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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-eighth meeting

Geneva, 2–4 July 2024

Item 9 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 16 April 2023–30 April 2024.

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

* This document was scheduled for publication after the standard publication date owing to circumstances beyond the submitter's control, as more time was required to finalize it.

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 16 April 2023 to 30 April 2024 (the reporting period). An overview of contributions and pledges in relation to the implementation of the work programme as of 1 May 2024 is provided in document ECE/MP.PP/WG.1/2024/5. 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 contributions and expenditures in relation to the implementation of the Protocol's work programme for 2022–2025 (ECE/MP.PRTR/WG.1/2023/4) was submitted to the tenth meeting of the Protocol's Working Group of the Parties (Geneva, 27–28 November 2023).

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. In response to the coronavirus disease (COVID-19) environment, hybrid and virtual services were exceptionally resorted to as a temporary business continuity measure. After considering the relevant elements presented in the report of the Secretary-General entitled Pattern of Conferences (A/78/96), the General Assembly neither established a mandate nor provided required guidance on rules of procedures, conditions of service for interpreters, security, authentication and universal access. In the absence of a mandate and legislative framework, as of 22 January 2024, 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 *can be provided exceptionally for a limited duration upon specific justification by the organizers* and will be covered through extrabudgetary contributions. 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 4–5 and other relevant provisions of the Aarhus Convention, including through electronic information tools, pursuant to decision VII/1 on promoting effective access to information.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, and the websites upgraded to meet United Nations cybersecurity requirements. The tools are used to facilitate the collection, dissemination and exchange of information related to national

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>.

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.

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

6. In line with decision VII/1, the secretariat organized the eighth meeting of the Task Force on Access to Information (Geneva, 9–10 November 2023), which featured an international workshop entitled “Advancing public access to environment-related product information: Challenges and opportunities” that was organized in cooperation with the United Nations Centre for Trade Facilitation and Electronic Business, the United Nations Environment Programme (UNEP), the One Planet Network and the European Environment Agency. The workshop provided a platform for public authorities, civil society, private sector, academia, international organizations and other stakeholders to discuss challenges and opportunities in advancing public access to environment-related product information. The discussion focused on legal and policy developments, the use of product passports and other digital tools, means to encourage operators to inform the public and measures against greenwashing.

7. Furthermore, the meeting of the Task Force promoted the exchange of case studies, good practices and challenges and considered recent and upcoming developments in relation to strengthening public access to environmental information. In particular, the Task Force discussed: (a) the scope of “environmental information” in accordance with article 2 (3) of the Convention; (b) access to information on emissions into the environment; and (c) the provision of information to the public authorities by third parties, both routinely and in case of an imminent threat to human health or the environment. The Task Force took stock of the use of the Updated recommendations on the more effective use of electronic information tools (ECE/MP.PP/2021/2/Add.2) and activities of other relevant international forums.

8. Following up on the outcomes of this meeting, the secretariat has begun preparations for the ninth meeting of the Task Force on Access to Information (Geneva, 5–6 November 2024), which will continue the discussion on advancing public access to environment-related product information and other topics, based on decision VII/1.

9. The work on access to information under the Convention and its Protocol on Pollutant Release and Transfer Registers was highlighted at the seventieth session of the Economic Commission for Europe: “Digital and Green Transformations for Sustainable Development in the Region of the Economic Commission for Europe” (Geneva, 18–19 April 2023), the twenty-ninth session of the United Nations Centre for Trade Facilitation and Electronic Business (Geneva, 9–10 November 2023) and the meeting of the ECE Team of Specialists on Environmental, Social and Governance Traceability of Sustainable Value Chains in the Circular Economy (Geneva, 23 November 2023).

10. A call for the submission of information on national nodes for the Aarhus Clearinghouse and case studies on electronic information tools, which are posted on a dedicated web page and updated regularly,⁶ remains ongoing to facilitate sharing of experience, good practices and lessons learned.

B. Public participation in decision-making

11. During the reporting period, activities focused on promoting effective public participation in decision-making, as required by articles 6–8 and other relevant provisions of the Convention, in line with decision VII/2 on promoting effective public participation in

⁶ See <https://unece.org/env/pp/eit-case-studies>.

decision-making.⁷ 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.

12. A thematic session on public participation in decision-making was held during the twenty-seventh meeting of the Working Group of the Parties (Geneva, 26–28 June 2023). The topics for discussion were based on decision VII/2 and the key outcomes of the work of the Task Force. The session covered the following important issues: (a) safe public participation and protection of environmental defenders in the context of decision-making on environmental matters; and (b) public participation regarding large-scale infrastructure/transport. To promote synergy between the two work areas under the Convention, the Special Rapporteur on environmental defenders was invited to share experience under his mandate regarding the above-mentioned subjects. The session revealed the critical importance of protection of environmental defenders in the decision-making process, including for mining and large infrastructure projects. The discussions addressed the issue of civil disobedience and specific challenges faced by youth and child environmental defenders. The issue of strategic lawsuits against public participation was highlighted as a common form of harassment of environmental defenders, which presents a major obstacle to public participation. At the same time, several successful examples of initiatives to protect environmental defenders were highlighted by Parties and stakeholders.

