders of nature and Indigenous Peoples, for whom attacks on leaders represented attacks on the collective.

The Head of Cooperation for Costa Rica, Panama and regional Central America of the European External Action Service shared data from Global Witness reports for 2021 and 2022, recording 1,733 killings of land and environmental defenders, 68% of which had occurred in Latin America and the Caribbean, highlighting the dangerous situation they faced. He said that the European Union had implemented initiatives and protection mechanisms for human rights and environmental defenders, including the ProtectDefenders.eu programme and the Shelter City Costa Rica initiative. In addition, starting in 2024, the European Union would have a regional mechanism to safeguard and protect environmental defenders in Mesoamerica.

The Social Specialist of the Environmental and Social Solutions Unit of IDB said that the Bank's Environmental and Social Policy Framework came into effect in 2021, marking a milestone in recognizing and addressing pre-existing gaps. The Framework represented a commitment to guaranteeing access to environmental and social information, the right to free, prior and informed consent, and transparent and inclusive public participation. In addition, IDB had updated standard tender documents, introduced important clauses on gender-based violence in loan agreements, and developed performance standards. The Framework focused on stakeholder participation not only during preparation for operations financed by IDB but also during their implementation. IDB had published two important technical notes: one on reprisal risk management and the other on human rights. The first note sought to raise awareness and mitigate reprisal risk for IDB clients. The second note provided clients with guidance on integrating a human rights perspective into the design and implementation of programmes financed by IDB. Those steps and actions were crucial to the success of projects financed by IDB, and particularly attention to risks, promotion of participation and protection of human rights.

The representative of the Indigenous Council of Roraima of Brazil said it was vital to protect Indigenous territories and communities. Protection of Indigenous leaders needed to be collective, and it was crucial for initiatives to support human rights defenders to be designed by the defenders' own organizations in the field. He advocated sustainable development that included all communities, based on respect for nature and ancestors.

The Deputy Regional Director for the Americas and the Caribbean of UN-Women welcomed the active participation in the forum by women environmental defenders, and especially Indigenous and rural women. She said that women's organizations should lead strategy and policy design, working with government and international bodies. It was important to champion ratification and implementation of the Escazú Agreement.

(b) Initiatives of the legislative and judicial powers and institutions for the protection of human rights in Latin America and the Caribbean

The moderator introduced the members of the second panel: Janelle Chanona, Vice-President of Oceana Belize, Senator of Belize, and representative of Parliamentarians for Global Action (PGA); Jonathan Santana, Director of International Relations of the Office of the Ombudsman of Panama and representative of the Network of National Institutions for the Promotion and Protection of Human Rights in the Americas (RINDHCA); and Alejandra Rabasa, Head of the General Unit for Scientific Knowledge and Human Rights of the Supreme Court of Mexico.

The Senator of Belize said it was important to implement the Escazú Agreement to improve environmental governance in the Caribbean region. Her organization, comprising conservationists and marine activists, promoted access to justice and active participation in environmental decision-making processes. While some of the principles of the Escazú Agreement were already present in policies of countries such as Belize, it was still crucial to apply other key instruments, such as the Freedom of Information Act. There also needed to be legislation that required accountability and transparency. Even with legislation in place, it was vital to ensure that it was properly understood and applied, to effectively implement the Escazú Agreement. Meaningful implementation was important, especially in relation to the rights of Indigenous Peoples. Implementation of the Escazú Agreement needed to be approached in a way that combined environmental protection with quality of life and local economies, thus avoiding compartmentalizing issues. In closing, she thanked the human rights and environmental defenders for their courage and recognized the importance of their work in society.

The Director of International Relations of the Office of the Ombudsman of Panama and representative of RINDHCA outlined the structure of his organization and said that its purpose was to promote and defend human rights throughout the region. RINDHCA sought to establish a protocol to be integrated into national legal frameworks and thus guarantee the human rights of human rights defenders. Protocols had been implemented by national institutions to protect environmental defenders, with the aim of preventing human rights violations, strengthening protection, investigation and justice mechanisms, and allowing access to justice without reprisals. RINDHCA was in the process of evaluating and implementing these actions, developing instruments that would make it possible to ascertain the situation of each country involved.

The Head of the General Unit for Scientific Knowledge and Human Rights of the Supreme Court of Mexico shared the experiences of the Supreme Court. She said that communities faced asymmetries and judges worked to address that situation. This was done by, for example, recognizing their public interest or their interest in bringing a lawsuit to defend nature, not requiring them to defend a personal interest or to present costly technical evidence, and adopting the principle of broad legal standing of plaintiffs. A burden of proof could not fall on a party that is attempting to protect the environment to prove that damage will be caused, because that party does not have the necessary information. Therefore, the burden of proof is reversed so that the party that may cause damage is responsible for demonstrating that it will not occur. Access to information was not just about any information, but also about the best and most widely available information. That included traditional knowledge, and if it was not included, the conditions for making decisions were not met. Public participation needed to be genuine and in good faith, which entailed providing information, reaching agreements and seriously considering public participation.

2. Questions, answers and discussion with panellists

The moderator opened the floor for a brief round of questions. Several defenders commented on the criminalization they faced in the region. A member of the public from Mexico said she was covered by the national protection mechanism in her country and that all mechanisms should incorporate the standards of the Escazú Agreement. She described the case of a fellow defender who had been imprisoned and called for her to be freed. A member of the public from Colombia said that another defender had been imprisoned in her country.

Another member of the public from Colombia asked the Social Specialist of the Environmental and Social Solutions Unit of IDB what actions the bank was taking to guarantee access rights, beyond regulating the conduct of IDB clients, such as regulating its own conduct in a commitment to zero-tolerance of reprisals, and how it could link that commitment to the action plan on human rights defenders in environmental matters in Latin America and the Caribbean.

Two members of the public and defenders from Peru said that their country urgently needed to ratify the Escazú Agreement and called for the creation of a standing committee for dialogue among Indigenous Peoples and to ensure it was representative.

Lastly, a member of the public said that it was important to work as a community to strengthen strategic litigation, disseminate rights and thus defend the land and the environment.

The moderator asked the panellists to give some closing remarks. The Social Specialist of the Environmental and Social Solutions Unit of IDB said that the Bank had implemented several programmes with new participation plans, to ensure that the environmental impacts of projects were mitigated. There were also complaint mechanisms that were independent from IDB, which had been refined over time. Despite the progress made, specific measures were needed, and public participation was important.

The representative of the Working Group on the issue of human rights and transnational corporations and other business enterprises said that the links between different bodies such as governments, companies and agencies, funds and programmes of the United Nations mechanisms were key in addressing the complex environmental and political situations faced by Indigenous communities in the region.

The Chair of the Permanent Forum on Indigenous Issues of the United Nations said he was concerned by the rise in hate speech in the media, which often supported the criminalization of Indigenous Peoples. The situation called for effective coordination among the agencies, funds and programmes of the United Nations and efforts to avoid working in isolation. There was also a pressing need for measures in response to the climate crisis and environmental crisis, but without ignoring the rights of Indigenous Peoples.

The Director of International Relations of the Office of the Ombudsman of Panama and representative of RINDHCA highlighted the challenge of having advocacy policies applicable in each country, for example, national human rights institutions that could advocate on behalf of defenders in judicial or administrative cases.

The Senator of Belize invited those countries that were not parties to the Escazú Agreement to get involved and take advantage of it. He emphasized that the challenge is to make the protection of environmental rights a reality, for which action should be taken in a regional and collaborative manner.

The representative of the Indigenous Council of Roraima of Brazil said that protecting the environment was fundamental and it was important to propose and promote protection measures for human rights defenders in environmental matters in Brazil.

E. Panel 3. The Escazú Agreement as a framework for action: towards an action plan on human rights defenders in environmental matters

The panel was moderated by Carlos de Miguel, Officer in Charge of the Sustainable Development and Human Settlements Division of ECLAC, in his capacity as representative of the Secretariat of the Escazú Agreement, and included an initial presentation on the action plan, followed by a round of comments and finally a space for dialogue with participants from the public.

