



Economic Commission for Europe
**Meeting of the Parties to the Convention on
 Access to Information, Public Participation
 in Decision-making and Access to Justice
 in Environmental Matters**
Third extraordinary session
 Geneva, 23–24 June 2022

**Report of the third extraordinary session of the Meeting of
 the Parties**
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I. Introduction

1. The third extraordinary session of the Meeting of the Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) was held in Geneva from 23–24 June 2022.¹ During the session, the Meeting of the Parties to the Convention elected by consensus Mr. Michel Forst as the Special Rapporteur on environmental defenders, in accordance with decision VII/9 on a rapid response mechanism to deal with cases related to article 3 (8) of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (ECE/MP.PP/2021/2/Add.1) adopted by the Meeting of the Parties at its seventh ordinary session (Geneva, 18–21 October 2021).

A. Attendance

2. The third extraordinary session of the Meeting of the Parties was attended by delegations from the following Parties to the Convention: Albania, Armenia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Cyprus, Czechia, Denmark, European Union, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Kazakhstan, Latvia, Lithuania, Luxembourg, Malta, Montenegro, Netherlands, Norway, Poland, Portugal, Republic of Moldova, Romania, Serbia, Slovenia, Spain, Sweden, Switzerland, Tajikistan and the United Kingdom of Great Britain and Northern Ireland.

3. Delegations from Guinea-Bissau and Uzbekistan also attended.

4. Representatives of the following United Nations system organizations were present: the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the United Nations Environment Programme (UNEP). The Special Advisor to the Special Rapporteur on the situation of human rights defenders also attended. International organizations represented at the meeting included the Organization for Security and Cooperation in Europe, the Council of Europe and the Inter-American Commission on Human Rights (IACHR) (through video statement).

5. Representatives of Aarhus Centres, business, judicial and human rights institutions, and professional, research and academic organizations were also present, as were representatives of international, regional and national environmental non-governmental organizations (NGOs), many of whom coordinated their inputs within the framework of the European ECO-Forum.

B. Opening of the session

6. The Chair opened the meeting and stated the session's objective to elect a Special Rapporteur on environmental defenders, which represented an important step forward in promoting environmental democracy and in protecting from harassment and abuse those who worked to safeguard and promote human rights and the environment. He recalled that the election was especially important in the context of the outright war carried out by the Russian Federation against Ukraine at the very centre of the United Nations Economic Commission for Europe (ECE) region, which is causing immeasurable damage to human lives and the environment. He also recalled that Austria and Ireland were lead countries for that critical work area and expressed his appreciation for their leadership.

7. In her opening address, Ms. Olga Algayerova, Executive Secretary of ECE, stressed the landmark nature of decision VII/9, which had established the world's first mechanism specifically safeguarding environmental defenders within a legally binding framework, be it under the United Nations system or any other intergovernmental structure. She recalled that the Aarhus Convention, along with its Protocol on Pollutant Release and Transfer Registers,

¹ Documents for the meeting, along with statements delivered at the meeting, as made available to the secretariat, can be found on the meeting web page: <https://unece.org/info/Environmental-Policy/Public-Participation/events/365938>.

remained the only legally binding instrument on environmental democracy open for accession by all States Members of the United Nations. She likewise recognized the importance of the election of the Special Rapporteur on environmental defenders, which would serve as an essential tool for early, effective action to respond to reports of violations of the rights of environmental defenders under the Convention, and commended the delegations for taking such an important step forward.

8. Several delegations took the floor to make statements regarding the importance of the election of the Special Rapporteur on environmental defenders in the current context in the region. In their statements, the representatives of the European Union and its member States, Norway, Switzerland and the United Kingdom of Great Britain and Northern Ireland expressed support for and solidarity with Ukraine, the Ukrainian people and their democratically elected representatives in the face of the ongoing military aggression by the Russian Federation, and noted their deep concern over the human and environmental impacts of the war. The representative of the European ECO-Forum also made a statement in that regard, noting with grave concern that some of the best supporters of the rapid response mechanism could not be present at the meeting due to the war carried out by the Russian Federation against Ukraine. Those supporters had served the Convention from its earliest days, had laboured to develop the case law of the Compliance Committee, had also been among the very first to recognize the need for a new mechanism, and had also worked hard in that regard. The representative of the State Ecological Academy of Postgraduate Education and Management (Ukraine) recalled the disastrous impact of the ongoing war for the environment and also expressed appreciation for the support from Parties to the Convention.

