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Access to Information, Public Participation
in Decision-making and Access to Justice
in Environmental Matters

Working Group of the Parties

Twenty-seventh meeting

Geneva, 26–28 June 2023

Item 8 of the provisional agenda

**Implementation of the work programme for 2022–2025,
including financial matters**

Report on the implementation of the work programme for 2022–2025*

Note by the secretariat

Summary

The present report was prepared pursuant to the decision 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 at its seventh session (Geneva, 18–21 October 2021).^a It provides an overview of the implementation of the work programme for the Convention for 2022–2025 for the reporting period of 1 January 2022 through 15 April 2023.

^a See ECE/MP.PP/2021/2/Add.1, decision VII/5, annex I, item X.

* The present report was scheduled for publication after the standard publication date owing to circumstances beyond the submitter's control.



Introduction

1. The present report provides an overview of the implementation of the work programme for the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) for 2022–2025¹ from 1 January 2022 to 15 April 2023 (the reporting period). An overview of contributions in relation to the implementation of the work programme as of 15 April 2023 is provided in the document entitled Report on contributions and expenditures in relation to the implementation of the Convention’s work programme for 2022–2025 (ECE/MP.PP/WG.1/2023/6). Only some activities related to access to information, capacity-building and awareness-raising regarding the Convention’s Protocol on Pollutant Release and Transfer Registers are included; a comprehensive report on the implementation of the Protocol’s work programme for 2022–2025 (ECE/MP.PRTR/WG.1/2022/3) was submitted to the ninth meeting of the Protocol’s Working Group of the Parties (Geneva, 24–25 November 2022).

2. In implementing the work programme, the secretariat continued to make strenuous efforts to avoid duplication of work and inefficient use of resources by pursuing synergies with activities under other United Nations Economic Commission for Europe (ECE) multilateral environmental agreements, United Nations agencies and other partners. This required spending more time on the preparatory phase of activities to ensure proper consultations with the chairs of the respective subsidiary bodies and partner organizations. As of 1 January 2023, due to a lack of regular budgetary funds, all meetings serviced by the United Nations Office at Geneva are scheduled as in-person meetings. Services for online or hybrid meetings serviced by the United Nations Office at Geneva shall be covered through extrabudgetary contributions, including costs for remote participation, and use of the authorized platforms for recording and interpretation purposes (either Zoom or Webex). The secretariat therefore has to adjust its working methods and the organization of meetings to take into account these new requirements.

I. Substantive issues

A. Access to information

3. During the reporting period, activities primarily focused on promoting the exchange of experience and identifying priority measures to improve public access to environmental information, as required by articles 4 and 5 and other relevant provisions of the Aarhus Convention, including through electronic information tools, pursuant to decision VII/1.² Those activities contributed to the implementation of the Sustainable Development Goals, in particular target 16.10 thereof (ensure public access to information and protect fundamental freedoms), the Sendai Framework for Disaster Risk Reduction 2015–2030 and other relevant international commitments.

4. The secretariat continued to upgrade and manage the Aarhus Clearinghouse for Environmental Democracy,³ its databases, the PRTR.net global portal⁴ and the Convention’s website.⁵ During the reporting period, the content of online tools was continuously updated; the tools are used to facilitate the collection, dissemination and exchange of information related to national implementation of the Convention, relevant global and regional developments regarding the application of Principle 10 of the Rio Declaration on Environment and Development and on pollutant release and transfer registers. Parties were encouraged to continue to upload relevant news articles and resources and to provide the weblink to their national node.

¹ See ECE/MP.PP/2021/2/Add.1, decision VII/5, annex I, item X.

² ECE/MP.PP/2021/2/Add.1.

³ See <http://aarhusclearinghouse.unece.org/>.

⁴ See <https://prtr.unece.org/>.

⁵ See <https://unece.org/environment-policy/public-participation>.

5. The secretariat contributed to the work of other international forums or expert meetings organized by ECE subprogrammes and partner organizations dealing with access to environmental information and electronic information tools. It provided inputs related to: the development of a shared environmental information system; digital transformation and circular economy across the region; the digitalization of national environmental information systems; and the integration of environmental information into e-government and open data frameworks and disaster risk reduction.

6. A thematic session on access to information was held at the twenty-sixth meeting of the Working Group of the Parties (Geneva, 22–23 June 2022). The thematic session focused on advancing public access to environment-related product information, including on: (a) public access to product information and digitalization; (b) public access to product information and measures against greenwashing; and (c) means to encourage operators to inform the public (eco-labelling, eco-auditing, environmental, social and governance solutions). Subjects for discussion were based on decision VII/1⁶ and the key outcomes of the work of the Task Force on Access to Information.

7. Following up on the outcomes of the thematic sessions, the secretariat has begun preparations for the eighth meeting of the Task Force on Access to Information (Geneva, 9–10 November 2023), which will continue the discussion on advancing public access to environment-related product information and other topics based on decision VII/1.

8. A call for submitting information on national nodes for the Aarhus Clearinghouse and case studies on electronic information tools, which is posted on a dedicated web page and updated regularly,⁷ remains ongoing to facilitate sharing of experience, good practices and lessons learned.