1. Preliminary overview of progress preparing the draft action plan

The moderator explained that one of the main aims for the third meeting of the Conference of the Parties to the Escazú Agreement was to prepare a draft action plan on human rights defenders in environmental matters, for consideration and adoption at the meeting of the Conference of the Parties. In that regard, the purpose of the panel was to discuss the progress made in preparing the draft action plan, and during the second day of the forum breakout sessions would be held for comments and inputs.

An ad hoc working group had been established to prepare the action plan and the coordinating countries were Chile, Ecuador and Saint Kitts and Nevis. He then introduced the representatives of the coordinating countries of the working group who would give the presentation: Constance Nalegach, Chief of the International Affairs Office of the Ministry of the Environment of Chile and Juan Diego Stacey, Minister, Directorate of Environment and Sustainable Development of the Ministry of Foreign Affairs and Human Mobility of Ecuador.

Minister of the Office of the Director of Environment and Sustainable Development of the Ministry of Foreign Affairs and Human Mobility of Ecuador described the process of preparing the action plan. He explained that the action plan had emerged from a decision adopted at the first meeting of the Conference of the Parties to the Escazú Agreement, and was then discussed at the First Annual Forum on Human Rights Defenders in Environmental Matters in Latin America and the Caribbean. With those inputs a preliminary annotated index had been prepared and submitted for public consultation, and many contributions had been made, resulting in preparation of a draft action plan, with work streams and courses of action for each stream. Regarding the first work stream, it was important to analyse the situation of human rights defenders in environmental matters, compiling good practices from national prevention, protection and response mechanisms and to continue the work of the forum. The second work stream concerned areas such as awareness-raising activities and communication campaigns. With respect to the third work stream, the public prioritized establishment of guidelines for prevention and protection mechanisms, as well as technical assistance. Regarding the fourth work stream, the new version of the action plan had merged other streams because support for implementation was a cross-cutting theme of all the streams. Therefore, the original fifth work stream, which had become the fourth, related to follow-up and review of the action plan, and it was important to maintain the working group to perform that monitoring work.

The Chief of the International Affairs Office of the Ministry of the Environment of Chile said that in the first forum, more than 10 round tables had been held with more than 140 participants, producing over 200 proposals for drafting the plan. The Escazú Agreement was unique in that it had been drafted collaboratively by individuals, organizations and groups of human rights defenders in environmental matters. Many comments concerned the need to standardize language and recognize the collective aspect of promoting and defending the environment. The public had suggested a six-year review of the action plan, given the urgency of the situation and the limited implementation of specific instruments in the States parties. The public had also reiterated the need to adopt a preventive approach and apply intergenerational justice, as well as to involve other key stakeholders such as justice officials and companies. The draft action plan had four work streams: (i) generation of knowledge; (ii) recognition; (iii) capacity-building, national implementation support and cooperation; and (iv) follow-up and review. The courses of action had been prioritized based on the inputs from the public, including an analysis of the situation and of attacks on environmental defenders.

The focus of the Escazú Agreement was on cooperation and capacity-building, with strategic actions to guide the countries in reviewing and developing instruments, and it had been proposed that a permanent working group be established and that an accountability exercise be performed at the national and regional levels to follow up and review the action plan.

2. Comments

The moderator opened the floor for comments and observations and introduced the panellists: Joara Marchezini, elected representative of the public for the Escazú Agreement, of Brazil; César Artiga, elected representative of the public for the Escazú Agreement, of El Salvador; and Mariano Castro, Director of the *Unidos por los Bosques* programme of Foundation for Conservation and Sustainable Development (FCDS) of Peru.

The elected representative of the public for the Escazú Agreement from Brazil suggested creating more flexible spaces for comments to facilitate an exchange of views on the work streams. She said that it was important to carry out consultations at the national and territorial levels, rather than limiting them to online platforms, owing to the difficulties some communities faced in obtaining Internet access. Clarity was needed on who would be responsible for implementing the action plan and it was important for there to be monitoring and accountability with respect to implementation. It was vital for there to be clear and timely communication with the public, to enable informed participation, as well as better communication on the Escazú Agreement at the different levels of government, and specific allocations of resources for implementation of the action plan. Access to justice and socioenvironmental justice were fundamental, as was the fight against impunity in cases of environmental rights violations. Environmental rights defenders needed to be acknowledged and supported in ways other than formal awards and recognitions. Lastly, there was considerable diversity in terms of countries, cultures, genders, ages and races, and that should be reflected in the action plan, avoiding comparisons of men and women, and instead addressing the power dynamics and historical inequalities suffered by women.

The elected representative of the public for the Escazú Agreement from El Salvador said it was important to raise the profiles of defenders to ensure their protection, and suggested that events relating to the Escazú Agreement be publicized more widely. He urged the countries to adopt the action plan in April 2024 during the third meeting of the Conference of the Parties to the Escazú Agreement, as an urgent and necessary measure. It was crucial for there to be dialogue, participation through consultations and continuous improvement during preparation of the action plan, for example by accepting the request to have a form for the consultation in Word format. He thanked the countries and entities involved. The political context in certain countries was worrying and resolute action was needed to counteract smear and defamation campaigns against environmental rights defenders.

The Director of the *Unidos por los Bosques* programme of FCDS of Peru said it was important to support creation of protection mechanisms, and to have safe and enabling environments, protection systems, and preventive actions to mitigate risks. It was essential to have several comprehensive analyses, because only by understanding the situation of human rights defenders in environmental matters and recognizing them was it possible to protect them. It was also important to update the analyses already carried out. Consideration should be given to the interactions among analyses and access rights, as well as the gender situations and the vulnerability of certain groups such as Indigenous persons, women and children. Cooperation between countries should be encouraged, to address not only threats from the informal economy, but also legal and political initiatives that could violate rights. Coordination of efforts between State entities needed to be improved, to ensure that protection systems were effective, and a quick response protocol should be established for specific alerts or reported situations. The action plan should be comprehensive and flexible, allowing it to be adapted to changing circumstances at the regional and national levels. In that regard, it was important to have mechanisms for participatory management and implementation of the plan, for example, by publishing the terms of reference for analyses. Human rights defenders were not an elite group; they were citizens questioning society and ways of life, and the action plan aimed to ensure a safe environment for all in Latin America.

3. Dialogue with participants

The moderator opened the floor for discussion among the participants and panellists. A member of the public said that accountability and monitoring were key to ensuring that authorities fulfilled their mandate. Transparency and accountability were also required.

Another member of the public stated that, while it was important to adopt the action plan in April 2024, it was also important for it to be appropriate for communities, peoples and citizens. That called for participation by all, and the limited time for consultation on the action plan was a concern in that respect. She then asked if it would be possible to extend the deadline to allow for broader and more effective participation.

The Chief of the International Affairs Office of the Ministry of the Environment of Chile highlighted the challenge of examining issues in more depth and of reaching the territories. She said that the action plan was urgently needed by April 2024 and a consultation process had already been carried out with respect to the preliminary annotated index. A face-to-face and online consultation was under way with the working groups of the Forum on human rights defenders in environmental matters. She called on organizations to publicize the online consultation and ask their country focal points to discuss how to work with representatives of the public. There was a time constraint, because the final document would be presented to the Conference of the Parties to the Escazú Agreement, and the consultation on the annotated index had been extended at the request of the public. She therefore suggested expanding the national-level consultation mechanisms.

The elected representative of the public for the Escazú Agreement from Brazil said that the action plan should be more ambitious, recognizing the urgency and difficulties faced, and appealed to all stakeholders to continue the dialogue beyond the Forum on human rights defenders in environmental matters.

F. Panel 4. National implementation plans and implementation of article 9 of the Escazú Agreement

The panel was moderated by Andrea Sanhueza of ECLAC, in her capacity as representative of the Secretariat of the Escazú Agreement, and included an introduction by a representative of the Secretariat of the Escazú Agreement, presentations by panellists and a discussion with participants.

1. Introduction by the Secretariat of the Escazú Agreement

The representative of the Secretariat of the Escazú Agreement gave a presentation on article 9 of the Escazú Agreement and on the process of preparing the draft action plan, and said that each of the work streams in the plan had a set of courses of action. She then outlined the relationship between the general national implementation plans for the entire Escazú Agreement and the draft action plan on human rights defenders. First, she presented the milestones that some States parties were implementing to have a road map for implementation of the Escazú Agreement, which would be presented at the next meeting of the Conference of the Parties in April 2024. Subsequently, each country would have a national plan and, according to its capabilities, would organize implementation. At the regional level, the draft action plan on human rights defenders had work streams, each with courses of action. The action plan and the national implementation plans had a number of synergies.