9. The Meeting of the Parties took note of the statements made by the Executive Secretary of ECE, the delegations of the European Union and its member States, Norway, Switzerland, the United Kingdom of Great Britain and Northern Ireland, the representative of European ECO-Forum and the representative of the State Ecological Academy of Postgraduate Education and Management (Ukraine), including with regard to the devastating war against Ukraine.

II. Adoption of the agenda

10. The Chair shared the proposed distribution of timing for the session and recalled that, as with the previous session of the Meeting of the Parties, with a view to ensuring equal opportunities for English, French and Russian-speaking delegations and reducing the amount of paper used, the meeting would result in a list of draft decisions and outcomes that would be made available electronically to delegations on the meeting web page prior to adoption.

11. The Meeting of the Parties took note of the information shared by the Chair and adopted the provisional agenda of the session (ECE/MP.PP/2022/1).

III. Report on credentials

12. Ms. Nicolette Bouman, Vice-Chair of the Bureau, presented the report on credentials, following rule 17 of the Rules of Procedure (ECE/MP.PP/2/Add.2, decision I/1, annex).

13. The Meeting of the Parties approved the report on credentials and noted that, in total, 36 Parties present at the session had submitted their credentials and thus a quorum had been reached for the purpose of decision-making.

IV. Rapid response mechanism to deal with cases related to article 3 (8) of the Convention

A. Election of the Special Rapporteur on environmental defenders

14. The Chair invited delegations to consider the nominations for election of an independent Special Rapporteur on environmental defenders, bearing in mind the desirability

of electing a candidate to the post by consensus, as outlined in rule 35 (1) of the Rules of Procedure and decision VII/9, annex, paragraph 21 (ECE/MP.PP/2021/2/Add.1). He recalled that the information on the four candidates had been shared with Parties and stakeholders by the secretariat prior to the meeting and made available on the Convention web page. He also recalled that the secretariat had opened the call for nominations of candidates for the election on 26 January 2022, with the deadline for nominations on 30 March 2022. The candidates for election, listed in alphabetical order, were: Mr. Paul Cackette (national of United Kingdom of Great Britain and Northern Ireland), self-nominated; Mr. Jonas Ebbesson (national of Sweden), nominated by ClientEarth, Earthjustice, the European Environmental Bureau, Guta Environmental Law Association and Justice and Environment; Mr. Michel Forst (national of France), nominated by ClientEarth, Earthjustice, the European Environmental Bureau, Guta Environmental Law Association and Justice and Environment; and Mr. Vadim Ni (national of Kazakhstan), nominated by the NGO Socio-Ecological Fund.

15. Several delegations, notably those of the European Union and its member States, Norway, Switzerland and the United Kingdom of Great Britain and Northern Ireland, made statements expressing their views as to the preferable candidate for the election.

16. The Chair stated, in summary, that the Parties were in agreement on the election of Mr. Forst by consensus and opened the floor for any objections. Receiving none, the Chair announced the election of Mr. Forst as the independent Special Rapporteur on environmental defenders by consensus.

17. Mr. Forst thanked the Parties for their display of trust in conferring on him the position of the Special Rapporteur on environmental defenders and noted that he would count on the Parties to support the new mandate. He recalled that, in his previous role as the Special Rapporteur on the situation of human rights defenders under the Human Rights Council, he had benefited from the opportunity to meet with thousands of human rights defenders in many countries and to hear about the challenges they faced and their need for protection. He thanked civil society representatives for their professionalism and commitment, and stated that they would be his partners and a source of inspiration in his new role. In conclusion, he stated that: "I will be an Independent Special Rapporteur, independent of countries, of NGOs and of the secretariat. I would be a Special Rapporteur who would be demanding of myself and of others and I would be a Special Rapporteur who would listen to all voices. I would be a Special Rapporteur who would be transparent to all Parties to the Convention. And, finally, I hope that I would be a Special Rapporteur who would be able to demonstrate the usefulness of this new mechanism."

18. A representative of Italy welcomed the election of Mr. Forst as a major step forward for the Aarhus Convention. She recalled that Italy had amended its Constitution in February 2022 to explicitly refer to protection of the environment, biodiversity and ecosystems,² which went hand-in-hand with protection of the rights of environmental defenders. She also recalled the efforts of Italy to put climate-related issues at the heart of multilateral discussions and to highlight the role of young people.

19. Representatives of Albania and the European ECO-Forum also made statements welcoming the election of Mr. Forst as the Special Rapporteur on environmental defenders and pledged their support to him as he took up his mandate.

20. The Meeting of the Parties elected by consensus Mr. Forst as the independent Special Rapporteur on environmental defenders, and congratulated him on his election and wished him success as he took up his mandate. The Meeting of the Parties also thanked the other candidates for their interest in submitting their candidatures for election and took note of the statements made by Mr. Forst and the representatives of Albania, the European Union and its member States, Italy, Norway, Switzerland, the United Kingdom of Great Britain and Northern Ireland, and the European ECO-Forum.