B. Public participation in decision-making

9. During the reporting period, activities focused on promoting effective public participation in decision-making, as required by articles 6, 7 and 8 and other relevant provisions of the Convention, in line with decision VII/2.⁸ Activities contributed to furthering the Sustainable Development Goals, in particular target 16.7 thereof (ensure responsive, inclusive, participatory and representative decision-making at all levels) and other relevant international commitments.

10. The secretariat promoted the Convention's obligations regarding its second pillar at a workshop dedicated to the Maastricht Recommendations on Promoting Effective Public Participation in Decision-making in Environmental Matters (Yerevan, 26–27 January 2022), organized by the Organization for Security and Cooperation in Europe (OSCE) in cooperation with the Ministry of Environment of Armenia.

11. The secretariat held the tenth meeting of the Task Force on Public Participation in Decision-making (Geneva, 10–11 October 2022). The meeting covered issues of a systemic nature, namely: (a) ensuring effective public participation in decision-making such as (i) meaningful and early public participation; (ii) the availability of all relevant documents to the public; (iii) effective notification and time frames for public participation; and (vi) ensuring that account is taken of comments from the public in the final decisions, and ensuring the appropriate provision of feedback on how the public's comments have been taken into account in the decisions; (b) coronavirus disease (COVID-19) and public participation: challenges and opportunities; (c) public participation in decision-making on health-related issues linked to air pollution; (d) public participation in decision-making on urban development/cities; and (e) other relevant developments. The Task Force requested the secretariat to conduct a survey to identify good practices, possible challenges and lessons learned in relation to participation of groups in vulnerable situations in decision-making. The meeting contributed to achieving Sustainable Development Goals, specifically Goal 3 and its target 3.9 (substantially reduce the number of deaths and illnesses from hazardous chemicals

⁶ ECE/MP.PP/2021/2/Add.1.

⁷ See <https://unece.org/env/pp/eit-case-studies>.

⁸ ECE/MP.PP/2021/2/Add.1.

and air, water and soil pollution and contamination), Goal 11 and its target 11.3 (enhance inclusive and sustainable urbanization and capacity for participatory, integrated and sustainable human settlement planning and management in all countries) and Goal 16 and its target 16.7 (ensure responsive, inclusive, participatory and representative decision-making at all levels).

12. The secretariat has begun preparations for a thematic session on public participation in decision-making, to be held at the twenty-seventh meeting of the Working Group of the Parties (Geneva, 26–28 June 2023). The topics for discussion are based on decision VII/2, adopted by the Convention’s Meeting of the Parties at its seventh session (Geneva, 18–21 October 2021), and the key outcomes of the work of the Task Force. The planned topics for discussion include: (a) safe public participation and protection of environmental defenders; and (b) public participation with regard to large-scale infrastructure/transport. The session’s programme will be developed in close cooperation with the Chair of the Task Force on Public Participation in Decision-making.

13. At the time of writing, a call for case studies on public participation in environmental decision-making was ongoing, with a view to the continued population of the Aarhus Clearinghouse Good Practice online database and the sharing of experience, good practices and lessons learned.

C. Access to justice

14. During the reporting period, activities focused on promoting the exchange of experience to improve access to justice for members of the public in environmental matters, as required by article 9 and other relevant provisions of the Convention. The activities contributed to the implementation of Sustainable Development Goals, in particular target 16.3 thereof (promote the rule of law at the national and international levels and ensure equal access to justice for all) and other relevant international commitments.

15. In line with decision VII/3,⁹ the secretariat held the fourteenth meeting of the Task Force on Access to Justice (Geneva, 27–28 April 2022).¹⁰ The thematic sessions of the meeting focused on access to justice in cases related to spatial planning and in energy-related cases. The Task Force identified current trends, good practices, barriers, challenges and innovative approaches in these areas. The delegates also took stock of recent and upcoming developments regarding: public interest litigation and collective redress; standing; timeliness; and costs and access to assistance mechanisms. Furthermore, the Task Force also considered tools to promote effective access to justice, such as: dissemination of information on access to review procedures, collection of relevant data and statistics and access to relevant case law using e-justice initiatives, modern digital technologies and other tools; specialization of judiciary and other legal professionals in environmental law; and measures to discourage strategic lawsuits against public participation.

16. The meeting was preceded by a Judicial Colloquium entitled “Adjudication of cases related to climate change and air quality” (Geneva, 26–27 April 2022) for representatives of the judiciary, judicial training institutions and other review bodies.¹¹ This Colloquium was convened by the secretariat in partnership with the United Nations Environment Programme (UNEP) in accordance with decision VII/3. The event was organized in cooperation with the International Union for Conservation of Nature World Commission on Environmental Law, the Global Judicial Institute on the Environment, OSCE, the European Union Forum of Judges for the Environment and other partners. The aim of the event was to strengthen the capacity of the judiciary to effectively handle cases related to climate change and air quality, and to explore trends and good practices related to adjudication of these cases, in particular with regard to standing, scope of review and remedies.

⁹ Ibid.

¹⁰ See <https://unece.org/environmental-policy/events/fourteenth-meeting-task-force-access-justice-under-aarhus-convention>.

¹¹ See <https://unece.org/environmental-policy/events/2022-judicial-colloquium>.

