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**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

**Working Group of the Parties****Twenty fifth meeting**

Geneva, xxx 2021

Item xx of the provisional agenda

**Preparations for the seventh session of the Meeting of the Parties:  
future work programme****Draft note on a rapid response mechanism to deal with cases  
related to article 3 (8) of the Aarhus Convention****Prepared by the Bureau****EU + MS COMMENTS  
(February 2021)***Summary*

The present document was prepared by the Bureau pursuant to the outcomes of the twenty-fourth meeting of the Convention's Working Group of the Parties (Geneva, 1–3 July and 28–29 October 2020) regarding the consideration of the draft note on a rapid response mechanism to deal with cases related to article 3 (8) of the Convention (ECE/MP.PP/WG.1/2020/13).<sup>1</sup> The Working Group of the Parties requested the Bureau to revise the draft note in the light of the comments received at and after the meeting<sup>2</sup> for its submission to the twenty-fifth meeting of the Working Group for consideration and approval and subsequent submission to the Meeting of the Parties for consideration and possible adoption.

Based on the comments received, the current document contains the proposed options for a rapid response mechanism and a possible draft decision on the subject matter. The current draft is being circulated to Parties and stakeholders for comments prior to its finalization for the twenty-fifth meeting of the Working Group.

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<sup>1</sup> See item 7 (a), [https://unece.org/fileadmin/DAM/env/pp/wgp/WGP\\_24/WGP-24\\_List\\_of\\_outcomes\\_28-29\\_October\\_session\\_as\\_adopted\\_-\\_Copy.pdf](https://unece.org/fileadmin/DAM/env/pp/wgp/WGP_24/WGP-24_List_of_outcomes_28-29_October_session_as_adopted_-_Copy.pdf)

<sup>2</sup> Comments received are available on <https://unece.org/environmental-policy/events/twenty-fourth-meeting-working-group-parties-aarhus-convention-site>

The original version of the document was prepared by the Bureau pursuant to the outcomes of the twenty-third meeting of the Convention's Working Group of the Parties (Geneva, 26–28 June 2019) regarding the issue of a rapid response mechanism to deal with cases related to article 3 (8) of the Convention.<sup>3</sup>

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<sup>3</sup> See ECE/MP.PP/WG.1/2019/2, paras. 25–35, available at [www.unece.org/index.php?id=50755](http://www.unece.org/index.php?id=50755).

## Introduction

1. Article 3 (8) of the Aarhus Convention deals specifically with the protection of persons exercising their rights under the Convention. This article requires that: “Each Party shall ensure 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.”

2. Pursuant to relevant discussions at the twenty-third meeting of the Convention’s Working Group of the Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) (Geneva, 26–28 June 2019), the Bureau at its forty-fourth meeting (Geneva, 28 June 2019) considered the issue of a rapid response mechanism to deal with cases related to article 3 (8) of the Convention. The Bureau requested the secretariat to prepare a note on this subject, including, among other things, various options and examples of such mechanisms under other treaties and relevant international instruments, and an estimation of possible financial implications. At its forty-sixth meeting (Geneva, 25 and 26 February 2020), the Bureau discussed the initial draft note prepared by the secretariat and thereafter prepared a the draft note on a rapid response mechanism to deal with cases related to article 3 (8) of the Convention (ECE/MP.PP/WG.1/2020/13) for the consideration of the Working Group of the Parties at its twenty-fourth meeting (Geneva, 1–3 July and 28-29 October 2020). The present document was prepared by the Bureau pursuant to the outcomes of the twenty-fourth meeting of the Working Group of the Parties regarding consideration of the draft note. The Working Group of the Parties requested the Bureau to revise the document in the light of the comments received<sup>4</sup> for its submission to the twenty-fifth meeting of the Working Group for consideration and approval and subsequent submission to the Meeting of the Parties for consideration and possible adoption.