13. The secretariat begun preparations for the eleventh meeting of the Task Force, scheduled to be held on 12 and 13 December 2024 in Geneva. The Task Force will debate in greater detail participation of persons and groups in vulnerable situations in decision-making and public participation in decision-making in a transboundary context. In preparation for this meeting, a survey will be carried out under the auspices of the Task Force on the issue of participation of persons and groups in vulnerable situations. In addition, the thematic focus at that meeting will be on decision-making related to agriculture, fisheries, oceans, seas and marine resources, as well as on climate change and emerging technologies.

14. 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

15. 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.

16. A thematic session on access to justice will take place at the twenty-eighth meeting of the Working Group of the Parties (Geneva, 2–4 July 2024). The thematic session will focus on advancing the third pillar of the Aarhus Convention with regard to: (a) access to justice to challenge violations of laws relating to the environment; and (b) the role of collective redress in environmental matters. Subjects for discussion are based on decision VII/3 on promoting effective access to justice.⁸

17. Work was also carried out to follow up on the outcomes of the fifteenth meeting of the Task Force on Access to Justice and 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 (Geneva, 3–5 April 2023).⁹

⁷ ECE/MP.PP/2021/2/Add.1.

⁸ Ibid.

⁹ See <https://unece.org/info/Environmental-Policy/Public-Participation/events/374154>.

18. The secretariat continued to upgrade the Aarhus Clearinghouse and the jurisprudence database with relevant resources; a call for case summaries was ongoing at the time of writing.

19. 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. This included support to the events organized by the United Nations Development Programme (UNDP) and other partner organizations, including the International Conference of Judges on Access to Environmental Justice¹⁰ (Cholpon-Ata, Kyrgyzstan, 14–16 September 2023) and the Regional Meeting on Environmental Justice¹¹ (Sarajevo, 13–15 December 2023).

D. Genetically modified organisms

20. The secretariat, together with the secretariat to the Cartagena Protocol on Biosafety to the Convention on Biological Diversity, organized the Fourth Joint Global Round Table on Public Awareness, Education, Access to Information, Public Participation and Access to Justice regarding Living Modified Organisms/Genetically Modified Organisms (LMOs/GMOs) on 11 and 12 December 2023 in Geneva. The Round Table aimed to build countries' capacities through sharing knowledge, experiences and lessons learned in promoting public awareness, education, access to information, public participation and access to justice regarding LMOs/GMOs, and to make suggestions for future action at the national, regional and international levels. The event provided an opportunity to Parties to both treaties and stakeholders to identify synergies regarding implementation of the Aarhus Convention in the context of LMOs/GMOs, its amendment on public participation in decisions on the deliberate release into the environment and placing on the market of GMOs (GMO amendment) and article 23 of the Cartagena Protocol on Biosafety on public awareness, education and participation. It featured a training session on access to justice regarding LMOs/GMOs, aiming to increase awareness of legal entitlements, types of legal challenges that can be launched, and the carrying out of legal procedures under the Aarhus Convention and target 22 of the Kunming-Montreal Global Biodiversity Framework on ensuring the right to access to justice relating to biodiversity for Indigenous Peoples and local communities.

21. Bilateral collaboration on GMOs is ongoing between the secretariats of the Aarhus Convention and of the Convention on Biological Diversity. Activities in this work area contributed to furthering a number of Sustainable Development Goals, in particular Goals 2 (zero hunger) and 15 (life on land), 16 (peace, justice and strong institutions), and other relevant international commitments.

22. Prior to the event, a survey was disseminated to Parties, interested member States and different stakeholders to collect practical examples on GMOs/LMOs and seek feedback on the guiding materials developed under the treaties. Results show that respondents are aware of the available materials and use them for guidance and as a reference, as well as for communication with different stakeholder groups. Respondents also indicated an interest in the existing guiding materials being made available in different formats, such as online versions and layout as brochures.

23. Both secretariats continuously promoted the use of e-learning modules and other tools developed jointly under the Aarhus Convention and the Convention on Biological Diversity. A call for submission of 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 Guidelines on access to information, public participation and access to justice with respect to genetically modified organisms (Lucca Guidelines), the Pocket guide promoting effective access to information

¹⁰ See <https://aarhusclearinghouse.unece.org/news/kyrgyzstan-international-conference-judges-access-environmental-justice-taking-place-cholpon>.