17. The secretariat held the fifteenth meeting of the Task Force on Access to Justice (Geneva, 4–5 April 2023).¹² The thematic sessions of the meeting focused on access to justice in cases related to climate change and biodiversity protection. The Task Force discussed current trends, good practices, barriers, challenges and innovative approaches in these areas. Furthermore, the delegates continued discussions on access to justice in energy-related cases; took stock of measures removing barriers related to costs, access to assistance mechanisms and timeliness of the review procedures based on survey outcomes;¹³ and learned about recent and upcoming developments. The Task Force also considered tools to promote effective access to justice such as: (a) access to independent environmental expertise; (b) dissemination of information on access to review procedures, collection of relevant data and statistics and access to relevant case law using e-justice initiatives, modern digital technologies and other tools; and (c) multi-stakeholder dialogues to remove existing barriers.

18. The meeting was preceded by the Judicial Colloquium “Judicial protection of human rights and public interests against environmental pollution from chemicals and wastes” for representatives of the judiciary, judicial training institutions and other review bodies in the pan-European region to promote the exchange of experiences in access to justice and the enforcement of the rule of law in these matters as set out in decision VII/3. The event was organized in cooperation with UNEP, the United Nations Development Programme (UNDP), OSCE, the International Union for Conservation of Nature World Commission on Environmental Law, the Global Judicial Institute on the Environment, the European Union Forum of Judges for the Environment and other partner organizations.

19. The secretariat continued to populate the Aarhus Clearinghouse and the jurisprudence database with relevant resources; a call for case summaries was ongoing at the time of writing. The secretariat also contributed to the Stockholm +50 Symposium on Judges and the Environment (Stockholm (hybrid), 31 May–1 June 2022) and the work of other international forums or expert meetings organized by partner organizations dealing with access to justice. The secretariat promoted cooperation within the network of the judiciary, judicial training institutions and other review bodies in the pan-European region under the auspices of the Task Force and with the relevant networks in other regions.

D. Genetically modified organisms

20. The secretariat, together with the secretariat to the Convention on Biological Diversity, is planning the fourth Joint Global Round Table on Public Awareness, Access to Information and Public Participation regarding Living Modified Organisms/Genetically Modified Organisms (LMOs/GMOs), to be held in Geneva on 11–12 December 2023.

21. Bilateral collaboration on genetically modified organisms is ongoing between the secretariats of the Aarhus Convention and the Cartagena Protocol on Biosafety to the Convention on Biological Diversity. Activities in this work area contributed to furthering a number of Sustainable Development Goals, in particular Goals 15 and 16, and other relevant international commitments.

22. Both secretariats continuously promoted the use of e-learning modules, checklists and other tools developed jointly under the Aarhus Convention and the Convention on Biological Diversity. A call for submitting useful resources to the Biosafety Clearing-House and the Aarhus Clearinghouse remains ongoing, with a view to continued sharing of experience, good practices and lessons learned. Capacity-building material include the Lucca Guidelines on GMOs, the Pocket guide promoting effective access to information and public participation regarding LMOs/GMOs, the Checklist of key measures for ratification and implementation, the Summary of tools and resources to support implementation, the Maastricht Recommendations on Public Participation in Decision-making, the Background paper on implementation of the Aarhus Convention and the Cartagena Protocol on Biosafety and the

¹² See <https://unece.org/info/Environmental-Policy/Public-Participation/events/374154>.

¹³ See <https://unece.org/env/pp/analytical-studies-and%20surveys-on-access-to-justice>.

Background paper on key provisions of the Aarhus Convention and the Cartagena Protocol on Biosafety.¹⁴

23. During the reporting period, no additional Parties ratified the amendment to the Aarhus Convention on public participation in decisions on the deliberate release into the environment and placing on the market of genetically modified organisms (GMO amendment). One more Party from the following list must ratify the amendment for it to enter into force: Armenia, Azerbaijan, Kazakhstan, Kyrgyzstan, North Macedonia, Tajikistan, Turkmenistan and Ukraine. At the request of Kazakhstan and Tajikistan, the secretariat provided advisory support to these Parties regarding their legislation and institutional frameworks in relation to the requirements of the GMO amendment.

24. Those Parties whose ratification of the GMO amendment would count towards its entry into force have repeatedly been called upon during the previous and the current intersessional periods to take specific steps towards ratification and to provide the secretariat with a written explanation of the status of ratification. Ukraine notified the Bureau of the Meeting of the Parties to the Convention about its plans to ratify the amendment by the end of 2023¹⁵. Following the request of the Meeting of the Parties at its seventh session,¹⁶ the Working Group of the Parties will closely monitor progress towards the entry into force of the GMO amendment.

II. Procedures and mechanisms

A. Compliance mechanism

25. The Compliance Committee held five regular meetings in the reporting period, namely, its seventy-fourth, seventy-fifth, seventy-sixth, seventy-seventh and seventy-eighth meetings. The seventy-fourth meeting was held online on 15–18 March 2022.¹⁷ Its seventy-fifth, seventy-sixth, seventy-seventh and seventy-eighth meetings were held in hybrid format in Geneva on 14–17 June 2022, 13–16 September 2022, 13–16 December 2022 and 21–24 March 2023, respectively.