3. Based on the comments received, the current document contains the proposed options for a rapid response mechanism and a possible draft decision on the subject matter. The supporting background information is provided through several documents: the original draft note (ECE/MP.PP/WG.1/2020/13), Overview of existing mechanisms under other treaties and organisations that cover or may potentially cover rights of environmental defenders (AC/WGP-24/Inf.7); Explanatory note regarding comments by EU and its Member States (AC/WGP-24/Inf.15); Information note on the situation regarding environmental defenders in Parties to the Aarhus Convention from 2017 to date (AC/WGP-24/Inf.16); and Information note collating excerpts of the Parties’ 2017 National Implementation Reports regarding article 3(8) of the Convention (AC/WGP-24/Inf.17)<sup>5</sup>.

### **I. Options for a rapid response mechanism to deal with cases related to article 3 (8) of the Aarhus Convention**

4. A rapid response mechanism under the Convention could take various forms. Taking into account the governing structure and mandates of the Convention’s existing bodies, the following four options were proposed in the original draft note (ECE/MP.PP/WG.1/2020/13)<sup>6</sup>:

- Option 1: Zero option (current situation)
- Option 2: A rapid response mechanism is incorporated into the Compliance Committee
- Option 3: A rapporteur on environmental defenders is established under the authority of the Meeting of the Parties

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<sup>4</sup> Comments received are available on <https://unece.org/environmental-policy/events/twenty-fourth-meeting-working-group-parties-aarhus-convention-site>

<sup>5</sup> Available from <https://unece.org/environmental-policy/events/twenty-fourth-meeting-working-group-parties-aarhus-convention-site>

<sup>6</sup> Detailed overview of options is provided in the original draft note on a rapid response mechanism to deal with cases related to article 3 (8) of the Convention (ECE/MP.PP/WG.1/2020/13)

- Option 4: The Meeting of the Parties gives the Chair of the Bureau additional powers to respond to alleged violations of article 3 (8).

5. The comments received demonstrated a preference, mostly for option 3, and for option 2 (b). The comments also demonstrated a preference for not pursuing options 2 (a) and 4. The two latter options are therefore not included in the present document. For convenience, any substantive revisions to the original draft are made in track-changes.

### **Option 1: Zero option (current situation)**

6. To date, requests for an urgent response regarding alleged violations of article 3 (8) have been dealt with in one of the two following ways:

(a) If the alleged persecution, penalization or harassment is in some way related to a case already pending before the Compliance Committee, the Chair of the Compliance has sent a letter to the Party concerned seeking information regarding the alleged violation of article 3 (8);<sup>7</sup>

(b) If there is no related case pending before the Compliance Committee, the Chair of the Bureau has sent a letter to the Party concerned seeking information regarding the alleged violation of article 3 (8).<sup>8</sup>

7. Obviously, if option 1 is chosen, since the present situation would remain unchanged, there would be no additional cost implications.

8. The significant disadvantage of option 1 is that, apart from sending an initial letter seeking information from the Party concerned, neither the Chair of the Bureau nor the Chair of the Compliance Committee has a mandate to take any further action to protect any persons who are, or are at imminent risk of, being persecuted, penalized or harassed for exercising their rights under the Convention.

### **Option 2: A rapid response mechanism incorporated into the Compliance Committee**

9. The Compliance Committee's current mandate, procedures and workload mean that it is not able to respond rapidly to alleged violations of article 3 (8) of the Convention.

10. Under option 2, the Meeting of the Parties would adopt a decision at its seventh session that would provide for the election of an additional, tenth, Committee member with specific expertise on issues related to article 3 (8) to deal with such requests for an urgent response. The decision would also grant this member with additional powers to rapidly respond to alleged violations of article 3 (8).

11. The Compliance Committee's additional role as a rapid response mechanism could function in the following way:

#### **Option 2(b): Compliance Committee member issues rapid response measures by him or herself**

12. Instead of continuing the Committee's existing practice of taking all decisions jointly, under option 2(b), the additional Committee member would be the only member of the Committee to consider requests for a rapid response to alleged violations of article 3 (8). The additional Committee member would thus be granted the power to issue rapid response measures by him or herself. He or she would not take part in the deliberations on the Committee's other cases.