¹¹ See <https://aarhusclearinghouse.unece.org/news/undp-western-balkans-meeting-environmental-justice-held-bosnia-and-herzegovina>.

and public participation regarding living modified organisms/genetically modified organisms, the Checklist of key measures for the ratification and implementation of the Aarhus Convention and the Cartagena Protocol on Biosafety in the context of LMOs/GMOs, the Summary of tools and resources to support implementation of the Aarhus Convention and the Cartagena Protocol on Biosafety in the context of LMOs/GMOs, the Maastricht Recommendations on Promoting Effective Public Participation in Decision-making in Environmental Matters, the Background paper on implementation of the Aarhus Convention and the Cartagena Protocol on Biosafety and the Background paper on key provisions of the Aarhus Convention and the Cartagena Protocol on Biosafety.¹²

24. During the reporting period, no additional Parties ratified the 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. All other Parties to the Convention that have not yet ratified the GMO amendment are encouraged to do so without delay.

25. 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. During the Fourth Joint Global Round Table, Armenia stated that it had started the ratification process of the GMO amendment.¹³ Plans communicated by Ukraine to the Bureau of the Meeting of the Parties to the Convention about its intention to ratify the amendment by the end of 2023 were postponed due to the ongoing war against Ukraine.¹⁴ Following the request of the Meeting of the Parties at its seventh session,¹⁵ 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

1. Compliance Committee

26. The Compliance Committee held four regular meetings in the reporting period, namely, its seventy-ninth, eightieth, eighty-first and eighty-second meetings (Geneva (hybrid), 13–16 June 2023, 19–22 September 2023, 12–15 December 2023 and 20–23 February 2024, respectively).

27. In addition to its regular meetings, the Committee held three virtual meetings in the reporting period (26 July 2023, 25 August 2023 and 25 January 2024).

28. At its meetings, the Committee, inter alia, reviewed communications from the public concerning alleged non-compliance by Parties. In the reporting period, nine new communications were forwarded to the Committee for consideration as to their preliminary admissibility: six of those communications were determined to be admissible and three were determined to be inadmissible. As at the end of the reporting period, the Committee had forty-one communications pending. The Committee received no new submissions from Parties and the secretariat made no referrals in the reporting period.

29. In addition to its pending cases, the Committee followed up on the implementation of 18 decisions adopted by the Meeting of the Parties at its seventh session, namely decisions VII/8a–b and VII/8d–s concerning, respectively, Armenia, Austria, 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

¹² See <https://unece.org/environment-policy/public-participation/gmos>.

¹³ See panel presentation of Armenia, slide 12, available under “Statements and presentations” tab at <https://unece.org/info/Environmental-Policy/Public-Participation/events/375497>.

¹⁴ See ABC-50 Report, para. 4, available at <https://unece.org/info/Environmental-Policy/Public-Participation/events/377281>.

¹⁵ ECE/MP.PP/2021/2, para. 34.

of Great Britain and Northern Ireland.¹⁶ In this context, during the reporting period the Committee completed advice to one Party at its request on the implementation of the decision concerning its compliance, namely the Netherlands, regarding decision VII/8m, and was in the process of preparing advice to two Parties, namely Armenia, regarding decision VII/8a, and Czechia, regarding decision VII/8e.

30. 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 Union¹⁷ and the Republic of Moldova.¹⁸

31. In addition to its advice to Parties in the context of the implementation of decisions of the Meeting of the Parties, the Committee was also in the process of preparing advice to Armenia, in response to its request for advice on its draft Law “On Environmental Impact Assessment and Expertise”.¹⁹

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

2. Rapid response mechanism on environmental defenders

33. Since his election at the third extraordinary session of the Meeting of the Parties (Geneva, 23–24 June 2022),²⁰ the Special Rapporteur on environmental defenders has received a total of forty complaints. Of those forty complaints, the Special Rapporteur has sent letters of allegation to the Party concerned regarding thirteen complaints, two complaints have been closed, five complaints have been determined to be inadmissible and twenty complaints are at the information-gathering stage. A complaint form and a form for consenting to the submission of a complaint to the Special Rapporteur have been developed and can be found in, respectively, annexes I and II to this report.

34. Following the expiry of the 60-day time period for the response of the Party concerned and, where applicable, company, to letters of allegation sent by the Special Rapporteur regarding the admissible complaints, said letters of allegation and the responses received from the Party, and where applicable, the company concerned, regarding complaints were made available on the Special Rapporteur’s website.²¹

