

Working Group of the Parties to the Aarhus Convention
Agenda item 3 (c)

Statement by the Chair of the the Task Force on Access to Justice
Mr. Luc Lavrysen

Monday, 26 June, 4-4.30 p.m.

Good afternoon, distinguished delegates!

I am pleased to bring to your kind attention the results of the work of the Task Force on Access to Justice since the last year.

The fifteenth meeting of the Task Force held in Geneva on 4-5 April 2023 brought together about 120 representatives of governments, judiciary, prosecutors, non-governmental organizations, environmental lawyers, academia, international organizations, and other stakeholders.

As mandated by decision VII/3, two thematic sessions of the meeting focused on access to justice in cases related to climate change and biodiversity protection – two key aspects of the triple planetary crisis. The complexity of addressing these global challenges is compounded by the urgent need for regulatory measures, legislative changes and effective access to justice to safeguard the public's rights, legal interests and the rule of law in environmental matters. From one side, there is a trend of increasing public interest or rights-based litigation in these areas and from another side several challenges related to legal uncertainty of the legal frameworks impede effective access to justice for members of the public and judicial protection of the affected rights and legitimate interests in environmental protection. Additional measures are needed to address challenges related to standing, jurisdiction, timeliness and fairness of the existing procedures, scope of review, access to relevant expertise and adequate and effective remedies, including injunctive relief. These measures should address

special needs of individuals and groups in vulnerable situations, including Indigenous peoples and local communities, women and girls, children and youth, persons with disabilities. This would also support the implementation of target 22 of the [Kunming-Montreal Global Biodiversity Framework](#), recently adopted by the Conference of the Parties to the Convention on Biological Diversity in December 2022.

Access to justice in energy-related cases is another important topic being discussed at this meeting as it can have implications for both climate action and biodiversity protection. Judicial and administrative reviews play a crucial role in ensuring that strategic environmental assessment, environmental impact assessment and public participation in decision-making were diligently and effectively implemented. At the previous meeting, the Task Force had noted that a regular analysis of energy-related cases could help to address existing challenges and improve access to justice as well as the procedures for public participation in decision-making in that area. In the light of this, the Task Force considered a note, which outlined the possible scope and methodology of such analysis and invited Parties and stakeholders to provide written comments by 15 May 2023. The document is expected to be finalized before the next meeting of the Working Group of the Parties that will hold a thematic session on access to justice in the coming year.

The Task Force also continued further work to promote measures aimed at removing persistent barriers related to costs, access to assistance mechanisms and timeliness. To collect possible solutions and good practices to overcome those barriers, the Task Force decided to undertake a survey. To support this undertaking, the secretariat, in consultation with the Chair, circulated the questionnaire to collect the required information by 1 November 2022.

The Task Force considered information documents that provided a draft concise summary of key survey outcomes and an addendum with selected

practices cited by respondents. The documents had been open for comments by 15 May 2023. The document is expected to be finalized before the next meeting of the Working Group of the Parties next year.

Various tools to promote effective access to justice were also considered, including: access to independent environmental expertise; e-justice initiatives and modern digital technologies; and multi-stakeholder dialogues to remove existing barriers.

Finally, the impact of an ongoing war against Ukraine was acknowledged as a significant challenge to Ukraine's implementation of access to justice along with other pillars of the Convention.

Another activity that preceded the Task Force meeting was the Judicial Colloquium, which focused on the judicial protection of human rights and public interests against environmental pollution from chemicals and wastes. This aspect represents a third element of the triple planetary crisis. The meeting was organized pursuant to decision VII/3, which called on promoting a network of judiciary, judicial training institutions and other review bodies in the pan-European region. I would like to thank once again our partners, namely UNEP, UNDP, OSCE, IUCN World Commission on Environmental Law, Global Judicial Institute on the Environment and the European Union Forum of Judges for the Environment for their crucial support in organizing this event. The colloquium provided a valuable opportunity for peer-learning, ensuing discussions on recent developments in science, policy and law and how effectively handle cases related to chemicals and wastes in this regard to ensure effective judicial protection of human rights and public interests.

The participants also discussed the ways to strengthen capacity-building for judiciary and other independent review bodies in handling environmental cases.

I would like to underline that such events proved to be instrumental to share perspectives on current and future trends in access to justice across the different review bodies and jurisdictions and demonstrated great demand for such activities in the future. Therefore, I call on interested partner organizations and Parties to extend their support to the future meetings of judiciary, judicial training institutions and other review bodies under auspices of the Aarhus Convention and allocate the necessary resources in this regard.

In conclusion, I would like to express my deep gratitude to all experts from Parties, members of judiciary, partner organizations, European ECO Forum and other stakeholders who have supported the work of the Task Force and look forward to their support in the future.

Thank you for attention.