26. At its meetings, the Committee, *inter alia*, reviewed communications from the public concerning alleged non-compliance by Parties. In the reporting period, eight new communications have been forwarded to the Committee for consideration as to their preliminary admissibility. Six of those communications were determined to be admissible and one was determined to be inadmissible. The Committee postponed its determination of the preliminary admissibility of one communication to its seventy-ninth meeting (Geneva, 13–16 June 2023). As at the end of the reporting period, the Committee had thirty-six communications pending. The Committee received no new submissions from Parties and the secretariat made no referrals in the reporting period.

27. In addition to its pending cases, the Committee followed up on the implementation of 19 decisions adopted by the Meeting of the Parties at its seventh session, namely decisions VII/8a–s concerning, respectively, Armenia, Austria, Belarus, Bulgaria, Czechia, the European Union, Germany, Hungary, Ireland, Italy, Kazakhstan, Lithuania, the Netherlands, the Republic of Moldova, Romania, Spain, Turkmenistan, Ukraine and the United Kingdom of Great Britain and Northern Ireland.¹⁸

28. In the context of its follow-up on the decisions adopted by the Meeting of the Parties at its seventh session, on 22 February 2022, the Committee adopted its report on the implementation of paragraph 7 of decision VII/8c concerning the compliance of Belarus, which was thereafter sent to the parties and posted on the website. The Committee found that,

¹⁴ See <https://unece.org/environment-policy/public-participation/gmos>.

¹⁵ See <https://unece.org/info/Environmental-Policy/Public-Participation/events/377281>

¹⁶ ECE/MP.PP/2021/2, para. 34.

¹⁷ See Compliance Committee meeting reports, available at <https://unece.org/environment-policy/public-participation/aarhus-convention/compliance-committee-meetings>.

¹⁸ Available at <https://unece.org/env/pp/cc/documents>.

since the Party concerned did not notify the secretariat that it had cancelled Ecohome's liquidation and reinstated Ecohome's registration as a public association under the Act of Public Associations by 1 December 2021, the suspension of the special rights and privileges accorded to the Party concerned under the Convention issued to the Party concerned through paragraph 7 (a) of decision VII/8c became effective on 1 February 2022.¹⁹ On 26 July 2022, Belarus deposited its instrument of withdrawal with the treaty depositary. In accordance with article 21 of the Convention, the withdrawal from the Convention by Belarus entered into effect 90 days later, on 24 October 2022. On 21 October 2022, the Chair of the Committee, on behalf of the Committee, wrote to the Party concerned to convey the Committee's great regret regarding the withdrawal of the Party concerned from the Convention.²⁰

29. The Committee also followed up on two requests made by the Meeting of the Parties at its seventh session concerning the compliance of the European Union²¹ and the Republic of Moldova.²²

30. The Committee was also in the process of preparing advice to two Parties at their request, namely, Ukraine, in response to its request for advice on whether the adoption by the Party concerned of certain measures in connection with the military aggression of the Russian Federation against Ukraine is compatible with its obligations as a Party to the Aarhus Convention,²³ and Armenia, in response to its request for advice on its draft Law "On Environmental Impact Assessment and Expertise".²⁴

31. Activities in this work area contributed to furthering a number of Sustainable Development Goals, in particular Goal 16, and other relevant international commitments.

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

32. Pursuant to decision VII/9 on the establishment of a rapid response mechanism to deal with cases related to article 3 (8) of the Convention (ECE/MP.PP/2021/2/Add.1) adopted by the Meeting of the Parties at its seventh session, the third extraordinary session of the Meeting of the Parties to elect the Special Rapporteur on environmental defenders was held back-to-back with the twenty-sixth meeting of the Working Group of the Parties in Geneva (23–24 June 2022). The Meeting of the Parties elected Mr. Michel Forst as the Special Rapporteur on environmental defenders, by consensus.²⁵ A round table on environmental defenders was held during the extraordinary session in the format of keynote statements and interventions by the representatives of Governments, environmental defenders, non-governmental organizations (NGOs), international organizations and other stakeholders, followed by a general discussion.

33. Between his election and the end of the reporting period, the Special Rapporteur received four complaints in accordance with paragraph 2 of the annex to decision VII/9 on a rapid response mechanism to deal with cases related to article 3 (8) of the Convention. As at the end of the reporting period, he had sent letters of allegation to the Parties concerned with respect to two of these complaints.

34. The Office of Legal Affairs notified the secretariat that the Special Rapporteur can be considered to be performing a mission for the United Nations and hence to qualify as an expert on mission for the United Nations within the meaning of article VI of the 1946 Convention on the Privileges and Immunities of the United Nations.²⁶ The Special

¹⁹ See <https://unece.org/env/pp/cc/decision-vii8c-concerning-belarus>.

²⁰ See https://unece.org/sites/default/files/2022-10/toBY_fr_UNECE_enc_letter_fr_ACCC_Chair_21.10.2022.pdf

²¹ Request ACCC/M/2021/4 (European Union) (see ECE/MP.PP/2021/2, para. 58).

²² Request ACCC/M/2021/5 (Republic of Moldova) (see ECE/MP.PP/2021/2, para. 45).