35. 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: Meeting of the Working Party on Human Rights of the Council of the European Union (Brussels, 19 April 2023); Conference “Changing the narrative: Promoting positive change with children around 40 years of civil society advocacy in Geneva” (Geneva (hybrid), 26 May 2023), organized by Child Rights Connect; Conference on the criminalization of environmental defenders in Spain (Madrid, 31 May 2023), organized by Greenpeace Spain; Working Party on International Environmental Issues (Brussels, 1 June 2023), organized by the Council of the European Union; Eighth Open Government Partnership Global Summit (Tallinn, 6–7 September 2023), organized by Open Government Partnership and the Government of Estonia; International Conference “Human Rights Defenders under Siege” (Bilbao, Spain, 9 September 2023), organized by the University of Deusto; Summer University of Amnesty International Belgium (Louvain-la-Neuve, Belgium, 16 September 2023), organized by Amnesty International Belgium and the University of Louvain-la-Neuve; Climate Week New York City (New York, 17–24 September 2023), organized by the Ford Foundation, Global Witness and the European Centre for Not-for-Profit Law; Conference on the twenty-fifth anniversary of the Aarhus Convention and the eleventh anniversary of its coming into effect in Ireland (Dublin, 29 September 2023), organized by the Irish Environmental Network; International

¹⁶ Available at <https://unece.org/env/pp/cc/documents>.

¹⁷ Request ACCC/M/2021/4 (European Union) (see ECE/MP.PP/2021/2, para. 58).

¹⁸ Request ACCC/M/2021/5 (Republic of Moldova) (see ECE/MP.PP/2021/2, para. 45).

¹⁹ Request for advice ACCC/A/2023/4 (Armenia).

²⁰ ECE/MP.PP/2022/2, para. 16.

²¹ See <https://unece.org/environmental-policy/public-participation/correspondence-regarding-complaints-special-rapporteur>.

Conference on “Synergies for Human Rights Work” (Lisbon, 2-3 October 2023), organized by the Human Rights Platform in Portugal; European Network of National Human Rights Institutions Tenth Anniversary Conference and presentation of findings of the closed-door workshop on civil disobedience in the context of environmental activism in Europe hosted by the Special Rapporteur on environmental defenders under the Aarhus Convention (Brussels, 9–10 October 2023), organized by the European Network of National Human Rights Institutions; Conference on environmental human rights and strategic litigation against public participation (Warsaw, 8–10 November 2023), organized by ClientEarth Poland; Various events at the twenty-eighth session of the Conference of the Parties to the United Nations Framework Convention on Climate Change (Dubai, United Arab Emirates, 30 November–12 December 2023), including “Integrating Human Rights in Climate Action – A dinner discussion at the twenty-eighth session of the Conference of the Parties to the United Nations Framework Convention on Climate Change”, Panel on “What Human Rights at 75 means for Climate Justice Now”, Panel on “Land and Environmental Defenders: Advancing Climate Justice”, National Human Rights Institution twenty-eighth session of the Conference of the Parties Symposium “Climate change and human rights: the role of National Human Rights Institutions”, and Closed-door session on the Leaders Network for Environmental Activists and Defenders; Joint meeting with Geneva-based non-governmental organizations (NGOs) working on human rights, environment and environmental defenders (Geneva, 22–24 January 2024), organized by the International Service for Human Rights; Conference on “Access to Justice and Shrinking Space for Environmental NGOs” (Bucharest, 20–21 February 2024), organized by Bankwatch Romania; Regional Forum on Sustainable development for the United Nations Economic Commission for Europe region (Geneva, 13–14 March 2024); and informal closed-door experts meeting and side events at the fifty-fifth session of the Human Rights Council (Geneva, 11–14 March 2024).

36. The Special Rapporteur briefed the Working Group of the Parties at its twenty-seventh meeting on his activities (Geneva, 25–28 June 2023) and also presented major challenges, achievements and trends at the meeting’s different sessions.

37. The Special Rapporteur undertook one county visit at the invitation of Cyprus and held meetings with its representatives. In addition, in the context of speaking at events that took place in the following Parties, the Special Rapporteur also held meetings with their representatives: Denmark, Estonia, Ireland, Luxembourg, Poland, Portugal, Romania, Spain and United Kingdom of Great Britain and Northern Ireland. The Special Rapporteur also held several bilateral meetings and consultations on different occasions with representatives of other Parties and other member States, including Brazil, the European Union, Finland, France, Germany, Netherlands, Norway, Sweden and the United States of America.

38. The Special Rapporteur held bilateral meetings and consultations with many environmental defenders, including two regional consultations with environmental defenders from the Arctic region (Oslo, 26–29 November 2023) and from the Central Asia region (Almaty, Kazakhstan, 4–8 March 2024). He also held a number of bilateral meetings and consultations with representatives of organizations, including the: the Council of Europe; Parliamentary Assembly of the Council of Europe; European Court of Human Rights; European Environment Agency; Ombudsperson’s Office (Spain); Danish Institute for Human Rights, Open Society Foundation; Organisation for Economic Co-operation and Development; Ford Foundation; Business Network on Civic Freedoms and Human Rights Defenders; national human rights institutions; Organization for Security and Cooperation in Europe (OSCE) Office for Democratic Institutions and Human Rights; Equality and Human Rights Commission (United Kingdom of Great Britain and Northern Ireland); Sigrid Rausing Trust; Geneva representative of the Global Alliance of National Human Rights Institutions; and representatives of different stakeholders. The Special Rapporteur also held a bilateral meeting with the Executive Secretary of ECE and an internal team workshop with the staff of the secretariat.