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<sup>7</sup> See, for example, [www.unece.org/fileadmin/DAM/env/pp/compliance/MoP6decisions/VI.8c\\_Belarus/Correspondence\\_with\\_the\\_Party\\_concerned/toPartyVI.8c\\_letter\\_from\\_the\\_ACCC\\_Chair\\_final\\_08.04.2019.pdf](http://www.unece.org/fileadmin/DAM/env/pp/compliance/MoP6decisions/VI.8c_Belarus/Correspondence_with_the_Party_concerned/toPartyVI.8c_letter_from_the_ACCC_Chair_final_08.04.2019.pdf).

<sup>8</sup> See tab marked "Correspondence" at [www.unece.org/env/pp/bureau.html](http://www.unece.org/env/pp/bureau.html).

13. The cost of option 2(b) would be lower than that of option 2(a) but higher than those of options 3 and 4. This is because, in addition to the costs listed in paragraph 23 of the draft note,<sup>9</sup> , there would still be travel and daily subsistence expenses for the additional Committee member to be present for at least part of some Committee meetings, for example, when the Committee discusses possible developments to its working methods and when it prepares its report to the Meeting of the Parties.

14. Other potential disadvantages of Option 2(b) include:

(a) The fact that the possibility for one Committee member to issue measures on his or her own would undermine the Committee's uniform practice to date that all decisions are taken jointly;

(b) Since the other nine Committee members would not be expected to follow all developments regarding requests for a rapid response under article 3 (8), it could raise questions as to whether the additional Committee member could legitimately be described as "acting on behalf of the Committee";

(c) Should the alleged violation of article 3 (8) subsequently be submitted to the Committee as a communication or submission, the additional Committee member – elected to the Committee because of his or her expertise related to article 3 (8) – would not be able to take part in the Committee's deliberations, since he or she would be considered to have a conflict of interest in the light of his or her past involvement in the case.

### **Option 3: A Rapporteur on environmental defenders**

15. Under option 3, the Meeting of the Parties would adopt a decision at its seventh session establishing an independent Rapporteur on environmental defenders under the Convention to provide a rapid response to alleged violations of article 3 (8). Pursuant to this decision, the Rapporteur on environmental defenders would be elected by the Meeting of the Parties at an extraordinary session to be held in due time thereafter.

16. A mandate for the Rapporteur on environmental defenders is set out in annex I to the present note.

17. The advantages of option 3 include the following:

(a) In contrast to option 2, option 3 would not add to the Compliance Committee's existing high caseload, but rather would be complementary thereto. For example, in line with paragraph 25 (d) of the annex to decision I/7, the Compliance Committee could, where appropriate, seek the expert assistance of the Rapporteur when dealing with matters relating to article 3 (8);

(b) Also in contrast to option 2, the cost implications of option 3 would be limited to those set out in paragraph 23 of the draft note;<sup>10</sup> ;

(c) In contrast to option 4, option 3 would not interfere with the existing hierarchy of the bodies under the Convention.

## **II. Draft decision on a rapid response mechanism to deal with cases related to article 3 (8) of the Aarhus Convention**

*The Meeting of the Parties,*

*Recalling* article 3 (8) of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) which deals specifically with the protection of persons exercising their rights under the Convention,

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<sup>9</sup> ECE/MP.PP/WG.1/2020/13.

<sup>10</sup> ECE/MP.PP/WG.1/2020/13.

*Also recalling* article 10 of the Convention, which inter alia provides that the Parties shall keep under continuous review the implementation of this Convention on the basis of regular reporting by the Parties, and, with this purpose in mind, shall review the policies for and legal and methodological approaches to access to information, public participation in decision-making and access to justice in environmental matters, with a view to further improving them and consider and undertake any additional action that may be required for the achievement of the purposes of this Convention,

*Also recalling* article 15 of the Convention through which the Meeting of the Parties shall establish, on a consensus basis, optional arrangements of a non-confrontational, non-judicial and consultative nature for reviewing compliance with the provisions of this Convention,

*Recognizing* the critical importance of establishing and maintaining a safe environment that enables members of the public to exercise their rights in conformity with the Convention,

*Acknowledging* the Parties' immediate mission, as set out in the Convention's [draft] Strategic Plan for 2022–2030: "To reaffirm the commitment to: (i) ensuring due protection of environmental defenders; (ii) having in place appropriate legislative and policy frameworks so that such defenders can exercise their rights in accordance with the Convention; and (iii) preventing the erosion of civic space",