2. Presentations

Next, the moderator introduced panellists: Fernanda Ruano, Advisor with the Secretariat for Climate Change, Sustainable Development and Innovation of the Ministry of the Environment and Sustainable Development of Argentina; Constance Nalegach, Head of the Office of International Affairs of the Ministry of the Environment of Chile; Holger Zambrano, Director of Environmental and Water Information of the

Ministry of Environment, Water and Ecological Transition of Ecuador; María Fernanda Cámara, Director for the Green Agenda of the Ministry of Foreign Affairs of Mexico; Kate Wilson, Legal Officer with the Department of Sustainable Development of the Ministry of Education, Innovation, Gender and Sustainable Development of Saint Lucia; and Marcelo Cousillas, Head of the Legal Department of the Ministry of the Environment of Uruguay.

The Advisor with the Secretariat for Climate Change, Sustainable Development and Innovation of the Ministry of the Environment and Sustainable Development of Argentina said that the implementation of the Agreement in her country was supported by a road map that included phases for assessment and for the development of the national plan. Following work on priority areas such as capacity-building and the availability of information, a training and skill-building system had been developed for provincial governments and key stakeholders. The road map established a State-level coordination system and a national cabinet for the implementation of the Escazú Agreement. A strategy for public participation in the drafting of a three-year national plan had also been developed, and more than 530 proposals for the implementation of the Agreement had been received. A feasibility analysis had then been conducted, and proposals from the public not included in the plan would be compiled and published in a document to preserve that input. The implementation plan of Argentina was structured around six lines of action, including the four substantive pillars of the Escazú Agreement and two cross-cutting topics, capacity-building and governance systems. The line of action on human rights defenders in environmental matters sought to understand their situation, strengthen protection mechanisms and continue engaging in proceedings such as the Forum on Business and Human Rights.

The Head of the Office of International Affairs of the Ministry of the Environment of Chile said that her country had become a Party to the Escazú Agreement in September 2022, and the country's national plan that was before Congress had three core areas: awareness-raising and training, management measures in the purview of the environmental institutional framework, and a plan for participatory evaluation of implementation. Under the participatory evaluation, the public was involved in the early stages of gathering input through public consultation and a variety of other methods, including surveys and workshops. Consultation had not been a one-off exercise. Instead, different mechanisms had been used to guarantee participation, such as suggestion boxes, online surveys and online and in-person workshops. The Escazú Agreement would not be implemented by just one ministry: the 25 ministries of the executive branch would be involved. Priority attention had been given to early public participation at the local level (municipal), focusing on vulnerable persons and groups, such as rural women, older persons and young people. With regard to article 9, efforts were being made to foster a safe and enabling environment to prevent attacks, threats and intimidation against environmental defenders, pre-empting the need to respond to and punish such attacks. The Ministry of Justice was developing a protocol for defenders that would establish the requisite coordination among the relevant public entities. In-person workshops had also been held to gather input on the draft annotated index for the action plan and to prepare materials on the Escazú Agreement for dissemination, and she underscored the importance of the participation of defenders in that process.

The Director of Environmental and Water Information of the Ministry of Environment, Water and Ecological Transition of Ecuador said that although the Ministry of Environment was the technical focal point for the implementation of the Escazú Agreement in the country, it was working with other State bodies and the public, which also had a role to play. Work had begun with a consistency evaluation to detect gaps in access to information, participation and justice, which been used in the development of the road map. Regarding access to information, Ecuador had standardized data and statistics that provided continuity through time and information was also being disseminated by various means. The atlas of statistical data included information on the country's natural heritage. Regarding access to participation, legislation was being developed with broad public participation (the Water Resources Act) and work was under way in the territories to train environmental leaders. Regarding access to environmental justice, several environmental monitoring and follow-up processes had begun and the units responsible for investigating environmental crimes had been strengthened. Regulations to promote and protect the rights of defenders had also been issued.

The Director for the Green Agenda of the Ministry of Foreign Affairs of Mexico said that dialogue and participation were important in the context of the Escazú Agreement. The adoption of international agreements required consistency between national public policies, which must also complement international commitments. When Mexico had ratified the Agreement, three sub-working groups had been established, one for each right of access (information, participation and access to justice), in order to analyse each and ensure its implementation. Work was being done directly with the judicial branch through the Council of the Federal Judiciary to address access to justice in the country. Under the Ministry of the Interior, Mexico had had a national protection mechanism for human rights defenders and journalists since 2012, which provided protection from threats related to their work and had helped to reduce the number of killings of defenders while raising awareness of their importance. In order to implement article 9 of the Agreement, public participation had been solicited for an evaluation process, leading to the identification of 479 proposed measures to ensure the protection of environmental defenders in Mexico, of which 429 were public policies that had to be established or amended and 50 were components that required adjustment of the country's regulatory framework. Lastly, she expressed her country's commitment to implementing the Escazú Agreement and said that the work done thus far had laid a solid foundation for advancing in the protection of environmental defenders.

The Legal Officer with the Department of Sustainable Development of the Ministry of Education, Innovation, Gender and Sustainable Development of Saint Lucia said that defenders in her country were in a special situation. That had led to a focus on establishing a backdrop of cooperation, respect and tolerance in resolving any dispute that could arise between the State and other stakeholders. The guiding principles of such efforts were the three pillars of the Escazú Agreement on access to information, participation and justice, as well as cooperation and capacity-building. Evaluations had been conducted to establish a pathway and recommendations. She explained the laws governing the implementation of the Agreement, in particular its article 9.

The Head of the Legal Department of the Ministry of the Environment of Uruguay said that an ambitious initial timeline had been set for the implementation of the road map between January and July 2023, but it had subsequently been adjusted and implementation was expected to conclude in December 2023. It was coordinated by the Ministry of Environment with support from ECLAC. By April 2023, an inter-agency group had been established, a stakeholder map drawn up and an analysis of regulations and good practices had been conducted. The road map had then been presented at the extraordinary meeting of the Conference of the Parties in Buenos Aires. He presented a timeline that had been adapted to the new schedule with the participation of representatives from several sectors at the Technical Advisory Commission for the Protection of the Environment (COTAMA). Public consultations were being conducted for a working document that was being finalized for approval between October and December 2023. Uruguay had extensive legislation governing access to environmental information, and structures for participation and access to justice had also been established. However, areas for improvement had been identified, including designing a pollutant release and transfer registry, private sector participation in environmental matters, the regularity of permanent mechanisms, and training in access to justice. The assessment had not shown that human rights defenders in environmental matters were not adequately protected in Uruguay and it had been proposed that an early warning protocol could be included in the road map.

3. Open discussion with participants

The moderator opened the floor for statements from participants. A member of the public from Argentina expressed concern regarding the implementation of the Agreement in her country and spoke about a case related to lithium extraction. Preventative and response measures for the protection of Indigenous defenders were not in place and she called for emergency intervention, emphasizing the immediate need for a protection system. She expressed her thanks for the opportunity to explain the situation in her province and underscored the importance of protecting the rights of Indigenous Peoples and environmental defenders.

A member of the public from Brazil expressed his interest in sharing experiences and lessons learned with other countries in South America.

A member of the public from Mexico emphasized that progress in the implementation of the Agreement was critical, requested support to broadcast the voices of Indigenous communities and shared his concerns regarding the challenges in Mexico.

The panellists from Argentina, Ecuador and Mexico responded to the comments made. The panellist from Argentina underscored the importance of working collaboratively with the provinces and of working with Indigenous communities, as well as the ongoing commitment to the implementation of the Agreement and to rights of access.

The panellist from Ecuador expressed his country's willingness to share experiences and acknowledged that the process was complex, while noting that it focused on a shared interest in ensuring respect for rights in the region.

Lastly, the panellist from Mexico thanked the public for participating and said that concrete plans and strategies would be shared for advancing in the implementation of protection measures for defenders and guaranteeing their survival.

G. Breakout groups for the development of the action plan

The last day of the Forum began with a general introduction by a representative of the Secretariat of the Escazú Agreement, ECLAC, to the objectives and methodology of the breakout groups.