² Official Bulletin of Italy, available at www.gazzettaufficiale.it/eli/id/2022/02/22/22G00019/sg#:~:text=note%3A%20Entrata%20in%20vigore%20del%20provvedimento%3A%2009%2F03%2F2022&text=All'articolo%209%20della%20Costituzione,forme%20di%20tutela%20degli%20animali%20C2%BB (Italian only).

B. Round table on environmental defenders

21. Ms. Teresa Weber, moderator of the round table on environmental defenders, opened the session and introduced the main topics for discussion, which would focus on challenges, opportunities and the way forward for the protection of environmental defenders. She informed that the discussion will be organized in a format of keynote statements and interventions by the representatives of Governments, non-governmental and intergovernmental organizations and other stakeholders, followed by a general discussion. She stated that the speakers would reflect the perspectives of environmental defenders, of Parties to the Aarhus Convention and of international organizations as a means of informing the work of the Special Rapporteur on environmental defenders. Stakeholders from other regions would also share their diverse experiences.

1. Views and experiences of environmental defenders

22. The following three representatives of the European ECO-Forum shared their views and experiences.

23. The first representative spoke about the broader perspective regarding strategic lawsuits against public participation. He noted that, although such strategic lawsuits seemed to be purely a legal issue, they were in fact used as a tool to drain the financial and mental resources of defendants for having exercised their right to free speech or public participation. He called attention to the fact that such lawsuits were on the rise in Europe and noted the efforts made by the European Commission regarding cross-border strategic lawsuits against public participation. He further provided examples of cases from France, Italy and the United Kingdom of Great Britain and Northern Ireland, highlighting how the legal process had been abused in each case. He noted the role that civil society organizations had played in advocating for reform, particularly by supporting the reform of professional ethical standards for lawyers and law firms, and providing training and raising awareness regarding strategic lawsuits against public participation.

24. The second representative spoke about the situation in Belarus regarding persecution of environmental activists. He noted decision VI/8c on compliance by Belarus with its obligations under the Convention taken at the sixth session of the Meeting of the Parties (Budva, Montenegro, 11–14 September 2017), and mentioned that persecution of environmental activists had worsened since the taking of that decision. He reiterated that it was of utmost importance that the principles of environmental democracy be followed. He stated that civil society in Belarus was facing a dangerous situation and repression and criminal cases against activists would indirectly decrease transparency in decision-making and lead to a deterioration in the quality of decisions. He commended the establishment of the rapid response mechanism, which demonstrated the commitment of the Parties to the Aarhus Convention to following the spirit of the Convention and their intention to protect activists.

25. The third representative noted the situation of environmental and human rights defenders and the potential for persecution, harassment and intimidation in their regard. She also noted that a study could be conducted on environmental defenders in the ECE region. Focusing on the Western Balkans, she stated that the Aarhus Convention rapid response mechanism would add to the existing regulatory and legal frameworks for the protection of environmental defenders in the region. Speaking about good practices and the way forward for the region, she highlighted European Union due diligence obligations³ as an example of good practice and stated that ombudspersons could play a role in the prevention of harassment of environmental defenders and their protection in that regard. Furthermore, she highlighted the role of the media in creating awareness about environmental defenders and the risks that they faced. She called upon Governments to legislate on the protection of environmental defenders and expressed the readiness of NGOs and civil society to collaborate with the Special Rapporteur on environmental defenders.

³ See, for example, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32017R0821>.

26. Speaking from the floor, a representative of the NGO Socio-Ecological Fund congratulated Mr. Forst on his election as the Special Rapporteur on environmental defenders and recalled the importance of having the support of all Parties to the Aarhus Convention regarding the rapid response mechanism, particularly in the context of increasing threats to environmental defenders worldwide. He noted that, in countries that lacked a robust civil society, one challenge for the Special Rapporteur on environmental defenders would be to ensure that individuals and community leaders who were also environmental defenders were protected from harassment, penalization and persecution. It could be difficult to identify such persons as environmental defenders and they were sometimes unaware of the legal protections available to them. It was essential that they be protected by the Convention and its rapid response mechanism.

27. Speaking from the floor, a representative of Youth and Environment Europe/European ECO-Forum, paid homage to Mr. Bruno Pereira and Mr. Dom Philips, respectively, a Brazilian expert on indigenous peoples and a British journalist, whose lives had been brutally taken away while they were uncovering illegal fishing, mining, logging and drug-trafficking activities in the Amazonian region of Brazil. She expressed deep regret, shock and profound sadness over the killings and called on all Parties to strongly and jointly commit to preventing such crimes from being repeated.