*Recalling* mechanisms and instruments dealing with such cases established under the Office of the United Nations High Commissioner for Human Rights (OHCHR), as well as Human Rights Council resolution 40/11 which recognizes, inter alia, the contribution of environmental human rights defenders to the enjoyment of human rights, environmental protection and sustainable development and the need to develop mechanisms for their protection (A/HRC/RES/40/11), adopted by the Human Rights Council on 21 March 2019,

*Alarmed* by the serious situation faced by environmental defenders, including but not limited to threats, violence, intimidation, surveillance, detention, and even killings as reported by Member States, intergovernmental and non-governmental organisations, and other stakeholders,

*Cognizant* of the existing challenges, such as fear to report such cases, impunity and difficulty in uncovering the identity of those behind the ordering and conducting of such acts,

*Recognizing* that an "environmental defender" is any person exercising his or her rights in conformity with the provisions of the Convention,

*Acknowledging* that safety of environmental defenders is critical for achieving the entire 2030 Agenda on Sustainable Development, and in particular its Goal 16,

1. *Welcomes* the initiatives by Parties, signatories, international organizations and other stakeholders to promote and strengthen the protection of environmental defenders against penalization, persecution, harassment and other forms of retaliation for their involvement, and calls on Parties, signatories, international organizations and other stakeholders to further support such initiatives;
2. *Calls* on Parties to review their legal frameworks and practical arrangements in line with the Convention's obligations and to take all necessary measures to ensure that persons exercising their rights in conformity with the Convention's provisions are not penalized, persecuted or harassed in any way for their involvement;
3. *Calls* on Parties to continue efforts to raise awareness regarding their obligations under article 3 (8) among, in particular, officials of public authorities, law enforcement agencies, state intelligence and security agencies, prosecutors, members of the judiciary, providers of private security services and developers;
4. **Decides** that all Parties **shall** ensure that the penalization, persecution, harassment and other forms of retaliation against environmental defenders is promptly brought to an end and that Parties **shall** take effective measures to eliminate these actions, including through conducting thorough and impartial investigations into all suspected cases to identify and to bring to justice those responsible;

5. *Encourages* Parties, signatories, international organizations and other stakeholders to conduct training sessions and other capacity-building activities on article 3(8) of the Convention for relevant target groups, and to prepare training materials to support the work;
  6. *Underlines* the need to ensure greater protection to environmental defenders under the Convention through a mechanism which can deliver a rapid response;
  7. *Establishes* a mechanism under the authority of the Meeting of the Parties in the form of [an independent Rapporteur on environmental defenders – *for option 3*] [an additional tenth specialised member of the Compliance Committee – *for option 2b*] to provide a rapid response to alleged violations of article 3 (8);
  8. *Decides* that the mechanism shall function in line with the mandate set out in the annex to this decision;
  9. *Requests* the secretariat to organise a call for candidates and a nomination process for the election of [the independent Rapporteur on environmental defenders – *for option 3*] [the additional tenth specialised member of the Compliance Committee – *for option 2b*];
  10. *Decides* to hold an extraordinary session of the Meeting of the Parties in 202xxx in order to elect [the independent Rapporteur on environmental defenders – *for option 3*] [the additional tenth specialised member of the Compliance Committee – *for option 2b*];
  11. *Welcomes* the offer of [Party] to lead the work on environmental defenders;
  12. *Calls* on Parties and other stakeholders to facilitate and assist the work of the [Rapporteur][specialised member of the Compliance Committee] by providing him/her with information and inviting him/her to undertake country visits;
  13. *Appeals* to the UN Secretary-General and to the UNECE Executive Secretary to provide the [Rapporteur][specialised member of the Compliance Committee] with all necessary assistance for the successful fulfilment of his/her mandate;
  14. *Encourages* Parties, United Nations agencies and other international organizations, non-governmental organizations, as well as the public and the private sector and all other relevant stakeholders to engage in a process of consultation, dialogue and cooperation with the [Rapporteur][specialised member of the Compliance Committee] to enable him/her to fulfil mandate effectively;
  15. *Encourages* the [Rapporteur][specialised member of the Compliance Committee] to cooperate with the relevant United Nations organisations and specialized agencies, with the secretariats of relevant multilateral agreements with a view to promoting synergy and avoiding duplication;
  16. *Recognizes* the importance of ensuring the provision of adequate funding to support the work on environmental defenders;
  17. *Recognizes* the ongoing need for extra-budgetary funding to support the work and calls upon Parties and interested organisations and other stakeholders to provide voluntary contributions to support the work;
  18. *Also requests* the United Nations Economic Commission for Europe to explore the possibility of allocating adequate resources within the regular budget of the UN to support the implementation of the rapid response mechanism.
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**Annex I** (revisions as compared to Annex I in the original draft note are shown in track-changes)