The previous day had been divided into two main sections. The first had focused on the challenges faced by environmental defenders in the region, with selected testimonies from defenders as well as the solutions, initiatives and alternatives being implemented by various stakeholders in the region to address those challenges. The second part of the day had focused on the Escazú Agreement, with emphasis on its unique nature given the incorporation of an article on human rights defenders in environmental matters (article 9) and its importance as the first environmental treaty in the world to do so. The Escazú Agreement had a structure and processes in place. Several States were incorporating article 9 through national plans and road maps. Regionally, a working group had been established to develop the action plan pursuant to decision I/6 adopted at the first Conference of the Parties of the Escazú Agreement.

The representative of the Secretariat explained that the work of that day would be conducted in breakout groups to gather comments and proposals that would then be systematized to feed into the draft action plan. The goal was twofold: to hold group discussions to gather proposals for the objectives and actions under each work stream and to ensure the use of a gender-sensitive, intercultural and intergenerational approach in executing those actions. There would also be online participation in the breakout groups.

To ensure efficient use of time, there would be a time limit for each tranche of work addressed by the breakout groups (one hour for the first tranche and 45 minutes for the second). Participants were invited to cooperate for a productive day of work towards establishing a robust action plan for defenders in the region.

The breakout groups were then held in parallel, both online and in-person breakout sessions as follows:

- Breakout group 1 (in-person and online): Building knowledge. Moderator: Ignacio Roncagliolo, Human Rights Officer, OHCHR. Rapporteur: Irene Murillo, elected representative of the public.
- Breakout group 2 (in-person): Recognition. Moderator: Jessica Young, Environment, Climate Change and Sustainable Development Country Manager, UNDP. Rapporteur: César Artiga, elected representative of the public.

- Breakout group 3 (in-person and online): Capacity-building, for national implementation support and cooperation. Moderator: Andrea Sanhueza, representative of the Secretariat of the Escazú Agreement, ECLAC. Rapporteur: Nicole Leotaud, elected representative of the public.
- Breakout group 4 (in-person and online): Follow-up and review of the action plan. Moderator: María Candela Zaffiro, Regional Consultant, UNDP. Rapporteur: Joara Marchezini, elected representative of the public.

The outcomes of the breakout groups are set out in annex A1 of the present report.

H. Plenary session

The session was moderated by a representative of ECLAC and the outcomes of the breakout groups and next steps were presented.

It was preceded by an interactive public meeting in which online questions and comments were submitted and the elected representatives of the public were asked to answer questions on who defenders were, the objective and topics of the Forum, and the action plan on human rights defenders in environmental matters.

1. Presentation of breakout group outcomes

Irene Murillo, elected representative of the public, presented the work of breakout group 1 on knowledge generation. It had focused on the generation of information, in particular on the proposal to conduct an assessment. Discussion had centred around how to make the assessment participatory and draw from a variety of sources that captured the reality of communities and the wide variety of defenders. The need to address longstanding threats and persecution of defenders was emphasized, as was the need for the related information to be generated in a secure way for any person sharing it.

César Artiga, elected representative of the public, presented the work of breakout group 2 on recognition. It was important to go beyond formal recognition to also seek respect for and acknowledge the value of the contribution of defenders. It was emphasized that working towards guaranteeing a healthy, safe, clean and sustainable environment was for the common good and was related to General Assembly resolution 76/300, in which access to a clean, healthy and sustainable environment had been recognized as a human right. It was urgent to act in the face of immediate threats to life. Recommendations were also made, such as including a new work stream on prevention and reparation and establishing guidelines to define what effectively recognizing and valuing environmental defenders could look like.

Nicole Leotaud, elected representative of the public, presented the outcomes of breakout group 3 on capacity-building, national implementation support and cooperation. There was great interest in the effective implementation of the action plan since it was recognized that it should lead to concrete action. Since it had a six-year period, the need to build capacities for successful implementation was discussed. States Parties were responsible for implementation, but the essential role of the public was also recognized in that process, including that of non-governmental stakeholders, environmental defenders, community organizations, Indigenous persons and women's groups. It was also underscored that environmental defenders were facing various types of discrimination. That should be clearly reflected in the document, with a particular emphasis on gender, intercultural, intersectional and intergenerational issues. Although the action plan was regional, implementation must take place at the local and subnational levels. Regional and international cooperation were very important, using international mechanisms to support implementation and address rights violations. Actions should be specifically designed for different

audiences, using different formats and languages to address the diverse needs of groups and persons. Capacity-building should not be limited to formal training but should also address communication in broader terms. Several ways of building capacity, raising awareness and changing behaviour had been explored. Financing for implementation was emphasized. Discussions had also addressed the need to develop a mechanism to fund the public, ensuring that it was accessible, tailored and responsive to needs. Implementation was closely linked with accountability and there was a need to build capacity for oversight and accountability.

Joara Marchezini, elected representative of the public, presented the outcomes of breakout group 4 on follow-up and review of the action plan. Indicators must be developed together with the public through a collaborative process, taking into account the diversity of the audience and paying particular attention to a gender, intercultural, intersectional and intergenerational approach. The public should participate in all work streams, not just follow-up and review. All public groups must be named, using the language of the Escazú Agreement and other international standards to ensure that no one was excluded. Participation must not be limited to identifying as a victim. The public had much to contribute, based on a wide range of perspectives, skills and knowledge, including ancestral knowledge. It was important to proactively seek to involve various people and groups, encouraging them to actively participate in forums and on other occasions. Reports should be annual and biennial to strengthen evaluation and accountability and should include public input. Strengthening evaluation and accountability processes was critical. The Committee to Support Implementation and Compliance should also have funding for monitoring, reviewing and evaluating the plan. Lastly, a new work stream focusing on reparation and prevention should be included, acknowledging the importance of an effective justice system as the appropriate communication channel for environmental matters.

The moderator opened the floor for the public to make proposals or recommendations. A member of the public shared her recommendations, which were divided into the following categories:

- Effective legal framework: the human right to a clean and sustainable environment, as enshrined in the Escazú Agreement, must be ensured; commitments under legal frameworks should be harmonized, including through regulatory reform; the legal frameworks of States Parties should be analysed in order to guarantee their effectiveness.
- Contextualization and public participation: the terms relating to human rights defenders needed to be contextualized in accordance with the range of situations and customs, through dialogue with local communities; intersectional approaches must be used and the diversity of roles and types of community leaders must be taken into consideration.
- Capacity-building and cooperation: regional cooperation must be stepped up through parliamentary networks; there should be a commitment to participating in regional and international platforms to share experiences and develop strategies.
- Oversight and accountability: parliaments should ask questions and request information, which would support the establishment of reporting mechanisms; the issues should be prioritized in legislative agendas and funds should be allocated for programmes that encouraged cooperation.
- Education and a culture of respect for the environment: platforms should also be used to educate the public on human rights and raise awareness on access to information, public participation and access to justice in environmental matters.
- Publicizing the work: the work of environmental defenders must be publicized to raise the alarm regarding human rights violations at the national, regional and international levels.

I. Closing session

David Barrio, representative of the Secretariat of the Escazú Agreement ECLAC, said that although the Second Annual Forum on Human Rights Defenders in Environmental Matters in Latin America and the Caribbean had come to an end, it had been characterized by a spirit of hope and perseverance. He introduced the speakers: authorities of the Government of Panama, members of the organizing team, two environmental defenders, an Indigenous leader from Mexico and an Afrodescendent defender from Colombia.

Closing statements were also made by Jenny Villareal, Head of the Legal Department of the Ministry of the Environment of Panama; Josefina Santiago, Indigenous defender from Mexico; Paola Andrea Quiñonez, environmental defender from Colombia; Alberto Brunori, Regional Representative for Central America and the Caribbean of OHCHR; Juan Bello, Regional Director for Latin America and the Caribbean of UNEP; Jessica Young, Programme Officer at UNDP; and Bastián Pastén, Senior Counsel of the International and Environmental Law Unit of the World Bank.