²³ Request for advice ACCC/A/2022/3 (Ukraine).

²⁴ Request for advice ACCC/A/2023/4 (Armenia).

²⁵ See <https://unece.org/env/pp/aarhus-convention/special-rapporteur>.

²⁶ See www.un.org/en/ethics/assets/pdfs/Convention%20of%20Privileges-Immunities%20of%20the%20UN.pdf.

Rapporteur is therefore accorded such privileges and immunities as are necessary for the independent exercise of his or her functions during the period of his or her missions, including travel, which are as follows: (a) immunity from personal arrest or detention and from seizure of his or her personal baggage; (b) in respect of words spoken or written and acts done by him or her in the course of the performance of his or her mission, immunity from legal process of every kind. This immunity from legal process shall continue to be accorded notwithstanding that the person concerned is no longer employed on missions for the United Nations; (c) inviolability for all papers and documents; (d) for the purpose of his or her communications with the United Nations, the right to use codes and to receive papers or correspondence by courier or in sealed bags; (e) the same facilities in respect of currency or exchange restrictions as are accorded to representatives of foreign Governments on temporary official missions; and (f) the same immunities and facilities in respect of his or her personal baggage as are accorded to diplomatic envoys.

35. The Special Rapporteur on environmental defenders held a meeting online on 23 November 2022, during which he presented his vision for his mandate.²⁷ The meeting was attended by a large number of Parties to the Convention, other States Members of the United Nations, environmental defenders and interested stakeholders, and included an interactive question-and-answer session between participants and the Special Rapporteur.²⁸

36. The Special Rapporteur attended many events to build capacity of Parties and stakeholders with regard to article 3 (8) of the Convention and raise awareness about his mandate, including the: Seminar on the “Esperanza Protocol” (online, 6 July 2022) organized by the Centre for Justice and International Law; preparatory meeting for the fifteenth meeting of the Conference of the Parties to the Convention on Biological Diversity (online, 2 September 2022) organized by Collective Action Group; Conference on Human Rights and Environmental Defenders (Oslo, 13–15 September 2022) organized by the University of Oslo and the Norwegian Human Rights Fund; seventy-sixth meeting of the Aarhus Convention Compliance Committee (Geneva (hybrid), 13–16 September 2022); meeting entitled “How to increase protection for environmental human rights defenders” (online, 19 September 2022) organized by the Lifeline High-level Steering Committee; conference “The Human Rights Defenders’ Movement at a crossroad” (Brussels, 29 September 2022) organized by ProtectDefenders.eu and the European Commission Directorate-General for International Partnerships; Human Rights Council fifty-first session side event “Protecting the frontline: Good practices for supporting environmental human rights defenders” (online, 5 October 2022) organized by the Universal Rights Group, with the support of UNEP, the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the Geneva Environment Network; Dublin Platform for Human Rights Defenders (Dublin, 26–28 October 2022) organized by Front Line Defenders; meeting entitled “Protecting environmental human rights defenders and promoting meaningful participation in climate talks – the role of National Human Rights Institutions” (online, 2 November 2022) organized by the Global Alliance of National Human Rights Institutions; meeting entitled “The ‘challenges’ of judicial review and governance in environmental matters” (Dublin, 12 November 2022) organized by the Irish Environmental Network; twentieth European Sustainable Development Network workshop (online, 23 November 2022) organized by the European Sustainable Development Network; Environmental Defenders Learning Event (online, 7 December 2022) organized by the United States Agency for International Development Land and Resource Governance Division and Centre for Violence Prevention; European Union-NGO Forum on Human Rights (Brussels, 14–15 December 2022) organized by the European Commission Directorate-General for International Partnerships; Conference on the Protection of Whistle-blowers and Environmental Defenders (online, 20 December 2022) organized by the International Organization of la Francophonie; Conference on Environmental Defenders – Current Legal Developments and Challenges (Vienna, 20 January 2023) organized by Vienna University of Economics and Business; World Human Rights Pre-Forum (Rabat, 17–18 February 2023), organized by the National Human Rights Council of Morocco and the International Centre for the Promotion of Human Rights-United Nations Educational, Scientific and Cultural

²⁷ See https://unece.org/sites/default/files/2022-11/Vision_for_mandate.pdf.

²⁸ See <https://unece.org/info/Environmental-Policy/Public-Participation/events/369401>.

Organization (Argentina); International Conference on Climate Change and Human Rights (Doha, 21–22 February 2023), organized by the National Human Rights Committee of Qatar, OHCHR, the Global Alliance of National Human Rights Institutions, the League of Arab States and UNDP; event entitled “Putting Rights First in the Green Transition – Due Diligence, Environmental Justice and the Right to Say No” (Brussels, 28 February 2023), organized by the European Environment Bureau; Protection of Human Rights Defenders and the Global Rise of Authoritarianism (Berlin, 6 March 2023), organized by Brot für die Welt and the German Institute for Human Rights; General Assembly of the Global Alliance of National Human Rights Institutions (Geneva, 14–16 March 2023), organized by the Global Alliance of National Human Rights Institutions; side event “Protecting Women Environmental Defenders Through Collective Action” (online, 14 March 2023) at the sixty-seventh session of the Commission on the Status of Women, organized by the American Bar Association; webinar entitled “Defending Human Rights and Environmental Defenders” (7 April 2023), organized by the Washington State Bar Association; “Policy Debate: Protect Civil Society, Defend Democracy” (Brussels (hybrid), 22 March 2023), organized by the European Civic Forum, CIVICUS and Civil Society Europe; “Protecting Mother Earth, Defending Human Rights” (Turin, Italy, 13 April 2023), organized by the Italian network of associations “In Defence of – for Human Rights and Those who Defend Them” and Amnesty International Italy.