## **Mandate of the [Rapporteur] [Specialised member of the Compliance Committee] on environmental defenders under the Aarhus Convention**

### **1. Task of the [Rapporteur] [Specialised member of the Compliance Committee] on environmental defenders**

In connection with article 3 (8) of the Convention, the [Rapporteur's][specialised member of the Compliance Committee's] mandate is to take measures to protect any person who is either:

- experiencing persecution, penalization or harassment, or;
- at imminent threat of persecution, penalization or harassment,

for seeking to exercise their rights under the Aarhus Convention. Such penalization, persecution or harassment may arise from the acts or omissions of public or private entities or individuals (ECE/MP.PP/C.1/2017/19, para. 70).

### **2. Ccomplainants**

A complaint may be submitted to the [Rapporteur] [specialised member of the Compliance Committee] on environmental defenders by:

- Any member of the public, either on their own behalf or on behalf of another member of the public
- A Party to the Convention
- The secretariat.

### **3. Admissibility**

The [Rapporteur] [specialised member of the Compliance Committee] will consider any complaint, unless he/she determines that the complaint was:

- Anonymous, although anonymous complaints making credible allegations that can be independently verified may be pursued
- An abuse of the right to make such a complaint
- Manifestly unreasonable
- Incompatible with the provisions of the decision establishing the rapid response mechanism or with the Convention
- *De minimis*.

### **4. Domestic remedies**

Given the urgent nature of the [Rapporteur's] [specialised member of the Compliance Committee's] mandate, complainants are not required to have exhausted domestic remedies before making a complaint.

### **5. Confidentiality**

Information submitted to the [Rapporteur] [specialised member of the Compliance Committee], including any information that may relate to the identity of the **complainant**,

will be kept confidential unless **he or she** has **explicitly** waived the right of confidentiality. The [Rapporteur] [specialised member of the Compliance Committee] may **clarify** the impact of maintaining confidentiality, if any, on the [Rapporteur's][specialised member of the Compliance Committee's] ability to perform his or her functions.

## 6. Information gathering

In order to gather the necessary information to properly carry out his/her functions, the [Rapporteur] [specialised member of the Compliance Committee] may use one or more of the following means:

- Gather information from any publicly available source
- Gather information from other relevant international human rights bodies
- Send questions to the complainant
- With the consent of the complainant, send questions to the Party concerned
- With the consent of the complainant, send questions to any other person or institution or entity (for example, the public authority or private body or person alleged to be perpetrating the penalization, persecution or harassment, the independent national human rights institution in the Party concerned)
- With the consent of the complainant and the Party concerned, undertake a mission to gather information in person in the territory of that Party, **and/or through video-conferencing**.
- With the consent of complainant and any other State, undertake information gathering in the territory of that State.

## 7. Measures to protect environmental defenders

In order to protect the complainant or any other person(s) named in the complaint from persecution, penalization or harassment, [Rapporteur] [specialised member of the Compliance Committee] may take one or more of the following measures:

- Issue an immediate protection measure to the Party concerned (see paras. 8 and 9 below)
- Issue an ongoing protection measure to the Party concerned (see paras. 8 and 10 below)
- Issue public statements and press releases and distribute them actively via [the Rapporteur's][Compliance Committee's] website, the media and social media
- Use diplomatic channels
- Request the Chair of the Bureau of the Meeting of the Parties to use diplomatic channels, including to bring the matter to the attention of the Head of State or Government and/or another senior official of the Party concerned
- Bring the complaint to the attention of other relevant human rights bodies (for example, special rapporteurs, national independent human rights commissions, etc.) and, to the extent feasible and appropriate, coordinate efforts with those other bodies.