39. The Special Rapporteur undertook a number of actions, including: issuing a statement following his visit to the Tarn region of France (February 2024); releasing a Position Paper entitled State repression of environmental protest and civil disobedience: A major threat to

human rights and democracy (February 2024);²² issuing a statement in support of the adoption of the European Union Directive on Corporate Sustainability Due Diligence (February 2024); issuing a statement following his official country visit to Cyprus (February 2024); issuing a statement following his visit to the United Kingdom of Great Britain and Northern Ireland (January 2024); making a joint written submission with the secretariat of the Aarhus Convention to the Inter-American Court of Human Rights in relation to the Request for an Advisory Opinion by the Republic of Chile and the Republic of Colombia regarding “Climate Emergency and Human Rights” (December 2023); issuing a statement on the occasion of the twenty-eighth session of the Conference of the Parties to the United Nations Framework Convention on Climate Change (December 2023); submitting two letters commenting on the proposed Directive of the European Parliament and of the Council on protecting persons who engage in public participation from manifestly unfounded or abusive court proceedings (“Strategic lawsuits against public participation”) (July and November 2023); submitting a letter commenting on the proposal for a Directive of the European Parliament and of the Council on Corporate Sustainability Due Diligence (September 2023); writing an article on “Celebrating the [United Nations] Declaration on Human Rights Defenders” (September 2023);²³ submitting a letter commenting on the proposed Recommendation of the Committee of Ministers on countering the use of strategic lawsuits against public participation (August 2023); issuing a statement on holding a closed-door workshop on civil disobedience in the context of environmental activism in Europe (July 2023); and providing a video statement for a side event on “The right to protest, Protest at Sea, and Deep Sea Mining” (18 March 2024) held at the twenty-ninth session of the International Seabed Authority (Kingston, 18–19 March 2024).

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

41. 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.

B. Capacity-building

42. 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.²⁴ It should be noted that capacity-building was also undertaken through various promotion activities included in section III.

43. During the reporting period, the secretariat provided various inputs to the processes under the United Nations Sustainable Development Cooperation Framework²⁵ covering activities from 2022 to 2027 in 16 countries in the ECE region.

44. 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 Meeting (Dushanbe (hybrid), 17–18 October 2023).

45. 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.

²² See <https://unece.org/climate-change/press/un-special-rapporteur-environmental-defenders-under-aarhus-convention-releases>.

²³ Freidrich NaumannStiftung, available at <https://publikationen.freiheit.digital/en/human-rights-defenders/human-rights-defenders-journalists/celebrating-the-un-declaration-on-human-rights-defenders>.

²⁴ See <https://unece.org/env/pp/aarhus-convention-capacity-building>.

²⁵ See <https://unsdg.un.org/2030-agenda/cooperation-framework>.

46. Countries of the Mediterranean region decided to further accession to the Aarhus Convention through the Mediterranean Strategy for Sustainable Development 2016–2025. The aim in this regard is to ensure that two thirds of Mediterranean countries will have acceded to the Aarhus Convention by 2025. To assist States Members of the United Nations in that region in achieving this goal, the secretariat co-organized a training session dedicated to promoting the Aarhus Convention in the region (Athens, 14–15 November 2023). The event focused on strengthening the expert capacity of representatives of public authorities from the Mediterranean region in the three pillars of the Convention and promoting the Convention’s principles in international forums. Participants also learned about the benefits of accession to the Convention and the related procedures.

47. During the reporting period, the secretariat continuously provided advisory support to Parties and non-Parties upon request, 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, together with the Ministry of Ecology, Environmental Protection and Climate Change of Uzbekistan, the German Agency for International Cooperation (GIZ), UNDP, OSCE and other partner organizations, organized the International round table “Aarhus Convention: Effective Public Participation For Good Governance, Healthy Environment And Sustainable Development” (Tashkent, 1–2 June 2023) and continued to explore further possibilities for providing advisory support and capacity-building to the country’s authorities.

C. Reporting mechanism

48. 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. Four of these five countries subsequently submitted their reports (Azerbaijan, on 19 October 2021; Malta, on 11 November 2021; the Republic of Moldova, on 2 December 2021; and Tajikistan, on 7 December 2023). As of 30 April 2023, only the Netherlands has failed to submit its national implementation report for the 2021 reporting cycle.²⁶ All 2021 national implementation reports submitted to date are available in the online reporting tool.²⁷ The Republic of Moldova was the only country that failed to submit its report for the previous reporting cycle.