37. The Special Rapporteur visited the following Parties and held meetings with their representatives: Austria, Belgium, Germany, Ireland, Italy and Norway. The Special Rapporteur also held a number of bilateral meetings and consultations with representatives of other Parties and other member States, including Denmark, the European Union, Finland, France, the Netherlands, Spain, Sweden, Switzerland and the United States of America; and with representatives of the following organizations: the Norwegian National Human Rights Institution; the Norwegian Human Rights Fund; the European Network of National Human Rights Institutions; the Commissioner for Human Rights of the Council of Europe; the ECE Executive Secretary; the Global Alliance of National Human Rights Institutions; the Chair of the National Human Rights Committee of Qatar; the Chief of the Middle East and North Africa Section of OHCHR; the German Institute for Human Rights; the President of the National Human Rights Institution of Morocco; the President of the National Human Rights Institution of Côte d’Ivoire; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the situation of human rights defenders; the United Nations Deputy High Commissioner for Human Rights; and many environmental defenders.

38. The Special Rapporteur on environmental defenders contributed to a statement on the withdrawal of Belarus from the Aarhus Convention (August 2022)²⁹; provided comments on the draft update to the Organisation for Economic Co-operation and Development Guidelines on Multinational Enterprises (February 2023)³⁰ and on draft general comment 26 by the Committee on the Rights of the Child on children’s rights and the environment with a special focus on climate change (February 2023)³¹; provided input to the upcoming report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association (February 2023); and published an editorial on the criminalization of environmental defenders in the Italian newspaper *Domani* (April 2023).³²

39. The secretariat continued to populate the Aarhus Clearinghouse with relevant resources dedicated to the protection of environmental defenders.

²⁹ See <https://www.ohchr.org/en/press-releases/2022/08/belarus-un-experts-denounce-withdrawal-aarhus-convention>

³⁰ See https://unece.org/sites/default/files/2023-02/Comments_OECD_Guidelines_Aarhus_SR_EnvDefenders_02.2023.pdf

³¹ See <https://www.ohchr.org/en/documents/general-comments-and-recommendations/draft-general-comment-no-26-childrens-rights-and>

³² Michel Forst, “The criminalization of environmental defenders is not an adequate response to civil disobedience”, *Domani*, 11 April 2023. Available at www.editorialedomani.it/idee/voci/the-criminalisation-of-environmental-defenders-is-not-an-adequate-response-to-civil-disobedience-ws3u0ha3.

40. Activities in this work area contributed to furthering Sustainable Development Goals, in particular target 16.10 thereof (protection of fundamental freedoms), and other relevant international commitments.

C. Capacity-building

41. In addition to capacity-building activities mentioned under other areas of work to build synergies and enhance coordination with partners, the secretariat continuously maintained close cooperation with and provided advisory support to the United Nations partner agencies and other international organizations within the Convention capacity-building coordination framework.³³ It should be noted that capacity-building was also undertaken through various promotion activities included in section III below.

42. During the reporting period, the secretariat provided various inputs to the processes under the United Nations Sustainable Development Cooperation Framework³⁴ covering activities from 2022 to 2027 in 16 countries in the ECE region.

43. The secretariat continuously liaised with OSCE to strengthen the activities of the Aarhus Centres and provided input to several meetings held in online/hybrid format, including to the Aarhus Centres Annual Meeting³⁵ (Vienna, 19–20 October 2022), a webinar in Turkmenistan on environmental impact assessment and strategic environmental assessment (30–31 May 2022) and a webinar on innovations in good governance (9 November 2022).

44. The secretariat also continuously liaised with the UNDP Regional Bureau for Europe and the Commonwealth of Independent States and its country offices on promoting the Aarhus Convention and its Protocol on Pollutant Release and Transfer Registers in environmental justice-related activities.

45. During the reporting period, the secretariat continuously provided advisory support to Parties and non-Parties upon request. It liaised regularly with partner organizations, potential donors and interested countries and stakeholders on possible capacity-building activities, and handled a number of consultations regarding capacity-building activities through electronic means. Following an expression of interest by Uzbekistan in learning from the experience of implementing the Convention, the secretariat continued to explore possibilities for providing advisory support and capacity-building to the country's authorities.

D. Reporting mechanism

46. Following the failure of Azerbaijan, Malta, the Netherlands, the Republic of Moldova and Tajikistan to submit their national implementation reports for the 2021 reporting cycle within the deadlines set by the Meeting of the Parties, these Parties were invited by the Meeting of the Parties to submit their reports by 1 December 2021. Three of these five countries subsequently submitted their reports (i.e.: Azerbaijan, on 19 October 2021; Malta, on 11 November 2021; and the Republic of Moldova, on 2 December 2021). As of 15 April 2023, only the Netherlands and Tajikistan had failed to submit their national implementation reports for the 2021 reporting cycle.³⁶ All 2021 national implementation reports submitted to date are available in the online reporting tool.³⁷ The Republic of Moldova was the only country that failed to submit its report for the previous reporting cycle.