The Head of the Legal Department of the Ministry of the Environment of Panama said that it was critical to protect environmental defenders in the region and meet the challenge of preserving natural wealth in the face of the climate crisis. Through the Escazú Agreement, significant progress had been made in developing public consultation and participation mechanisms. Environmental defenders were recognized as the voice of nature, the conscience of society and the hope for a sustainable future. Despite that critical role, defenders were threatened, intimidated, subjected to violence and even killed on a daily basis, which was unacceptable. Halting those violations and protecting environmental defenders was crucial and the governments of the region were firmly committed to guaranteeing a safe and enabling environment for the conduct of their work.

The environmental defender and Indigenous leader from Mexico thanked the authorities and defenders from the Indigenous communities of the various countries in attendance. She acknowledged that engagement between Indigenous communities and the general public had improved thanks to the work done under the Escazú Agreement and by the United Nations. The influence of Indigenous communities in the preservation of life, land, seeds, forests, minerals and water was growing.

Natural resources were crucial and protecting them was essential for the survival of Indigenous communities and all people. In closing, she called for recognition of the critical need to continue to include Indigenous communities in international agreements, opening up opportunities for mutual listening and collective protection.

The Afrodescendent defender from Colombia welcomed the discussions held on social inclusion as a way of overcoming the structural racism faced by Afrodescendent communities. The importance for defenders of working together to promote peace and defend lives must be recognized and progress must be made in protecting leaders. She made an urgent appeal for the protection for a defender and her family given the threats they could face on her return to her country. Past experiences of kidnapping, displacement and harm suffered by Afrodescendent communities served to highlight the dedication of defenders to their work of defending, preserving and maintaining culture and history.

The Regional Representative for Central America and the Caribbean of OHCHR shared his thoughts on the progress made in defining strategic actions to establish a safe environment for environmental defenders. In that regard, dialogues on the risks and threats faced by defenders stood out, in particular for Indigenous and Afrodescendent women. The emergence of online threats in the area of environmental defence and the failure to address the matter through public policies were of particular concern. Recognizing best practices and implementing initiatives to strengthen and protect the rights of human rights defenders

in environmental matters was key. There was clearly a firm commitment to addressing the challenges related to implementing protection initiatives and support for a draft action plan that would recognize, promote and defend the rights of environmental defenders. He called for immediate action to prevent, investigate and punish attacks and for the voices of those who had provided testimonies and ideas to be heard and taken on board, including those of Indigenous and Afrodescendent women, to strengthen the action plan and reflect the region's diversity.

The Regional Director for Latin America and the Caribbean of UNEP welcomed the participation and contributions made during the Forum, an opportunity for regional dialogue and cooperation. He acknowledged the work done in the interim and emphasized the progress achieved in the implementation of the Escazú Agreement. He congratulated the Chair, the Presiding Officers and the coordinators of the ad hoc open-ended working group for the progress achieved and thanked the Republic of Panama for hosting the Second Forum. As the Secretariat of the Escazú Agreement, ECLAC had played a key role, and other entities had also provided support, including OHCHR and UN-Women. It was important to promote effective solutions for combating and mitigating infringements of the rights of environmental defenders. He recognized the critical role of individuals and groups who defended human rights and the environment and called on them to embrace that role actively. In closing, he reiterated the commitment of UNEP to supporting environmental defenders, States, and civil society and human rights organizations in implementing the Escazú Agreement and creating a healthy, clean and safe environment for all.

The Environment, Climate Change and Sustainable Development Country Manager of UNDP thanked the Secretariat and United Nations agencies for their support and participation in the Second Forum. She highlighted the importance of effective governance in taking decisions that involved people, the territory, nature and prosperity, and emphasized the need to strike a balance between development and environmental agendas. She offered her thoughts on the current polarization and conflicts from the perspective of the rule of law, democracy, justice and human rights in the pursuit of a good life for all. It was important to work together, and the private sector must take on a greater role, while interventions should focus on small and medium-sized enterprises, in particular informal businesses in Latin America. Due diligence and the incorporation of a gender perspective were important in all initiatives as they were linked to livelihoods and prosperity. Lastly, she thanked the Government of Panama and encouraged participants to continue with their critical work to ensure that no one was left behind.

The Senior Counsel of the International and Environmental Law Unit of the World Bank thanked and congratulated United Nations agencies, the Republic of Panama in its capacity as host, representatives of States, defenders, and the public for their contributions to the Escazú Agreement. The Escazú Agreement was important for establishing common standards regarding rights of access and for creating a safe environment for defenders. The World Bank had shared its environmental and social framework, which was aligned with the Escazú Agreement, and he emphasized the synergies related to access to information, public participation and protection against retaliation that mutually reinforced their implementation. Lastly, he welcomed the progress made and expressed his hope that the action plan would become a reality at the third meeting of the Conference of the Parties.

The representative of the Secretariat of the Escazú Agreement thanked the Government of Panama, the organizers, the agency teams and the team from ECLAC. Participants in the Forum had come from 27 countries of the region and he thanked human rights defenders in environmental matters for their contribution. He stressed the need to go further, ensuring that the Escazú Agreement became a reality and was implemented through practice. Participants had discussed the challenges and barriers faced by defenders and the significant contributions of States Parties, and he hoped that the Second Forum would serve as a pivotal moment for boosting cooperation and the implementation of the Agreement.

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Annex A1

Categorized breakout group proposals

Introduction

The proposals of the eight breakout groups have been categorized in this annex to facilitate their review and avoid duplication.

On the third day of the Second Forum, 28 September, the 212 participants in the eight breakout groups (four in-person and four online groups) made 412 proposals.

The table below presents a breakdown of the online and in-person participants in each breakout group and the number of proposals made by each group.

Table A1.1
Number of participants and number of recommendations

	Breakout group 1: knowledge generation	Breakout group 2: recognition	Breakout group 3: capacity-building, national implementation support and cooperation	Breakout group 4: follow-up and review of the action plan
In-person participants	44	41	37	30
Online participants	19	-	24	17
In-person proposals	139	27	58	70
Online proposals	41	-	48	29
Total proposals	180	27	106	99
Total participants	63	41	61	47

Source: Author's elaboration.

The proposals of all breakout groups, in-person and online, are set out below. They are organized according to the four work streams of the draft action plan for human rights defenders in environmental matters. For each work stream, the contributions to the objective are included along with the actions suggested for each.

Breakout group 1, work stream A. Generation of knowledge

Objective:

Generate knowledge, raise awareness and disseminate information on the situation, rights and role of persons, groups and organizations that promote and defend human rights in environmental matters in Latin America and the Caribbean and on existing prevention, protection and response mechanisms.

Proposals:

- (i) Proposed wording (suggested language in bold): Generate knowledge, analyse, raise awareness and disseminate information on the situation, rights and role of individuals, peoples, groups and organizations that promote and defend human rights in environmental matters in Latin America and the Caribbean, **taking into account gaps related to gender, financial situation, age and other diversities**, as well as existing prevention, protection and response mechanisms.

- (ii) Add a final section to the objective as follows: **“with ongoing participation by members of the public, such as defenders and members of civil society”**.
- (iii) Mention Indigenous Peoples.
- (iv) In the “existing response mechanisms” section, add the concepts of restoration and reparation, which should be comprehensive.
- (v) Include and update content that addresses the issues faced by defenders, such as displacement.
- (vi) Explain the purpose of information-gathering.
- (vii) State that this work stream is coordinated with the other work streams of the action plan.
- (viii) Simplify the objective to have only one verb, such as “promote” instead of “generate, drive, strengthen or promote”.

Action 1

Conduct a study on the human rights situation of environmental defenders in the region that includes, among other aspects: the quality of the civic space, the trend towards criminalization and the different types of infringement, including factors such as cybersecurity, the causes of attacks, threats or intimidation, and risky areas and hot spots for violence, while employing a gender-sensitive and intersectional approach. This study should also include international instruments, national administrative, regulatory and institutional frameworks, and existing good practices for prevention, protection and response to these infringements, such as early warning systems and protocols for action to be conducted by national and subnational institutions, other community experiences and initiatives, and non-State self-protection strategies.