49. The secretariat has launched the 2025 reporting cycle. Parties should review their reports prepared for the 2021 reporting cycle and submit the updated version to the secretariat through the online reporting tool.²⁸ The secretariat continued to provide advice to Parties and organizations regarding the reporting process, the online reporting tool and upgraded search features of the reporting tool to enhance its user-friendliness.

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

50. In connection with implementing the Almaty Guidelines on Promoting the Application of the Principles of the Aarhus Convention in International Forums (Almaty Guidelines),²⁹ at its twenty-seventh 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 processes dealing with: (a) environmental impact assessment in a transboundary context; (b) international trade-related decision-

²⁶ See <https://unece.org/environment-policy/public-participation/aarhus-convention-reporting-mechanism/2021-reporting-cycle>.

²⁷ See <https://aarhusclearinghouse.unece.org/national-reports/reports>.

²⁸ See <https://aarhusclearinghouse.unece.org/national-reports/reports>.

²⁹ See <https://unece.org/info/Environment-Policy/Public-participation/pub/2268>.

making; and (c) the issue of balanced and equitable participation and different modalities for engaging stakeholders in international decision-making. Additional topics included updates on: (a) subjects considered at the previous meetings of the Working Group of the Parties, such as the promotion of the principles of the Convention in relation to a legally binding instrument on business and human rights under the Human Rights Council, in Sustainable Development Goal-related processes and in climate- and plastic-related international forums; and (b) subjects to be addressed by environmental-related processes under the General Assembly, such as the Sustainable Development Goals Summit (New York, 18–19 September 2023) and the Summit of the Future: Multilateral Solutions for a Better Tomorrow, scheduled for 22–23 September 2024 in New York.

51. 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-eighth meeting of the Working Group of the Parties (Geneva, 2–4 July 2024). The topics for discussion are based on decision VII/4,³⁰ adopted by the Convention’s Meeting of the Parties at its seventh session (Geneva, 18–21 October 2021). There are plans to consider this year the topic of promoting the principles of the Aarhus Convention in decision-making in international forums related to: (a) climate change and energy; (b) carbon trading; and (c) geoengineering as an emerging technology. Additional topics will include updates on subjects considered at the twenty-sixth and twenty-seventh meetings of the Working Group, as well as other emerging issues. The issue of conflict of interest in the context of international decision-making will be addressed throughout the discussions. The thematic session’s programme will be developed in close cooperation with the session’s Chair.

52. 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.

53. The secretariat promoted relevant provisions of the Convention and the Protocol in the documents for the ECE Committee on Environmental Policy, supported the preparations of the 2024 Regional Forum on Sustainable Development in the United Nations Economic Commission for Europe region,³¹ in particular a round table and a side event³² both dedicated to Sustainable Development Goal 16 (Geneva, 13–14 March 2024), and the sixth session of the United Nations Environment Assembly of UNEP (Nairobi, 26 February–1 March 2024).

54. The secretariat made an online presentation on the procedures of the Aarhus Convention Compliance Committee to the first meeting of the Committee to Support Implementation and Compliance of the Escazú Agreement (Santiago, 10–11 August 2023).

55. The secretariat gave an online webinar on the Aarhus Convention to the national human rights institution of the Netherlands on 28 November 2023.

56. 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, the Office of the United Nations High Commissioner for Human Rights, 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, the United Nations Educational, Social and Cultural Organization (UNESCO), the United Nations Institute for Training and Research, the Inter-Organization Programme for the Sound Management of Chemicals and the UNEP/Mediterranean Action Plan Coordinating Unit), other environmental treaty bodies (such as the Convention on Biological Diversity and its Cartagena Protocol on Biosafety, the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean (Barcelona Convention), the Minamata Convention on Mercury, the Convention on the Transboundary Effects of Industrial Accidents, the Convention on Environmental Impact Assessment in a

³⁰ See <https://unece.org/environment/documents/2022/03/pp-aarhus-convention-mop7-decision-vii4-public-participation>.

³¹ See <https://regionalforum.unece.org/events/regional-forum-2024>.

³² See www.genevaenvironmentnetwork.org/events/environmental-rule-of-law-and-the-role-of-access-to-justice-in-delivering-on-sdgs-16-and-13-rfsd-2024/.

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).

57. The secretariat acts as the ECE focal point for: the Multilateral Environment Agreement Information and Knowledge Management Initiative Steering Committee; the World Summit on the Information Society; the Inter-Organization Programme for the Sound Management of Chemicals; the Issue Management Groups on Human Rights and the Environment and on the Sound Management of Chemicals within the United Nations Environment Management Group and universal periodic reviews.³³ It also promotes the Convention and its Protocol in those bodies' relevant activities.

58. 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.

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

60. 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,³⁴ the universal periodic reviews, the United Nations Sustainable Development Cooperation Framework and the Inter-Organization Programme for the Sound Management of Chemicals Inventory and analysis report: Existing indicators on chemicals and waste management.³⁵

61. Furthermore, the secretariat promoted activities on electronic information tools used for the Convention and the Protocol in the 2022 Report of the Secretary-General: 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/78/62–E/2023/49).