## 8. What is a “protection measure”?

A protection measure is a measure issued to the Party concerned by the [Rapporteur] [specialised member of the Compliance Committee] directing the Party concerned either to refrain forthwith from any action that may amount to persecution, penalization or harassment of the complainant and any other person(s) named in the protection measure, or to act without delay in order to protect the complainant and any other person(s) named in the protection

measure from persecution, penalization or harassment by third parties. The [Rapporteur] [specialised member of the Compliance Committee] may issue a protection measure to:

- The Minister of Environment
- The Minister for Foreign Affairs of the Party concerned
- Any other ministry or government entity that the Rapporteur might consider appropriate
- Relevant judicial bodies of the Party concerned
- Any body of the executive branch of the government.

## 9. What is an “immediate protection measure”?

An immediate protection measure is a protection measure issued to the Party concerned by the [Rapporteur][specialised member of the Compliance Committee] on an urgent basis before the completion of the [Rapporteur’s][specialised member of the Compliance Committee’s] investigation. Applying a precautionary approach, an immediate protection measure can be issued by the [Rapporteur] [specialised member of the Compliance Committee] at any point after the complaint has been determined to be admissible. The [Rapporteur] [specialised member of the Compliance Committee] may issue an immediate protection measure if he/she has reasonable grounds to believe that a person is **very** likely to face **or is facing** penalization, persecution and harassment due to exercising their rights under the Convention.

## 10. What is an “ongoing protection measure”?

An ongoing protection measure is a protection measure issued to the Party concerned by the [Rapporteur] [specialised member of the Compliance Committee] upon his or her concluding that the Party concerned has or may have violated article 3 (8) of the Convention. The ongoing protection measure will remain in force until it is lifted by the [Rapporteur] [specialised member of the Compliance Committee], the Meeting of the Parties or, **by** the Compliance **Committee if a referral is made to it** (see para. 11 below).

## 11. Relationship with the Compliance Committee

The purpose of the [Rapporteur] [specialised member of the Compliance Committee] is to provide a “rapid response” aimed at preventing or stopping penalization, persecution and harassment arising in relation to alleged violations of article 3 (8) of the Convention. As such, the procedure overseen by the [Rapporteur] [specialised member of the Compliance Committee] is complementary to the procedures of the Compliance Committee and its establishment does not in any way change the Committee’s procedures for considering communications, submissions, secretariat referrals and requests in accordance with decision I/7. Thus, a complaint may be made to the Rapporteur while a related case is pending before the Compliance Committee and vice versa. The [Rapporteur] [specialised member of the Compliance Committee] shall interact with the Compliance Committee in the following ways:

(a) The [Rapporteur] [specialised member of the Compliance Committee] will keep the Compliance Committee informed of his/her work;

(b) Depending on the serious and/or systemic nature of the particular violation(s) of article 3 (8) alleged, the [Rapporteur] [specialised member of the Compliance Committee] may make a referral to the Compliance Committee. Upon receiving a referral from the [Rapporteur] [specialised member of the Compliance Committee], the Committee will forward the referral to the Party concerned, which shall thereafter have three months to provide its response. The Compliance Committee, upon adopting its findings, may decide to lift or uphold any protection measures issued by the [Rapporteur] [specialised member of the Compliance Committee];

(c) Pursuant to paragraph 25 (d) of the annex to decision I/7, the Compliance Committee may, at any time, decide to seek the advice or assistance of the [Rapporteur] [specialised member of the Compliance Committee] when dealing with matters related to article 3 (8). For example, in the course of the Committee's review of the progress made by a Party concerned in implementing findings of non-compliance on article 3 (8), the Committee may seek the expert input of the [Rapporteur] [specialised member of the Compliance Committee].

