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КОМИССИЯECONOMIC 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

**Task Force on Access to Justice**

**Tenth meeting**

Geneva, 27-28 February 2017

**Key outcomes<sup>1</sup>**

as agreed by the Task Force on Access to Justice at its tenth meeting<sup>2</sup>

**I. Opening and adoption of the agenda**

1. The Task Force adopted the agenda as set out in the document AC/TF.AJ-10/Inf.1.

**II. Thematic focus: Enabling effective access to justice without persecution and harassment**

2. The Task Force:

(a) Highlighted the crucial importance of establishing and maintaining safe and enabling environment that empowers members of the public to exercise their rights in conformity with the Convention;

(b) Noted that the protection of whistle-blowers, environmental human rights defenders and other environmental activists against penalization, persecution, harassments or any kind of retaliation for their involvement contributed to increasing transparency, combatting corruption, preventing exclusion, improving quality of decision-making and ultimately to achieving sustainable development;

(c) Called on Parties to review their legal system, as appropriate, in order to ensure that this framework is consistent with the obligation of the

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<sup>1</sup> This document was not formally edited.

<sup>2</sup> The list of speakers, other documents, presentations and statements are available from:  
<http://www.unece.org/env/pp/aarhus/tfaj10.html#/>

Convention to provide for appropriate recognition of and support to associations, organizations and groups promoting environmental protection;

(d) Welcomed initiatives of the Parties, international financial institutions and other stakeholders to take measures to protect and empower whistle-blowers, environmental human rights defenders and other environmental activists as reported by the speakers;

(e) Encouraged Parties, partner organizations and other stakeholders to raise awareness among respective public authorities and members of the public about the obligations under article 3, paragraph 8, of the Convention, the status of its implementation and new initiatives as reported by the speakers;

(f) Called on Parties, partner organizations and other stakeholders to undertake similar initiatives, further develop domestic frameworks and build capacities of public authorities to prevent harassment or any kind of retaliation against members of the public for exercising their rights in environmental matters, protect the whistle-blowers, environmental human rights defenders and other environmental activists at risk, ensure safe reporting of such cases and duly, independent and impartial investigation of such cases in the countries.

### **III. Taking stock of recent developments**

#### **3. The Task Force :**

(a) Took note of the recent developments, challenges and good practices related to public access to justice as presented by the speakers;

(b) Welcomed the progress in carrying out the study on the scope of review in Bosnia and Herzegovina, Montenegro and the former Yugoslav Republic of Macedonia led by REC CEE and the study on the same matter in Albania, Armenia, Belarus, Kazakhstan, Serbia and Ukraine launched under the auspices of the Task Force;

(c) Noted that relevant case law of the Parties had shown that challenges remained with regard to the full implementation of the access to justice pillar of the Convention across the region;

(d) Reiterated that courts play a crucial role in interpreting provisions of domestic law on access to justice and underlined the importance that such provisions should be interpreted in accordance with the Aarhus Convention;

(e) Welcomed initiatives of the Parties to improve public access to justice in environmental matters, such as providing access to adequate and effective remedies; widening the range of members of the public having access to review procedures in environmental matters; and promoting specialization of judiciary and mediation in environmental cases, and called on the Parties to undertake similar initiatives and called on partner organizations to support these efforts.

#### **IV. Tools to promote effective access to justice**

4. The Task Force:
- (a) Took note of the information related to measuring access to justice in environmental matters in the context of relevant Sustainable Developments Goals and targets as reported by the speakers;
  - (b) Welcomed initiatives of the Parties and other stakeholders aimed to monitor the effectiveness of access to justice in environmental matters and collect the relevant quantitative data on the practical implementation of article 9 of the Convention and called on partner organizations to support and promote such initiatives;
  - (c) Encouraged Parties to continue developing specific statistical arrangements in order to collect, coordinate, aggregate and process the information from various statistic providers needed for monitoring the implementation of article 9 of the Convention (question XXX of national implementation report template) and therefore contributing to achieving SDG 16 and its target 16.3;
  - (d) Welcomed e-justice initiatives implemented in Malta and the European Union and called on other Parties to implement similar initiatives;
  - (e) Welcomed capacity-building initiatives reported by the speakers and called to promote further building capacities of judges, prosecutors, attorneys and other legal professionals as well as public interest lawyers and non-governmental organizations;
  - (f) Encouraged the wide dissemination and use of analytical studies<sup>3</sup> and material collected under auspices of the Task Force, the Aarhus Clearinghouse<sup>4</sup> and jurisprudence database<sup>5</sup> for capacity-building activities promoting effective access to justice.

#### **V. Closing**

5. The Task Force:
- (a) Agreed on the outcomes of the meeting as presented by the Chair and discussed under each item;
  - (b) Requested the secretariat, in consultation with the Chair, to finalize the meeting report and incorporate these outcomes.

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<sup>3</sup> Available from [http://www.unece.org/env/pp/tfaj/analytical\\_studies.html](http://www.unece.org/env/pp/tfaj/analytical_studies.html)

<sup>4</sup> Available from <https://aarhusclearinghouse.unece.org/>

<sup>5</sup> Available from <http://www.unece.org/env/pp/tfaj/jurisprudenceplatform.html> and <https://aarhusclearinghouse.unece.org/jurisprudence>