62. 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.

IV. Coordination and oversight of intersessional activities

63. Pursuant to the withdrawal of Belarus on 24 October 2022 and the accession of Guinea-Bissau to the Convention on 4 April 2023, 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.

64. The secretariat started the preparations for the eighth session of the Meeting of the Parties to the Convention, back-to-back with the fifth session of the Meeting of the Parties to the Protocol on Pollutant Release and Transfer Registers, to be held in late 2025.

65. Coordination and oversight of intersessional activities during the reporting period were conducted by the Bureau,³⁶ which regularly held electronic consultations and decision-making through electronic means. The Bureau also held its fifty-first meeting on 28 June 2023 and its fifty-second meeting on 28 March 2024.

³³ See www.ohchr.org/en/hr-bodies/upr/cycles-upr.

³⁴ See <https://unece.org/environment-policy/environmental-performance-reviews>.

³⁵ See www.saicm.org/Portals/12/documents/meetings/IP4/2022/SAICM_IP4_INF_39.pdf.

³⁶ See <https://unece.org/env/pp/aarhus-convention/bureau>.

Annex I

Format for complaints to the Special Rapporteur on environmental defenders under the Aarhus Convention

I. Date of complaint

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II. Information on the victim(s)

If the victim(s) is/are an individual(s):

If the victims include more than one individual, insert a row for each victim in the table below and provide the requested information for each individual.

Victim 1	Full name of victim: ¹ Date of birth: Gender: <input type="checkbox"/> Female <input type="checkbox"/> Male <input type="checkbox"/> Other <input type="checkbox"/> Prefer not to answer Email address: ¹ Telephone number: ¹ Permanent address:
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If the victim is an organization:

If the victim is an organization, briefly describe in the box below the organization and its activities, including how it is engaged in promoting environmental protection (200 words max.). If the victims include more than one organization, insert a row for each victim in the table below and provide the requested information for each organization.

Organization 1	Name of the organization: Work area of the organization: Main activities of the organization:
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III. Information on complainant(s)

Explanatory note:

The complainant is the person, organization or Party submitting a complaint and may be different from the victim(s). The identity of the complainant(s) will be kept confidential unless they explicitly waive their right to confidentiality.

If the complaint is submitted by more than one individual or organization, provide the information below for each complainant and indicate one contact person on behalf of all complainants.

¹ The Special Rapporteur may not be able to take up the complaint if he or she cannot contact the victim(s) or their representative.

Complainant 1 Full name of the complainant:²
 Email address:²
 Telephone number:²
 Permanent address:²

If the complainant is an organization, provide the following information for the **contact person** authorized to represent the organization in connection with the complaint:

Name: ²
 Title/Position:
 Telephone number:²
 Email address:²

IV. The Party to the Aarhus Convention involved in the persecution, penalization or harassment

Explanatory note:

The Special Rapporteur may investigate the alleged persecution, penalization or harassment of an environmental defender by **any State that is a Party to the Convention**. This State is referred to as “the Party concerned”.

The persecution, penalization or harassment may result from the actions of State entities of the Party concerned. It may also arise from a failure by the Party concerned to act to protect the victim(s) from persecution, penalization or harassment by third parties, including private actors, companies or other States.³

The list of States that are Parties to the Aarhus Convention is available at

https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=XXVII-13&chapter=27&clang=_en.

Specify which State that is a Party to the Aarhus Convention is the subject of this complaint:

V. Nature of the alleged persecution, penalization or harassment⁴

Explanatory note:

The Special Rapporteur’s mandate is to take measures to protect any person who is either:

(a) Experiencing persecution, penalization or harassment; or

² The Special Rapporteur may not be able to take up the complaint if he or she cannot contact the complainant.

³ ECE/MP.PP/C.1/2017/19, para. 70, and decision VII/9, annex, para. 1, final sentence.

⁴ The terms “penalization”, “persecution” and “harassment” should be understood in their ordinary meaning and are meant to cover retribution of any kind. Regarding the ordinary meaning of these terms: “to penalize” means to impose a restriction or penalty on, to put at a disadvantage; “to harass” means to trouble or vex by repeated attacks; and “to persecute” means to seek out and subject (a person, group, organization, etc.) to hostility or ill-treatment; to oppress, to torment. See ECE/MP.PP/C.1/2017/19, paras. 67–69.

(b) At imminent threat of persecution, penalization or harassment in any way, for seeking to protect their right to live in an environment adequate to their health or well-being.⁵

In the box below (extend box as needed):

(a) Briefly summarize the events, actions or measures that it is alleged constitute persecution, penalization or harassment.

(b) Clearly specify how the persecution, penalization or harassment is related to the victim's(s') efforts to protect the environment.