Proposals:

- (i) Proposed wording (suggested language in bold): Conduct a study on the situation of human rights defenders in environmental matters in the region, **using a participatory qualitative and quantitative methodology with indicators and case studies based on the principles of this plan**, that includes, among other aspects: the quality of civic space, criminalization trends **and patterns and human rights violations**, including cybersecurity factors,, **the causes of crime, threats or intimidation and those responsible, and risky areas and hot spots for violence, with a particular focus on situations arising from economic activities with a negative environmental impact. Categorize cases of persecution, trends in discrimination, and stigmatization, criminalization and litigation against environmental defenders, identifying acts of racism and sexism.** This study should also include international instruments, national administrative, regulatory and institutional frameworks, and existing good practices for prevention, protection and response to these infringements, such as early warning systems and protocols for action by national and subnational institutions, and other community experiences and initiatives and community self-protection strategies. **This study should generate disaggregated data, meaning data that includes age, place of origin, geographic area of action, gender, language spoken, and race or ethnicity. Study data should be treated as sensitive and confidential. In all cases, States are obliged to protect those data.**
- (ii) When drafting the text, invert the word order so that “trends in criminalization” comes before “quality of civic space”, because the first affects the second.
- (iii) Add trends of “stigmatization, criminalization and litigation”, with a focus on sexist and racist conduct.

- (iv) Include an intercultural and intergenerational approach.
- (v) Clarify who will conduct or manage the study.
- (vi) Clarify the objective of the study.
- (vii) Clarify that the study should be periodically updated.
- (viii) Include activities that have negative repercussions for the environment in the study.
- (ix) Include litigation in the study.
- (x) Clarify who will be responsible for monitoring compliance with the recommendations.
- (xi) Note the importance of including a mechanism for ensuring data confidentiality. Data on the identity of persons whose rights have been infringed must be protected by States.
- (xii) Include initiatives to guarantee public participation, including civil society organizations, and the active involvement of defenders in conducting studies and gathering information.
- (xiii) Ask governments to commit to collaborating on gathering information and conducting the study.
- (xiv) Include State responses to these attacks, threats or risks in the study.
- (xv) Add a glossary that defines certain terms, such as stigmatization, cybersecurity, community self-protection, and civic space, including the term "a safe and enabling environment".
- (xvi) Include community self-protection strategies, especially those of Indigenous communities.

Action 2

Ensure the continuity of and publicize the Forum on Human Rights Defenders in Environmental Matters in Latin America and the Caribbean, beginning in 2025 and every two years until 2030, with the assistance of the Secretariat (ECLAC), as a space for sharing ideas and reflecting on the situation of persons, groups and organizations that promote and defend human rights in environmental matters in Latin America and the Caribbean, and strengthen capacities and encourage national forums that share these goals.

Proposals:

- (i) Proposed wording (suggested language in bold): Ensure the continuity of and publicize the Forum on Human Rights Defenders in Environmental Matters in Latin America and the Caribbean, every two years beginning in 2025, **including monitoring and reporting on the progress of States Parties**.
- (ii) Continue to hold the Forum on a yearly basis. Add that at the Forum the results of the study will be presented.
- (iii) At the end, include "and strengthen capacities and encourage national **and regional** forums...".
- (iv) Add that the "space for sharing ideas and reflecting on the situation of persons..." is also "**aimed at building partnerships and disseminating good practices adopted in communities**".
- (v) Guarantee in-person spaces for the participation of the public participation, including Indigenous Peoples, women and persons of African descent.
- (vi) The Forum should continue to include opportunities for defenders to share their experiences.
- (vii) Define environmental defenders.
- (viii) The Forum should continue beyond 2030.
- (ix) The Forum could include a section for reviewing State Party reports and progress made and for following up on the ways in which they are implementing the Escazú Agreement.

- (x) Enhance the dissemination of information on the processes for developing the plans, policies and instruments to be discussed at the Forum.
- (xi) Emphasize how important it is for the preparation of the Forum to include input from the public.
- (xii) The study and the Forum should be seen as mechanisms that facilitate culturally appropriate participation. This should extend to the participation of older and young persons and take into consideration the digital divide, place of origin, age and ethnic self-identification.
- (xiii) Hold online pre-meetings with persons and groups that promote and defend the environment to prepare for their participation in the annual Forum.
- (xiv) Encourage countries to hold national forums before a regional forum is held.

Action 3

Enhance the content on human rights defenders in environmental matters on the website of the Observatory on Principle 10 in Latin America and the Caribbean, which operates as an information clearing house for article 12 of the Escazú Agreement. Establish synergies and coordinate the Observatory with other repositories, ensuring that they are accessible.

Proposals:

- (i) Proposed wording (suggested language in bold): Enhance the content on human rights defenders in environmental matters on the website of the Observatory on Principle 10 in Latin America and the Caribbean, which operates as an information clearing house for article 12 of the Escazú Agreement, and **gather and present documents containing disaggregated data (age, gender, socioeconomic status), that is georeferenced and, in particular, describes defenders in their diversity and other vulnerable groups. Provide the information in English, Spanish, Portuguese and the languages of the Indigenous Peoples of the region, using inclusive and accessible language for persons with a disability. Include guides for environmental education and democracy and for the application and dissemination of the Escazú Agreement that use the approaches and principles of the present plan.** Establish synergies and coordinate the Observatory with other repositories, ensuring their accessibility.
- (ii) Simplify the way the action is worded for easier understanding.
- (iii) Clarify that the content of the Observatory is provided by the Secretariat.
- (iv) Add and diversify mechanisms to publicize the Observatory, as well as their sources, such as community radios, social media, training venues, print material and others. Use more accessible means that are not online, to broadcast the information.
- (v) Make it known that the Observatory should help publicize information on the situation being reported by defenders in the region.
- (vi) Add that the Observatory should include early warning reports, references or links to obtain or provide information on protection mechanisms, and should generate synergies with other national, regional or civil society data repositories.
- (vii) Add a compilation of successful experiences to the Observatory to raise awareness of and emphasize the valuable work of individuals and communities of defenders.
- (viii) Clarify the methodology for gathering information, which should include the establishment of a shared file or guidelines to orient the process.

Breakout group 2, work stream B. Recognition

This section includes the proposals put forward during in-person breakout groups. There was no online breakout group for this work stream.

Objective:

Recognize the work and contribution of persons, groups and organizations that promote and defend human rights in environmental matters in Latin America and the Caribbean, contributing to the development of a culture that supports the right to a healthy environment and sustainable development.

Proposals:

- (i) Proposed wording (suggested language in bold): Recognize the work and contribution of persons, groups and organizations that promote and defend human rights in environmental matters, contributing to the development of a culture that supports the right to a **clean and healthy** environment and sustainable development **as well as rights of access**.
- (ii) Proposed wording (suggested language in bold): **Ensure the recognition and protection of the work and contributions of the public, such as persons, groups, organizations, institutions, self-governing groups and Indigenous Peoples** who promote and defend human rights in environmental matters, **contributing to ensuring the development of a culture that supports the right to a healthy environment and environmental justice**.
- (iii) Make it explicit that recognition of the work of people and groups must come from the State.
- (iv) Add the human right to a clean and healthy environment, in accordance with the language of General Assembly resolution 76/300.
- (v) Include the right to defend rights (human rights defenders' declaration).
- (vi) This recognition should be public in order to support defenders.
- (vii) It should include an acknowledgement of all existing cultures, raising the profile of Indigenous Peoples and communities as members of the public.

Action 1

Conduct communication and outreach activities and campaigns to raise public awareness of the situation of persons, groups and organizations that promote and defend human rights in environmental matters and the critical importance of their work.

Proposals:

- (i) These campaigns should be conducted by States.
- (ii) States must inform and communicate with municipalities, districts and local governments regarding work on human rights defenders in environmental matters.
- (iii) Campaigns should:
 - be territory-focused so that they reach communities;
 - be segmented for specific audiences;
 - prevent criminalization while also raising awareness that it is happening;
 - employ an intercultural approach, taking into consideration ancestral environmental protection traditions and practices;
 - include posthumous recognition of human rights defenders in environmental matters; and
 - highlight and commemorate the work of women defenders.

Action 2

Organize activities such as awards, scholarships and grants or other types of incentives to commemorate and recognize the work of human rights defenders in environmental matters and their contribution to strengthening environmental democracy, rights of access and sustainable development.