2. Views and experiences of Parties

28. A representative of the European Union presented a recent European Commission package to tackle strategic lawsuits against public participation. She noted that such strategic lawsuits, which were on the rise, were manifestly unfounded and abusive in nature. In December 2020, the European Democracy Action Plan⁴ had been announced, involving an initiative to protect journalists and other actors from strategic lawsuits against public participation, following which the above-mentioned package had been adopted in April 2022.⁵ The package consisted of two specific measures: a European Commission proposal to adopt targeted legislation (a directive), which would provide procedural safeguards against such strategic lawsuits in cross-border civil proceedings; and non-legislative measures such as a Commission recommendation to European Union member States, which covered all types of cases (civil, criminal and administrative), both domestic and cross-border. She spoke further about the scope and applicability of the package. The proposed directive had three pillars, namely: early dismissal of unfounded claims; other remedies such as award of costs, compensation for damages and penalties; and protection against third country strategic lawsuit against public participation judgments. The planned recommendation included training, awareness-raising, support mechanisms, data collection, reporting and monitoring.

29. A representative of Kazakhstan noted that environmental legislation in her country was being radically reformed following the identification of obstacles to the implementation of article 3 of the Convention. To that end, the new Environmental Code had identified the fundamental right of every citizen of Kazakhstan to participate in environmental decision-making. She further noted the different procedures through which the legality of State action could be challenged, which included the submission of statements and applications to the courts. She stated that the newly adopted Administrative Procedural Code had a very innovative approach to resolving disputes between the public and State authorities. She additionally noted that environmental movements were gaining ground in Kazakhstan, in line with the global trend. In Kazakhstan, environmental activists took part in events at all levels and their position was considered when making major political decisions. She called on Governments to include NGOs and civil society in their delegations to international environmental conferences.

30. A representative of the United Kingdom of Great Britain and Northern Ireland, reflecting on the disappearance of Mr. Pereira and Mr. Phillips in the State of Amazonas in Brazil, expressed gratitude on behalf of the United Kingdom of Great Britain and Northern Ireland to all those who had been involved in the related search and rescue operation. He

⁴ See <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM%3A2020%3A790%3AFIN&qid=1607079662423>.

⁵ See https://ec.europa.eu/commission/presscorner/detail/en/ip_22_2652.

stated that, in 2013, the United Kingdom of Great Britain and Northern Ireland had been the first country to produce a National Action Plan⁶ to implement the United Nations Guiding Principles on Business and Human Rights⁷ and noted four areas of work where the country had been proactive: first, in co-sponsoring United Nations and other intergovernmental resolutions calling for better protection for human rights defenders; second, in supporting United Nations and other multilateral efforts to elaborate and enforce the responsibilities of third parties to seek to respect the rights of human rights defenders; third, in working with its partners to prevent acts of intimidation and reprisals against human rights defenders; and, lastly, in supporting the work of the Special Rapporteurs and other special procedures of the Human Rights Council elsewhere, who reported on the situation of human rights defenders. He noted that all channels of communication between Governments and human rights defenders must remain open and safe.

31. A representative of the Office of the Public Defender of Georgia noted that human rights defenders were increasingly being subjected to verbal and physical attacks, intimidation, stigmatization, smear campaigns and/or possible strategic lawsuits against public participation. Notwithstanding the fact that environmental defenders enjoyed the opportunity to operate in a comparatively supportive environment, they still encountered obstacles in their work. She recalled an incident in 2021 in Georgia, where access to a protest against the construction of a large hydropower plant had been blocked by State authorities, noting that the Public Defender had criticized that intervention and raised concerns about its proportionality. She noted how the coronavirus disease (COVID-19) pandemic had exacerbated the issue through the imposition of curfews during protests. She stated that the Public Defender had begun to analyse the situation of human rights defenders in Georgia, considering the functions of national human rights institutions set out in the Marrakech Declaration and the European Network of National Human Rights Institutions Regional Action Plan in 2018.⁸ She also noted that the Public Defender actively raised public awareness of human rights defenders, their role and activities, and had submitted two *amicus curiae* briefs on lawsuits brought by or against human rights defenders.