47. The secretariat continued to provide advice to Parties and organizations regarding the reporting process and the online reporting tool.

³³ See <https://unece.org/env/pp/aarhus-convention-capacity-building>.

³⁴ See <https://unsdg.un.org/2030-agenda/cooperation-framework>.

³⁵ See www.osce.org/oceea/529404.

³⁶ See <https://unece.org/environment-policy/public-participation/aarhus-convention-reporting-mechanism/2021-reporting-cycle>.

³⁷ See <https://aarhusclearinghouse.unece.org/national-reports/reports>.

III. Awareness-raising, promotion and interlinkages with relevant international bodies and processes

48. In connection with implementing the Almaty Guidelines on Promoting the Application of the Principles of the Aarhus Convention in International Forums (Almaty Guidelines),³⁸ at its twenty-sixth meeting, the Working Group of the Parties held a thematic session on promoting the application of the principles of the Convention in international forums. The session focused on legally binding instruments on: (a) plastics (e.g., with regard to the marine environment and air pollution); and (b) business and human rights, covering States' obligations with regard to the responsibility of business actors under their jurisdiction. Other items included promotion of the principles of the Convention in processes under the Convention on Biological Diversity, with the focus on the post-2020 global biodiversity framework, in international forums in the context of the COVID-19 pandemic and in climate- and nuclear-related forums. The secretariat has begun preparations for a thematic session on the promotion of the principles of the Convention in international forums, to be held at the twenty-seventh meeting of the Working Group of the Parties (Geneva, 26–28 June 2023). The topics for discussion are based on decision VII/4,³⁹ adopted by the Convention's Meeting of the Parties at its seventh session, and it is planned to include the following: (a) promoting the principles of the Aarhus Convention in decision-making on environmental impact assessment in a transboundary context; (b) promoting the principles of the Aarhus Convention in international trade-related decision-making; and (c) balanced and equitable participation and different modalities for engaging stakeholders (pursuant to decision VII/4, para. 11 (d), the secretariat will carry out consultations on the topic). Additional topics will include updates on subjects considered at the twenty-sixth meeting of the Working Group of the Parties and other emerging issues. The thematic session's programme will be developed in close cooperation with the session's Chair.

49. The secretariat, or relevant experts invited by the secretariat to do so, participated in conferences, seminars, workshops and other events in various countries to promote and raise awareness about the Convention and its Protocol. Below is a non-exhaustive list of such events.

50. The secretariat promoted relevant provisions of the Convention and the Protocol in the documents for the Ninth Environment for Europe Ministerial Conference (Nicosia, 5–7 October 2022) and at the dedicated side event on "Environmental governance for transforming our planet – Promoting the Aarhus Convention in the whole of the Mediterranean region" held at that Conference (7 October 2022). The secretariat promoted the Convention at the meeting "Peer-to-Peer exchange on overall environmental governance – Promotion of the Aarhus Convention in the whole of the Mediterranean" (online, 8–9 March 2023), which was held within the framework of the European Union-funded project "Water and Environment Support (WES) in the [European Neighbourhood Instrument] Southern Neighbourhood Region". The meeting was organized by the secretariat of the Union for the Mediterranean, the Committee on Energy, Environment and Water of the Parliamentary Assembly of the Union for the Mediterranean, the Circle of Mediterranean Parliamentarians for Sustainable Development and the Mediterranean Programme for International Environmental Law and Negotiation, in cooperation with the secretariat of the UNEP/Action Plan for the Protection of the Marine Environment and the Sustainable Development of the Coastal Areas of the Mediterranean (MAP) Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean (Barcelona Convention) secretariat and the Aarhus Convention secretariat.

51. The Convention and its obligations were promoted during the Technical Assistance and Information Exchange workshop on environmental information transparency (Tel Aviv, 15–16 March 2023) organized in cooperation with the Freedom of Information Unit of the

³⁸ See <https://unece.org/info/Environment-Policy/Public-participation/pub/2268>.

³⁹ See <https://unece.org/environment/documents/2022/03/pp-aarhus-convention-mop7-decision-vii4-public-participation>.

Ministry of Justice of Israel.⁴⁰ The Convention, its Protocol and the relevant tools developed under their auspices were also promoted at the seventieth session of ECE (Geneva, 18–19 April 2023)⁴¹ dedicated to digital and green transformations for sustainable development in the ECE region.