Proposals:

- (i) This recognition:
 - must not place defenders at risk;
 - must be for groups and organizations rather than individuals;
 - must include an acknowledgement of the value of the work of human rights defenders in environmental matters;
 - should be linked to the need for justice and the importance of guaranteeing the exercise of the rights of human rights defenders in environmental matters;
 - must not consist of medals and commemorations alone but should also seek to ensure that regulatory frameworks and public policies guarantee the implementation of the provisions of the Agreement related with human rights defenders in environmental matters;
 - the Conference of the Parties could establish a day of human rights defenders in environmental matters;
 - commemoration and recognition activities should receive budgetary funding; and
 - people of different ages should be recognized, not only young people but also older persons.

Action 3

Build partnerships with various stakeholders and national, regional and international forums such as the Forum of Ministers of the Environment of Latin America and the Caribbean, the regional Forum on Business and Human Rights, or other spaces dedicated to related environmental topics, to conduct activities to recognize and promote the work and rights of human rights defenders in environmental matters, pursuant to the rules of each forum.

Proposals:

- (i) Proposed wording (suggested language in bold): Build partnerships, **using a gender-sensitive and intercultural approach**, with various stakeholders and national, regional and international forums such as the Forum of Ministers of the Environment of Latin America and the Caribbean, the regional Forum on Business and Human Rights, or other spaces dedicated to related environmental topics, to conduct activities to recognize and promote the work and rights of human rights defenders in environmental matters **and Indigenous Peoples. Equal opportunity is required for a partnership to qualify as such.**
- (ii) Include regional events on access to justice.
- (iii) It is important for these international forums to hold pre-meetings where the various stakeholders, including defenders, can share information on the situations of countries and their territories. Guarantee that the voices of women defenders are heard.

Proposal for a new action 4:

Proposal for a new action 4: Recognize the fundamental role of women's and feminist organizations and movements, and those of Indigenous women, Afrodescendent women, rural women, women with disabilities, women living with HIV, young women, LGBTQ+ persons, and defenders of human and environmental rights, and promote exchanges and partnerships among such organizations and with the State to ensure progress is made in recognizing them.

Breakout group 3, work stream C. Capacity-building, national implementation support and cooperation

Objective:

Contribute to the institutional development and implementation of different national policies, plans, mechanisms and/or measures for the protection and promotion of the rights of persons, groups and organizations that promote and defend human rights in environmental matters through capacity-building and cooperation.

Proposals:

- (i) Proposed wording (suggested language in bold): Contribute to capacity-building and cooperation for the institutional development and implementation of different national policies, plans, mechanisms, **monitoring and evaluation** and/or measures for the protection and promotion of the rights of persons and organizations that promote and defend human rights in environmental matters, **and other members of the public, such as Afrodescendent and Indigenous Peoples and communities, considering the differentiated needs of women, young people and children.**
- (ii) Include both local and national initiatives.
- (iii) Add monitoring and evaluation systems.
- (iv) Establish coordination with organizations so that their knowledge can be taken into account when implementing legislation, policies and programmes.
- (v) Capacity-building should be for States and civil society organizations.

Action 1

Develop guidelines, with a gender perspective and intersectional approach, for the establishment at national level of effective laws, policies, and individual and collective mechanisms to prevent, protect against and respond to attacks, threats or intimidation against persons, groups and organizations that promote and defend human rights in environmental matters, addressing the different aspects of their safety.

Proposals:

- (i) Proposed wording (suggested language in bold): Develop guidelines, **with a participatory, gender-sensitive, intersectional, intercultural and intergenerational** approach, taking into consideration United Nations and inter-American system agreements, resolutions and recommendations related to defenders, for the establishment at national level of effective laws, policies, **administrative measures**, and individual and collective mechanisms to prevent, protect against and respond to attacks, threats or intimidation against persons and organizations that defend human rights in environmental matters and **members of the public such as Afrodescendent and Indigenous Peoples and communities**, addressing the different aspects of their safety and **the rights recognized in article 9 (2) of the Escazú Agreement.**
- (ii) To achieve an intercultural approach, defenders of human rights in environmental matters must participate in developing the guidelines.
- (iii) It is understood that these guidelines will be implemented at the national level. Implementation should also be local and cross-sectoral.
- (iv) These laws and mechanisms will also serve to create a safe environment for defenders and will guarantee implementation.
- (v) Guidelines should also be established for ombudspersons and national human rights institutions.

- (vi) Incorporate the broader term “infringement of rights” to reflect the entire range of actions that hamper the exercise of the rights of defenders.
- (vii) Include State and non-State actors.
- (viii) Meaningful consultation and participation of experts and members of the public should be ensured in the development of the guidelines, including defenders, women, children and adolescents, Indigenous Peoples, persons of African descent and persons with a disability, so that the different types of violence can be described.

Action 2

Provide support and technical assistance to Parties for the full and effective implementation of article 9, by developing and applying national implementation plans and road maps for the Escazú Agreement, in accordance with national needs and priorities.

Proposals:

- (i) Proposed wording (suggested language in bold): Provide **comprehensive technical** support and assistance to Parties for the full and effective implementation of article 9 of the Escazú Agreement, **through international cooperation coordinated by the Secretariat of the Agreement**, by developing and applying national implementation plans and road maps for the Agreement, in accordance with national needs and priorities.
- (ii) Actions aimed at all levels of government should be added to national plans.
- (iii) Determine who will be providing support.
- (iv) Technical assistance should take into account the skills and experiences of groups and organizations, including how to include the gender perspective.
- (v) Experts in cross-cutting approaches, including gender, intercultural, intersectional and intergenerational approaches, should be involved in the design, implementation and follow-up of technical assistance.

Action 3

Promote and establish opportunities for coordination and collaboration with other existing mechanisms for preventing, protecting against and responding to attacks, threats or intimidation that human rights defenders in environmental matters may experience, seeking synergies between States and other stakeholders for the effective implementation of article 9.

Proposals:

- (i) Proposed wording (suggested language in bold): Promote and establish opportunities for coordination and collaboration with other mechanisms for preventing, protecting against and responding to attacks, threats, intimidation, **criminalization and enforced disappearances, and any other infringement of rights** that human rights defenders in environmental matters may experience, seeking synergies between States and other stakeholders for the effective implementation of article 9.
- (ii) Establish means of coordinating existing collective protection and safety mechanisms as well.
- (iii) Use a different acronym for human rights defenders in environmental matters.
- (iv) Emphasize the inclusion of national, regional, international and local mechanisms.

- (v) There is a need to clarify what is meant by “existing mechanisms”.
- (vi) Recognize the protection mechanisms, spaces for healing and other protection strategies developed by the public, such as defenders, women, children and adolescents, Indigenous Peoples, persons of African descent and persons with a disability, among others.
- (vii) Include actions to foster cooperation and encourage partnerships between key stakeholders in the region.

Action 4

Conduct training on the Escazú Agreement, with an emphasis on specific aspects of article 9, with persons, groups and organizations that promote and defend human rights in environmental matters and various relevant civil society stakeholders, journalists and social communicators, donors, the private sector, development banks and financial institutions, international organizations, academia, all levels of government, and relevant State institutions, in particular national human rights institutions and ombudsperson offices.

Proposals:

- (i) Proposed wording (suggested language in bold): Conduct training on the Escazú Agreement, with an emphasis on specific aspects of article 9, **with Indigenous Peoples, communities and individuals and Afrodescendent individuals and communities** and organizations that promote and defend human rights in environmental matters and various relevant civil society stakeholders, journalists and social communicators, donors, and the private sector, **and with emphasis on sectors that are generating the climate crisis**, development banks and financial institutions, international organizations, academia, all levels of government and relevant State institutions, in particular national human rights institutions and ombudsperson offices **or other competent human rights entities**.
- (ii) Explicitly mention tribunals, courts and other legal venues within “State institutions” in order to guarantee they are aware of the issue.
- (iii) Conduct a study or analysis of specific threats and areas of vulnerability before developing guidelines and training programmes to understand the context and specific situation of each country.
- (iv) Establish opportunities for participation so that public contributions can be taken into account in identifying training priorities.
- (v) Define who will conduct training activities
- (vi) Include training on human rights and the environment.
- (vii) Include local areas and ensure that training is effective, efficient and accessible for all, including in terms of dissemination and guaranteed participation.
- (viii) When training the private sector, convene the sectors for which addressing the impact of their industry on climate change is most urgent.
- (ix) Prioritize training for women, emphasizing Indigenous and Afrodescendent women in prevention and protection mechanisms and considering their specific needs.
- (x) Training should also be conducted in the territories of defenders.
- (xi) Training should address differentiated treatment in preventing and responding to gender violence.
- (xii) Training should include networks of environmental and Indigenous lawyers and litigation networks, among others.