3. Support at international level

32. A representative of the Special Rapporteur on the situation of human rights defenders noted that the creation of the Special Rapporteur on environmental defenders under the Aarhus Convention was a significant and positive development. He stated that data collected over the past decade had shown that environmental defenders constituted a significant proportion of the total number of human rights defenders killed every year. The intersectional nature of environmental protection work interacting with other rights, such as indigenous peoples' rights, was increasingly being appreciated at the international level. Another important international development had been the progress made on human rights and environmental due diligence for businesses, which represented the beginning of systemic change in the protection of environmental defenders. He noted that the Special Rapporteur on the situation of human rights defenders stood ready to work with the Special Rapporteur on environmental defenders and that the success of that new mechanism depended on implementation in good faith by States. He noted that the Special Rapporteur on the situation of human rights defenders had sent 113 communications to the States who are Parties to the Convention, with no response being received in 23 percent of the cases, underscoring the fact that the rapid response offered by the new mechanism was sorely needed at the intergovernmental level in the region.

33. A representative of the Commissioner for Human Rights of the Council of Europe welcomed the decision of the Parties to the Aarhus Convention to establish a rapid response mechanism in the form of the independent Special Rapporteur on environmental defenders, with whom the Commissioner for Human Rights of the Council of Europe looked forward to

⁶ Her Majesty's Government, *Good Business: Implementing the UN Guiding Principles on Business and Human Rights*, CM 8695 (September 2013).

⁷ See *United Nations Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework* (United Nations publication, HR/PUB/11/04).

⁸ See <https://ennhri.org/news-and-blog/ennhri-regional-action-plan-to-promote-and-protect-human-rights-defenders-and-enable-democratic-space-finalised-following-participative-process/>.

collaborating closely. Speaking of the road ahead, he shared five recommendations in support of environmental defenders from the recent report of the Commissioner for Human Rights entitled *Environmental Rights Activism and Advocacy in Europe: Issues, Threats, Opportunities – Report on the online Round table with Environmental Human Rights Defenders and Activists*.⁹ First, States needed to create a safe and enabling environment for environmental defenders; second, stigmatization of environmental defenders had to end; third, the right to public protest and to campaign in defence of the environment must be upheld; fourth, environmental defenders must be able to participate in decision-making on policies and projects with an environmental impact; and lastly, more attention needed to be given to the youngest environmental defenders. He stressed that, if European countries were serious about fighting for the environment, then they must begin by empowering environmental defenders.

34. A representative of the International Code of Conduct Association spoke about the intersection of private security and human rights abuses against environmental defenders that arose when security providers were contracted by Governments, corporations and other organizations. He noted that Global Witness had recorded 227 murders of land and environmental defenders in 2020.¹⁰ The situation was particularly challenging in Latin America, where the ratio of private military and security personnel to State police was, on average, five-to-one. That issue had also spread to the renewable energy sector, where human rights abuses included killings, threats, intimidation and harm to the lives of members of indigenous communities. He noted that, in that context, the International Code of Conduct Association was working with private security service providers to ensure that they respected human rights and humanitarian law, and conducted human rights due diligence regarding its member and affiliate companies. Speaking of recommendations, he called for more support to be provided for civil society organizations, in particular those based in the global South.

35. A representative of UNEP recalled that it was easy to become complacent about human rights abuses involving environmental defenders in Europe, as attention was often focused on Central and South America, where many of the most grievous violations occurred. Nonetheless, incidents that occurred in Europe were very damaging. Those abuses could undermine the reputation of environmental defenders, create a hostile environment through social media, and force public interest lawyers to spend years in court answering libel charges from companies with significant financial and legal resources. She noted that UNEP had been assisting by examining and addressing the challenges that defenders faced across the globe – work that complemented the new mandate of the rapid response mechanism under the Aarhus Convention. She noted capacity-building measures being undertaken across the UNEP regions, including support for protection mechanisms, legal toolkits, national legal developments that had implications for environmental defenders, access to emergency and non-emergency support, and network building. She stated that close collaboration with the new Special Rapporteur on environmental defenders would therefore be mutually beneficial, particularly at a time when States Members of the United Nations were discussing the adoption of a General Assembly resolution recognizing the universal right to a clean, healthy and sustainable environment.

4. Experiences from other regions

36. A representative of the Asian Forum for Human Rights and Development introduced the work of his organization, which consisted of 85 member organizations across 23 countries in Asia. He stated that the Asian Forum had documented 108 cases of violations against environmental defenders over the past 18 months, though the true figures were likely much higher as cases often went unreported. He noted that the most common violations were judicial harassment, which constituted half of the recorded cases, followed by arbitrary detention. At least 24 cases involving physical violence had been documented, resulting in eight deaths. He noted that most of those cases were in South-East Asia, with Cambodia and Indonesia having the most incidents, and shared the examples of three incidents that had

⁹ Council of Europe, March 2021.

