



**Association of
Environmental
Law**

of Central/Eastern Europe and Newly Independent States
(GUTA Association)

The LAC process: How it proposes to handle the protection of activists

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Protection of Environmental Defenders

Background

- Global problem
- In LAC region almost daily atrocities, thousands of environmental defenders have been suffering attacks, threats, coercions or intimidations and have been killed
- Priority issue to be covered in the LAC P10 agreement under negotiation
- Strategic approach of CSOs: to cover under Art. 5 General Obligations and Article 9, Access to Justice

How to handle protection of environmental defenders?

Art 5.4 General Obligations

- Parties shall create an enabling environment and grant recognition, protection and to associations, organizations, groups and/or individuals that defend the environment and will ensure that they will not be harassed, victimized or subjected to illegitimate coercive measures in the exercise of the rights recognized in the present Agreement

Separate article: Art. 9bis specifically dedicated to the issue

- Shall take adequate measures to reduce the overall risks of attacks, protect defenders once an attack materialize, prevent, investigate and prosecute attacks, threat and coercions or intimidations that any person or group may suffer while exercising their rights guaranteed by the present agreement.

How to handle protection of environmental defenders?

New proposal: Art. 9bis Protection of Environmental Defenders to include:

- Definition
- Obligations to ensure safe and enabling environment for environmental defenders to act free from intimidation, obstacles, harassment or interference.
- Effective measures to prevent, investigate and prosecute attacks, threats, coercion or intimidation of environmental defenders and ensure their life, personal freedom, integrity and security
- Mechanism of reporting to the Conference of the Parties - 1st MOP to adopt the modalities and procedures of the mechanism and adopt guidelines to support the realization of a safe and enabling environment for environmental defenders.

What to do in Europe and under Aarhus Convention to ensure more effective protection?

- What experience we have under Aarhus
- Convention text
- Compliance Committee and MOP decisions
- Implementation Guide
- Mandate for the Access to Justice Task Force to develop guidance and recommendations?
- Amendment fo the Convenion or

Current Draft Article 9bis Protection of Environmental Defenders

- 1.** Environmental defenders are individuals and groups who strive to protect and promote human rights relating to the environment. Each Party shall ensure a safe and enabling environment for environmental defenders to act free from intimidation, obstacles, harassment or interference. An enabling environment includes the protection and promotion of the rights of freedom of expression, association and peaceful assembly, the free exercise of access rights, and the in situ observation of nature.
- 2.** Each Party shall take effective measures to prevent, investigate and prosecute attacks, threats, coercion or intimidation of environmental defenders and ensure their life, personal freedom, integrity and security.
- 3.** A mechanism for the protection of environmental defenders, reporting to the Conference of the Parties, is established to indicate measures to protect environmental defenders. The first meeting of the Conference of the Parties shall adopt the modalities and procedures of the mechanism for the protection of environmental defenders.
- 4.** The first Conference of the Parties shall adopt guidelines to support the realization of a safe and enabling environment for environmental defenders.