52. The secretariat continued to support efforts to promote the Aarhus Convention and its principles in various international forums, working with Special Rapporteurs and many United Nations bodies (in particular, OHCHR, the Department of Economic and Social Affairs, UNDP, UNEP, UN-Habitat, the World Health Organization, the Economic and Social Commission for Asia and the Pacific, UNESCO, the United Nations Institute for Training and Research, the Inter-Organization Programme for the Sound Management of Chemicals and the UNEP/MAP Coordinating Unit), other environmental treaty bodies (such as the Convention on Biological Diversity and its Cartagena Protocol on Biosafety, the Barcelona Convention, the Minamata Convention on Mercury, the Convention on the Transboundary Effects of Industrial Accidents, the Convention on Environmental Impact Assessment in a Transboundary Context and the Convention on the Protection and Use of Transboundary Watercourses and International Lakes) and other international organizations (e.g., the European Bank for Reconstruction and Development, the European Court of Human Rights, the European Investment Bank, the Organisation for Economic Co-operation and Development, OSCE, the Council of Europe, the Group on Earth Observations; the Inter-American Commission on Human Rights and the World Bank).

53. The secretariat acts as the ECE focal point for: the Multilateral Environment Agreement Information and Knowledge Management Steering Committee; the World Summit on the Information Society; the Issue Management Group on Human Rights and the Environment within the United Nations Environment Management Group and universal periodic reviews⁴². It also promotes the Convention and its Protocol in those bodies' relevant activities.

54. The secretariat continued to promote the use of the Aarhus Convention and its Protocol in the context of the implementation of the Sendai Framework and cooperation with the United Nations Office for Disaster Risk Reduction.

55. The secretariat provides advice on an ongoing basis to various academic bodies, NGOs and other stakeholders upon request.

56. The secretariat promoted the Convention and its Protocol through various reports and articles prepared under the auspices of ECE and partner organizations. This included contributing to the environmental performance reviews,⁴³ universal periodic reviews, the United Nations Sustainable Development Cooperation Framework and the seventh (Nicosia) pan-European environmental assessment⁴⁴ and the Inter-Organization Programme for the Sound Management of Chemicals Inventory and analysis report: existing indicators on chemicals and waste management.⁴⁵

57. Furthermore, the secretariat promoted activities on electronic information tools used for the Convention and Protocol in the report of the Secretary-General on progress made in the implementation of and follow-up to the outcomes of the World Summit on the Information Society at the regional and international levels (A/77/62–E/2022/8).

58. The secretariat continued an enhanced outreach exercise, distributing materials on the Convention and the Protocol to national focal points, Aarhus Centres, other United Nations bodies, international organizations, NGOs and academic institutions in the ECE region and beyond.

⁴⁰ See <https://aarhusclearinghouse.unece.org/resources/israel-taiox-and-freedom-information-unit-ensure-transparency-environmental-information>.

⁴¹ See <https://unece.org/info/Sessions-of-the-Commission/events/371506>.

⁴² See www.ohchr.org/en/hr-bodies/upr/cycles-upr.

⁴³ See <https://unece.org/environment-policy/environmental-performance-reviews>.

⁴⁴ See <https://unece.org/pan-european-assessment>.

⁴⁵ See www.saicm.org/Portals/12/documents/meetings/IP4/2022/SAICM_IP.4_INF_39.pdf.

IV. Coordination and oversight of intersessional activities

59. Pursuant to the withdrawal of Belarus from the Convention, the Chair of the Bureau, on behalf of the Bureau, wrote on 5 September 2022 to the Party concerned to convey the Bureau's deep regret regarding this decision.⁴⁶ The Meeting of the Parties approved the accession of Guinea-Bissau to the Convention at its seventh session.⁴⁷ On 4 April 2023, Guinea-Bissau submitted its instruments of accession to the United Nations Treaty Collection. The current status of the Convention, its GMO amendment and the Protocol with regard to accession, ratification or approval is as follows: the Convention has 47 Parties; the GMO amendment has 32 Parties; the Protocol on Pollutant Release and Transfer Registers has 38 Parties.

60. Self-evaluation of the activities serviced by ECE under the Convention and its Protocol in 2018–2021, which included a survey among Parties and stakeholders, was carried out in 2022–2023. The evaluation aimed to assess whether activities serviced by ECE under the Aarhus Convention and its Protocol on Pollutant Release and Transfer Registers were implemented in a coherent, effective and efficient way and whether these activities were relevant for advancing intergovernmental efforts in the three following areas: access to information; public participation in decision-making; and access to justice in environmental matters. The final report, prepared by an independent expert, was communicated to Parties and stakeholders and made available online along with other documents.⁴⁸

61. Coordination and oversight of intersessional activities during the reporting period were conducted by the Bureau,⁴⁹ which regularly held electronic consultations and decision-making through electronic means. The Bureau also held its forty-ninth meeting on 10 March 2022 and its fiftieth meeting on 1 March 2023 in a hybrid format. The next meeting of Bureau might take place back-to-back with the twenty-seventh meeting of the Working Group of the Parties (Geneva, 26–28 June 2023) for which the secretariat has been carrying out preparations.⁵⁰

⁴⁶ See https://unece.org/sites/default/files/2022-09/toBelarus_letter_from_Chair_Aarhus_Convention_merged.pdf.

⁴⁷ ECE/MP.PP/2021/2, para. 114 and ECE/MP.PP/2021/2, decision VII/10.

⁴⁸ See https://unece.org/evaluation-reports#accordion_2.

⁴⁹ See <https://unece.org/env/pp/aarhus-convention-bureau>.

⁵⁰ See <https://unece.org/env/pp/wgp>.