¹⁰ Global Witness, “Last line of defence”, 13 September 2021, available at www.globalwitness.org/en/campaigns/environmental-activists/last-line-defence/.

taken place in, respectively, Cambodia, India and Indonesia. Most incidents involved collusion between State authorities and businesses, often from North America or Europe, reflecting the responsibility of multinational businesses in that regard. Nonetheless, the situation was improving in the region, as in many countries, such as Mongolia and Thailand, Governments were introducing legislation and parliamentary resolutions and landmark judgments were being issued recognizing the role of human rights defenders. He called on States to recognize the legitimate role of environmental human rights defenders, to create an enabling environment for them to operate without fear of intimidation, and to pay particular attention to violations and abuses against them in the post-COVID-19 pandemic world.

37. A representative of the Pan-African Human Rights Defenders Network presented the work of his organization and shared best practices, noting that the abundant natural resources of Africa presented an enormous opportunity for development but also raised serious concerns in the fields of sustainable environmental governance, revenue management, public health and intergenerational justice. Human rights and environmental defenders operated in precarious situations where they were subject to threats and intimidation by both State and non-State actors. He noted that, under article 3 (8) of the Aarhus Convention, taking concrete action to prevent attacks against environmental defenders was essential and that included creating strong and appropriate legal preventive and protection mechanisms to address attacks. Sharing good practices, he stated that the Pan-African Human Rights Defenders Network had protection mechanisms that were tailored to support the most at-risk and affected environmental defenders, including preventive and reactive measures. He also noted that holistic, Africa-based protection efforts were being made regarding human rights defenders who had fled their countries for reasons of safety under the Ubuntu Hub Cities initiative.¹¹ Looking ahead, strong political will was required on the part of States to address the problems faced by environmental defenders.

38. A representative of the Inter-American Commission on Human Rights noted that the inter-American system had recognized the essential role played by environmental defenders in combating deforestation, the loss of biodiversity, environmental degradation and, in particular, climate change. She noted that the Commission, in a 2022 press release, had expressed concerns at the high number of complaints it received regarding attacks on defenders of land and the environment, frequently involving physical assault, threats, intimidation, stigmatization and smear campaigns.¹² She further highlighted the positive role of environmental defenders and the need for recognition of and special protection for them in their work in defence of human rights. In that regard, under the inter-American system and its jurisprudence, the right to a healthy environment was part of the catalogue of rights that States must respect. She shared information on the recently published Inter-American Commission on Human Rights resolution 3/2021 entitled “Climate emergency: Scope of inter-American human rights obligations”, which emphasized the obligation of American States to ensure the effective participation in decision-making and climate policies of those who defended land, territories and the environment. She stated that the Commission encouraged the signing and ratification of the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement), which complemented the norms and standards of the inter-American system.

5. General discussion

39. During the general discussion, a representative of Armenia congratulated Mr. Forst on his election as the Special Rapporteur on environmental defenders and wished him success as he took up his mandate. She noted the longstanding commitment of Armenia to the Aarhus Convention, recalling that the first-ever Aarhus Centre had been opened in Yerevan and had served as an important platform for cooperation between the public and the Government. She provided several examples demonstrating how the Government of Armenia had taken into consideration the concerns of environmental activists and made changes to development

¹¹ See <https://africandefenders.org/what-we-do/hub-cities/#:~:text=The%20Ubuntu%20Hub%20Cities%20initiative,rights%20work%20to%20temporarily%20relocate.>

¹² See www.oas.org/en/IACHR/jsForm/?File=/en/iachr/media_center/PReleases/2022/084.asp.

plans, including in the cases of the construction of a highway and of a small hydropower plant, reflecting the Government's willingness to listen to and collaborate with environmental defenders. She noted that such an approach was not without its challenges, as the Government, through the Ministry of Economy, must find a balance between socioeconomic development objectives and environmental goals.

40. A representative of OHCHR reported that the United Nations High Commissioner for Human Rights had described the triple planetary crisis of pollution, climate change and biodiversity loss as the greatest human rights challenge of the current era.¹³ She noted that international human rights law empowered environmental defenders to participate, access information and, ultimately, help to protect the environment, including through increased accountability. OHCHR advocated for urgent, ambitious and rights-based action to protect people and the planet at the global, regional and national levels. Through its regional offices in South-East Asia and the Pacific, OHCHR was promoting awareness of environmental human rights defenders, and, through its Regional Office for Central America, it was supporting the ratification of the Escazú Agreement. She recalled that, in September 2020, following the Secretary-General's Call to Action for Human Rights,¹⁴ the United Nations had launched the "United Nations Guidance Note: Protection and Promotion of Civic Space", addressing the issue of participation, as well as protection for and promotion of civil society including environmental defenders.

