

**Draft note on a rapid response mechanism to deal with cases related to article 3 (8) of the Aarhus Convention (ECE/MP.PP/WG.1/2020/13)**

**Statement on behalf of the Guta Environmental Law Association, by Magdolna Tóthné dr. Nagy, Co-Executive Director**

As agreed during the twenty-fourth meeting of the Working Group of the Parties held on 28-29 October, 2020, under Item 7, preparations for the seventh session of the Meeting of Parties (a) Future Work Programme, in order to facilitate the work of the Bureau, it was requested that Parties and interested stakeholders indicate the preferred options presented in the Draft note on a rapid response mechanism to deal with cases related to article 3 (8) of the Aarhus Convention (ECE/MP.PP/WG.1/2020/13), prepared by the Bureau, and provide a brief explanation for the major reasons why this option was chosen.

The Guta Environmental Law Association which has members in 11 EU and non-EU countries, supports the establishment of a rapid response mechanism and the development of a proposal (in form of a draft decision) for adoption during the next Meeting of Parties. Such a mechanism could immediately react to the infringement of rights of persons exercising their rights in conformity with the provisions of the Convention (Article 3 (8)), and protect those who are or may be at serious risk, being penalized, harassed or persecuted. Such infringements can be witnessed unfortunately more and more in Europe, in EU and non-EU countries, and recently, in Belarus, in never seen aggressive forms. It is necessary to put in place a mechanism which would be effective in preventing or stopping immediately such actions or attempts.

We welcome and thank the Draft note on a rapid response mechanism to deal with cases related to article 3 (8) of the Aarhus Convention (ECE/MP.PP/WG.1/2020/13), prepared by the Bureau. We support the Option 3, as described in the document on page 8-9 and outlined in the Annex I and Annex II. We also support that the next Meeting of Parties should adopt a decision „establishing an independent Rapporteur on environmental defenders under the Convention to provide a rapid response to alleged violations of article 3 (8)”.

Option 3 has the advantage that the independent Rapporteur will be able to give a fast and effective response in case of violations or alleged violations of rights under the Convention as provided in article 3 (8). Urgency and efficiency are two crucial aspects which are most important and ensure that the violation of rights be imminently stopped, urgent measures be taken to protect environmental defenders at risk, assistance be offered to remediate the situation of the person/s in question and/or further violations be prevented. The independent Rapporteur established for this purpose, equipped with the proper mandate would well be able to fulfill this role.

The independent Rapporteur would not duplicate but could well complement the current mandate of the Compliance Committee, which would continue to review any allegations regarding non-compliance that had already occurred and need to be addressed. The independent Rapporteur in addition, could provide expert assistance to the Compliance Committee when dealing with matters relating to article 3 (8). Ultimately, the cost implications of this option would also be limited as compared to some of the other options.

In our view, based on the above, Option 3 would serve best the objective of the implementation and enforcement of Article 3 (8) ensuring „that persons exercising their rights in conformity with the provisions of this Convention shall not be penalized, persecuted or harassed in any way for their involvement.” Therefore, we support this option and call on Parties and stakeholders to join in supporting this option.