Action 5

Organize dialogues, training and thematic exchanges with justice officials, public security forces, law enforcement agencies and other important stakeholders in the implementation of measures to prevent, investigate and punish the attacks, threats and intimidation these persons, groups and organizations may face.

Proposals:

- (i) Proposed wording (suggested language in bold): Organize dialogues, training and thematic exchanges with justice officials, public security forces, law enforcement agencies and other important **national, subnational, international and regional institutions** involved in the implementation of measures to prevent, investigate and punish the attacks, threats and intimidation **and any other infringement of rights that Indigenous and Afrodescendent persons, groups, communities and organizations** may face.
- (ii) Separate training from dialogues and exchanges of ideas.
- (iii) Clarify that States Parties organize training activities *with* local groups *for* justice officials.
- (iv) Clarify the target audience for training and expand it to include local organizations, ensuring that training is culturally appropriate.
- (v) Conduct an efficiency and effectiveness assessment after the training.
- (vi) Add the phrase "that defenders could be facing" after "these persons, groups and organizations" to make the paragraph clearer.
- (vii) Use disaggregated data that includes factors such as gender and ethnicity when conducting these events. Training should incorporate a gender-sensitive, intersectional and intercultural approach.
- (viii) Mechanisms and training should include specific actions to include needs, skills, risks and priorities that are differentiated according to gender, age, ethnicity and relationships with territory.
- (ix) It should say "police and the army".
- (x) Include capacity-building for conducting investigations in the training provided.
- (xi) The concept of justice system workers should be clarified (lawyers, judges).

Action 6

Prepare materials for disseminating, raising awareness and providing training on the content of article 9 of the Escazú Agreement, in different formats and languages.

Proposals:

- (i) Proposed wording (suggested language in bold): Prepare materials for disseminating, raising awareness and providing training on the content of article 9 of the Escazú Agreement, in different formats and languages, **with a gender, intersectional, intercultural and intergenerational perspective**.
- (ii) Add that the materials are intended to change attitudes and behaviours to foster public support and promotion of the rights of human rights defenders.
- (iii) In the part that says "in different formats and languages", add "tailored to, targeted at and appropriate for the different public audiences".
- (iv) The public, in particular women, Indigenous groups and local communities, should participate in developing the materials, which should be gender-sensitive, intercultural and intergenerational.
- (v) Ensure that reproduction and use of the materials is not restricted.
- (vi) Establish a communication plan that enables the dissemination of the materials among the different target audiences, in particular communities.

Breakout group 4, work stream D. Follow-up and review of the action plan

Objective:

Implement measures for follow-up, evaluation and review of the action plan in the context of the institutional architecture of the Escazú Agreement, in accordance with the principles of transparency and accountability.

Proposals:

- (i) Proposed wording (suggested language in bold): Implement measures and indicators for following up on, evaluating and reviewing the action plan in the context of the institutional architecture of the Escazú Agreement, in accordance with the principles of transparency and accountability **while promoting broad and significant public participation, with a gender, intergenerational and intercultural approach.**
- (ii) Add monitoring.
- (iii) Add the principles of inclusion, effectiveness and efficiency.

Action 1

Make the working group for following up on and evaluating actions under the action plan permanent and ensure significant public participation therein, in particular by Indigenous Peoples, local communities, human rights defenders in environmental matters and persons or groups in situations of vulnerability.

Proposals:

- (i) Proposed wording (suggested language in bold): Make the working group for following up on, evaluating **and reviewing** actions under the action plan permanent and ensure **broad and significant** public participation by **individuals, groups, peoples and organizations** therein, in particular Indigenous Peoples, local communities, human rights defenders in environmental matters and vulnerable persons or groups, **in keeping with article 2 of the Escazú Agreement, respecting the characteristics and needs of each and including mechanisms for dialogue and periodic meetings.**
- (ii) Add women's and LGBTIQ groups, who should participate fully and in accordance with the characteristics and needs of each.
- (iii) Clearly establish when the group's operations will begin, its functions and the obligations of its members, its work plan and working methods and how it will be made permanent.
- (iv) For the working groups, include boards in which Indigenous Peoples and communities may participate, to complement and specify the meaning of "significant participation".
- (v) Propose an evaluation strategy, defining indicators and assessment of compliance with the action plan, emphasizing indicators disaggregated by gender. Reliable and transparent data are also required for monitoring.
- (vi) Add the definition of persons and groups in vulnerable situations pursuant to article 2 of the Escazú Agreement.
- (vii) Create opportunities and mechanisms for participation that are clear and active and establish feedback channels between the working group and the public.

Action 2

Facilitate the performance of the functions of the Committee to Support Implementation and Compliance in that regard, in particular taking into consideration the recommendations and measures for persons, groups and organizations at risk, in the framework of the rules relating to the structure and functions of the Committee and the working modalities defined therein.

Proposals:

- (i) Proposed wording (suggested language in bold): **Contribute by** facilitating the performance of the functions of the Committee to Support Implementation and Compliance in that regard, in particular by taking into consideration the recommendations and measures for at-risk persons in vulnerable situations, **peoples**, groups and organizations, **including mechanisms for meaningful participation and dialogue, with a defined budget**, in the framework of the rules relating to the structure and functions of the Committee and the working modalities defined therein.
- (ii) Guarantee the performance of the Committee's functions related to safety and access to information.
- (iii) Avoid the concentration of decision-making and monitoring in specific NGOs and include mechanisms for participation and communication with local areas.
- (iv) Establish mechanisms for protecting defenders that address both immediate responses and preventative measures. This includes establishing a monitoring system that incorporates emergency, medium-term and long-term actions.
- (v) Implement an effective channel for communication and ensure that the recommendations and opinions of defenders and of the general public are incorporated.
- (vi) Add the terms "Indigenous Peoples", "local communities" and "women" and clarify what groups are meant by the use of "at risk".

Action 3

Periodic reports by Parties on implementation and compliance with the Escazú Agreement, including action for the implementation of article 9.

Proposals:

- (i) Proposed wording (suggested language in bold): **Present annual** reports by Parties on implementation and compliance with the Escazú Agreement, including action for the implementation of article 9, **incorporating input from the public**.
- (ii) Establish clear obligations for States to provide information to the Committee from various national sources.
- (iii) For compliance reports, define relevant, homogenous indicators using participatory methods, include deadlines and composition, and establish periodicity and key parameters for following up on periodic reports, scheduling their submission every two years to coincide with meetings of the Conference of the Parties.
- (iv) Have a specific budget line for monitoring the actions and operations of the different committees or working groups.
- (v) Incorporate contributions from the public when preparing reports.
- (vi) Include "shadow reports".

- (vii) Establish a reporting format that has mandatory and optional sections to simplify the production of regional reports, therefore focusing reports on concrete actions and results rather than descriptive narratives.
- (viii) Establish a digital platform to facilitate access to reports.
- (ix) Reports and recommendations from the working group should include specific chapters or sections that analyse the situation of vulnerable groups such as Indigenous Peoples, women, children, adolescents, the LGBTQI+ population, persons with a disability, and displaced and older persons, among others, with an intersectional focus and presenting disaggregated statistics and indirect violence (kidnapping of family members).

Action 4

Prepare a regional report to be presented at the meeting of the Conference of the Parties in 2026, which will help to evaluate the progress made in the implementation of the activities included in this action plan.

Proposals:

- (i) Proposed wording (suggested language bolded): Prepare **biennial regional reports** to be presented at meetings of the Conference of the Parties, **upon adoption of the plan, incorporating input from the public and specifying the actions adopted to protect sensitive information concerning defenders**, which will help to evaluate the progress made **in the implementation of the action plan**.
- (ii) Include objectives, results, measures taken by the Parties and actions with quantitative and qualitative indicators.
- (iii) Include that the reports will also be presented at meetings of the Conference of the Parties.
- (iv) In addition to preparing the reports, there should be an opportunity at meetings of the Conference of the Parties to review them.
- (v) Establish who will prepare the regional reports.



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