41. A representative of Journalists for Human Rights/European ECO-Forum expressed her appreciation for the fact that almost all the keynote speakers had recognized environmental journalists as environmental defenders, as they faced threats, danger and sometimes even death in the course of their work. She noted the legal and digital harassment and violence that environmental journalists faced, and highlighted the fact that the number of attacks against women in the field of environmental journalism had increased significantly. Environmental journalists often found themselves in conflict with powerful interests and stakeholders and, over the past decade, environmental journalism had become the most dangerous kind of journalism, with the number of environmental journalists killed being higher than that of war correspondents killed covering the conflict in Afghanistan. She called on Governments to adopt the highest level of protection for environmental defenders, including environmental journalists, and specifically called on the European Union member States to adopt more than the minimum standards established in the European Union legislation. She also called on States to consider creating a fund to provide support to environmental defenders facing harassment, penalization, persecution and violence.

42. A representative of Earthjustice/European ECO-Forum congratulated Mr. Forst on his election and underlined the excellence of all four candidates for the position of the Special Rapporteur on environmental defenders, which was an encouraging sign for the continuation of the work in that field. The election of the Special Rapporteur on environmental defenders was an important event not only for the Aarhus Convention region, but also for environmental defenders worldwide, as had been reflected by several of the keynote speakers. The mandate of the Special Rapporteur would help the Aarhus Convention region to improve its record in the area in question and would stimulate efforts in other regions. He thanked all Parties for taking the worrying trend of harassment and targeting of environmental defenders very seriously and for having taken the time to consider innovative ways in which the Aarhus Convention could address that situation. He stated that he looked forward to the Special Rapporteur's work on preventing violations of article 3 (8) of the Convention, which would require innovative approaches, and expressed the hope that said work would result in as few cases as possible requiring follow-up action by the Meeting of the Parties.

43. A representative of Justice and Environment/European ECO-Forum expressed regret at the fact that there was no governmental representative from Belarus present at the round table, the discussions in which had highlighted both dire problems as well as cases, instruments and models demonstrating good practices. She noted her particular regret in that

¹³ United Nations High Commissioner for Human Rights, Ms. Michelle Bachelet, "Moment for Nature", video message delivered at High-level Thematic Debate of the General Assembly (New York, 19 July 2022), available at www.ohchr.org/en/statements/2022/07/moment-nature.

¹⁴ The Highest Aspiration: A Call to Action for Human Rights (United Nations, 2020).

regard as Belarus was a Party to the Convention that was known to have penalized, persecuted and harassed its environmental defenders. She stated that the round table could have provided a valuable opportunity for Belarus to listen, learn and engage.

44. A representative of the Republic of Moldova congratulated Mr. Forst on his election as well as the Aarhus Convention community on the launch of the rapid response mechanism. She stated that 23 June 2022 marked an important moment for the Aarhus Convention, as well as a historic moment for the Republic of Moldova and Ukraine, which had been granted the European Union candidate status. She expressed the gratitude of the Government of the Republic of Moldova to the European Union and its member States for their trust and for the opportunity for her country to move forward on the European path. She stated that the Government recognized how much remained to be done to move towards that goal and would work to strengthen justice reform, public administration, the protection of human rights, the fight against corruption and economic reform according to European standards. She reaffirmed that the Republic of Moldova would step up its efforts to achieve European environmental standards, policy targets, public involvement and protection of human rights, including environmental rights. In order to meet environmental goals, the Republic of Moldova was working to revise legislation and promote transparent and inclusive environmental governance to ensure the right to live in a safe and clean environment.

6. Moderator's summary

45. The moderator thanked the speakers and reflected on the wealth of information contained in their statements. She recalled that the challenges that environmental human rights defenders faced were well known – a fact recognized by the Parties through the creation of the rapid response mechanism and the election of Mr. Forst as the Special Rapporteur on environmental defenders.

46. Summarizing the above-mentioned challenges, she noted that penalization, persecution and harassment, including by State bodies, remained pressing issues for environmental defenders in the ECE region. Harassment all too often took the form of strategic lawsuits against public participation, through which the judicial system was co-opted to intimidate and drain the resources of environmental defenders, posing serious barriers to the exercise and protection of human rights and environmental rights. She expressed particular concern that such strategic lawsuits were on the rise in the ECE region. She also noted that the lack of specific legislation and coordinated policy actions posed a challenge at the national level and constrained the ability of Parties to ensure that environmental defenders were protected as they carried out their work.