#### **For Option 2b only - specialised member of the Compliance Committee**

Instead of continuing the Committee's existing practice of taking all decisions jointly, the additional Committee member will be the only member of the Committee to consider requests for a rapid response to alleged violations of article 3 (8). The additional Committee member shall thus be granted the power to issue rapid response measures by him or herself. He or she will not take part in the deliberations on the Committee's other cases.

The additional Committee member will be present for some parts of the Committee's meetings, for example, when the Committee discusses possible developments to its working methods and when it prepares its report to the Meeting of the Parties.

Since the other nine Committee members will not be expected to follow all developments regarding requests for a rapid response under article 3 (8), the additional Committee member will not act on behalf of the Committee; but in his or her own capacity.

Should the alleged violation of article 3 (8) subsequently be submitted to the Committee as a communication or submission, the additional Committee member will not be able to take part in the Committee's deliberations, since he or she will be considered to have a conflict of interest in the light of his or her past involvement in the case.

## **12. Reporting obligations of the [Rapporteur] [specialised member of the Compliance Committee]**

The [Rapporteur] [specialised member of the Compliance Committee] shall be under the authority of the Meeting of the Parties. To that end:

(a) The [Rapporteur] [specialised member of the Compliance Committee] shall report to each session of the Meeting of the Parties. Pending sessions of the Meeting of the Parties, the [Rapporteur] [specialised member of the Compliance Committee] shall keep the Bureau and the Working Group of the Parties informed on a regular basis;

(b) **The** [Rapporteur] [specialised member of the Compliance Committee] **reports** a referral to the Compliance Committee, to the Meeting of the Parties;

(c) Upon considering a report of the [Rapporteur] [specialised member of the Compliance Committee] and any recommendations contained therein, the Meeting of the Parties may **decide to** uphold or lift any protection measures issued by the [Rapporteur] [specialised member of the Compliance Committee] and may also request the Compliance Committee to examine the compliance of one or more Parties with article 3 (8) of the Convention.

## **13. Awareness-raising**

In addition to his or her work dealing with requests for a rapid response, the [Rapporteur] [specialised member of the Compliance Committee] shall perform a proactive role in raising awareness regarding Parties' obligations under article 3 (8) of the Convention. That shall include awareness-raising at relevant meetings of Convention bodies and other international events, as well as through different means such as using traditional and social media and in the course of the [Rapporteur's] [specialised member of the Compliance Committee's] in-country visits.

## 14. Election

The [Rapporteur][specialised member of the Compliance Committee] shall be a national of the Parties and Signatories to the Convention and a person of high moral character and recognized competence in the field of the human rights defenders, preferably including legal experience.

Candidates meeting the requirements of the preceding paragraph can be nominated by Parties, Signatories and non-governmental organizations falling within the scope of article 10, paragraph 5, of the Convention and promoting environmental protection, or can nominate themselves, for election.

Unless the Meeting of the Parties, in a particular instance, decides otherwise, the procedure for the nomination of candidates shall be the following:

- (a) Nominations shall be sent to the secretariat in at least one of the official languages of the Convention not later than 12 weeks before the opening of the session of the Meeting of the Parties during which the election is to take place;
- (b) Each nomination shall be accompanied by a curriculum vitae (CV) of the candidate not exceeding 600 words;
- (c) The secretariat shall distribute the nominations and the CVs in accordance with rule 10 of the Rules of Procedure.

The [Rapporteur][specialised member of the Compliance Committee] shall be elected on the basis of nominations. The Meeting of the Parties shall give due consideration to all nominations. The Meeting of the Parties shall elect the candidate by consensus or, failing consensus, by secret ballot.

The [Rapporteur][specialised member of the Compliance Committee] shall serve until the end of the next ordinary session. He/she shall be eligible for re-election but may not serve three consecutive terms.

If the [Rapporteur][specialised member of the Compliance Committee] can no longer perform his or her duties for any reason, the Bureau of the Meeting of the Parties shall appoint another candidate fulfilling the criteria to serve the remainder of the term. The [Rapporteur][specialised member of the Compliance Committee] shall, before taking up his or her duties, make a solemn declaration at the session of the Meeting of the Parties that he or she will perform his or her functions impartially and conscientiously.

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