47. Recalling the good practices and trends highlighted by the speakers, she noted that the proposed European Union directive on strategic lawsuits against public participation was a very encouraging development. The example from Kazakhstan, in which corrective actions had been taken to reform environmental legislation following the identification of obstacles to the implementation of article 3 of the Convention, was also an important model, as were the range of good practices and engagements from the United Kingdom of Great Britain and Northern Ireland, which demonstrated how the issue was interconnected with broader discussions, including those around business and human rights.

48. At the international level, the moderator recalled that the special procedures of the Human Rights Council and the 2018 UNEP Defenders Policy¹⁵ offered good examples. She noted that there were also clear synergies to be leveraged with the work of the Special Rapporteur on the situation of human rights defenders and the Commissioner for Human Rights of the Council of Europe, whose mandates were grounded in support for and protection of human rights defenders, including environmental defenders. Greater regulation

¹⁵ “Promoting Greater Protection for Environmental Defenders: Policy”, available at www.unep.org/explore-topics/environmental-rights-and-governance/what-we-do/advancing-environmental-rights/unep#:~:text=UNEP's%20Defenders%20Policy%20promotes%20greater,many%20parts%20of%20the%20world.

and oversight of the private security sector was also an important trend, such as through the International Code of Conduct for Private Security Service Providers.¹⁶

49. Regarding the way forward, she summarized the suggestions put forward by the speakers. Governments should be encouraged to legislate on protection of environmental defenders and enact rules against harassment, including online, and ombudsmen and public defender institutions could protect and strengthen the position of environmental defenders. More resources and support were needed for environmental defenders who were the target of physical, verbal or legal harassment, including for those who were facing strategic lawsuits against public participation, and assistance could be provided through international networks. Increased training and awareness-raising, particularly among State authorities, the judiciary and legal professionals, police and security providers, civil society and the media, were important steps. Increased data collection, monitoring and reporting, and transparent access to such information in line with the Aarhus Convention, were also essential. Dialogue was also key. Parties were called upon to ensure that governmental authorities at all levels viewed environmental defenders as partners, allied in their desire for a sustainable and shared future for people and the planet.

50. Recalling the statements made by speakers from other regions, which had highlighted additional challenges that environmental defenders faced around the world, as well as good practices to improve their reality on the ground, she noted that those perspectives also served as an important reminder. The challenges that environmental defenders faced did not exist in national or regional silos. They were highly interconnected in a world of transnational corporations and global supply chains, where actions and decisions in one part of the world might have an acute impact on people and the environment in another.

51. Lastly, she noted that participants had been reminded that the work of the Special Rapporteur on environmental defenders was grounded in the principles of the Aarhus Convention and that they should seek to incorporate inclusive and effective public participation, access to information and access to justice as foundational components of environmental democracy.

7. Conclusions

52. Concluding the round table, the Meeting of the Parties:

(a) Expressed its appreciation to the representatives of the European ECO-Forum, the European Union, Kazakhstan, the United Kingdom of Great Britain and Northern Ireland, the Office of the Public Defender of Georgia, the Special Rapporteur on the situation of human rights defenders, the Commissioner for Human Rights of the Council of Europe, the International Code of Conduct Association, UNEP, the Asian Forum for Human Rights and Development, the Pan-African Human Rights Defenders Network and the Inter-American Commission on Human Rights for their keynote statements and took note of the information provided;

(b) Took note of the statements made by other delegations;

(c) Welcomed good practices and noted the issues, challenges and opportunities involved in promoting the safe activities of environmental defenders highlighted by the speakers, as well as the suggestions for the way forward;

(d) Noted the situation in Belarus for civil society and environmental defenders, which continued to be gravely concerning;

(e) Called on Parties to view environmental defenders as partners and to continue to fulfil their obligations arising from article 3 (8) of the Convention;

(f) Encouraged Parties, civil society and other stakeholders to work to implement good practices and suggestions for the way forward, in order to facilitate and support the work of the Special Rapporteur on environmental defenders.

¹⁶ See <https://icoca.ch/the-code/>.

V. Adoption of outcomes

53. The Meeting of the Parties adopted the major outcomes and decisions presented by the Chair at the meeting (AC/ExMoP-3/Inf.2) and requested the secretariat, in consultation with the Chair, to finalize the report, incorporating those adopted outcomes and decisions. Delegations thanked the secretariat and the interpreters.

VI. Closing of the session

54. The Chair commended all participants for their active contributions to the session's discussions. He took the opportunity to once again congratulate Mr. Forst on his election as the Special Rapporteur on environmental defenders and stated that he looked forward to engaging with that important work. A representative of the European ECO-Forum also made a statement in that regard and thanked the Chair and the secretariat for their work.