(c) Provide a chronology of the relevant events, actions or measures.

Explanatory note:

It is important to **attach** to the complaint any available supporting documentation that substantiates:

(a) The events, actions or measures (e.g., court judgments) that constitute the alleged persecution, penalization or harassment;

(b) That the persecution, penalization or harassment is related to the victim's(s') efforts to protect the environment.⁶

All documentation should be provided in the **original language**, together with an **English translation** thereof, or, if that is not possible, a translation in French or Russian. It is not necessary to provide a professional, certified translation. A good quality free of charge online machine translation service will suffice.

Has the alleged persecution, penalization or harassment been reported to the relevant authorities of the Party concerned?

Yes

No

Don't know

If yes, specify when and to which authorities of the Party concerned:

Has the Party concerned taken action to prevent or investigate the persecution, penalization or harassment, to punish the perpetrators, or to provide compensation to the victim(s)?

Yes

No

Don't know

If yes, specify which actions have been taken by the Party concerned and when:

VI. Consent of the victim(s) to the submission of the complaint

Explanatory note:

The Special Rapporteur will not be able to take up the complaint unless the person(s) or organization(s) subject to the alleged persecution, penalization or harassment have consented to the complaint being submitted.

⁵ Decision VII/9, annex, para. 1, and ECE/MP.PP/C.1/2017/19, para. 66.

⁶ ECE/MP.PP/C.1/2017/19, para. 66.

Whenever possible, the written consent of the victim(s) to the submission of the complaint should be **attached** to the complaint at the time that it is submitted (Important: If the written consent of the victim(s) is not attached to the complaint, this will necessarily delay the Special Rapporteur acting on the complaint, since he or she will not be able to take up the complaint until the written consent of the victim(s), or their representative, has been obtained).

Check the relevant box below concerning the consent of the victim(s) to the submission of this complaint to the Special Rapporteur.

The written consent of each victim named in the complaint is attached to the complaint.

The written consent of the victim(s) cannot be obtained (e.g., because the victim(s) has/have been subject to enforced disappearance), but the written consent of an immediate family member or legal representative of each victim named in the complaint is attached to the complaint.

VII. Consent of the victim(s) to the disclosure of their name

Explanatory note:

Information submitted to the Special Rapporteur will be kept confidential unless the complainant explicitly waives the right to confidentiality. However, maintaining confidentiality regarding the victim's(s') name(s) may have an impact on the Special Rapporteur's ability to perform his or her functions.⁷

Accordingly, unless disclosure of their name may put them at serious risk of further persecution, penalization or harassment, the consent of each victim to the disclosure of their name as described in point (a) below, and preferably points (b)–(e) also, should be attached to the complaint.

Whenever possible, the written consent of the victim(s) to the disclosure of their name should be **attached** to the complaint at the time that it is submitted.

Does **each** of the victims consent to the disclosure of their name as follows:

(a) To have their name(s) included in any correspondence regarding this complaint with the Party concerned?⁸

Yes No

(b) To have their name(s) included in any correspondence regarding this complaint with intergovernmental organizations, non-governmental organizations, businesses, military entities or security companies?⁹

Yes No

(c) To the inclusion of their name(s) by the Special Rapporteur in the media, including social media, in order to draw attention to the alleged violation(s)?

Yes No

(d) To the inclusion of their name(s) in any correspondence, documents or information regarding this complaint that may be posted on the website of the Aarhus Convention?

Yes No

⁷ See decision VII/9, annex, para. 5.

⁸ Ibid., annex, para. 6 (d).

⁹ Ibid., annex, para. 6 (e).

(e) To the inclusion of their name(s) in reports by the Special Rapporteur to the Meeting of the Parties to the Aarhus Convention and in any referral that may be made by the Special Rapporteur to the Aarhus Convention Compliance Committee?

Yes No

VIII. Additional requests for confidentiality

Clearly highlight any information contained in the complaint, besides the name of the complainant or victim(s), for which confidentiality is requested.

Briefly specify in the box below why confidentiality regarding that information is requested:

IX. Use of other international procedures

Has a complaint regarding the persecution, penalization or harassment alleged in the present complaint been submitted to any other Special Rapporteur and/or international human rights court or procedure?

Yes No Don't know

If yes, specify to which other Special Rapporteurs and/or international human rights courts or procedures a complaint has been submitted, on which date, and what, if any, actions have to date been taken by each such procedure:

X. Signature

Sign the complaint. If the complaint is submitted by an organization or a Party to the Convention, a person authorized to sign on behalf of that organization or Party must sign it.

XI. Sending the complaint

Send the complaint by **email** to the following address: Aarhus-EnvDefenders@un.org.

Clearly indicate in the subject line of the email: "Complaint to the Special Rapporteur on environmental defenders".

Send any questions on how to complete the complaint form by email to Aarhus-EnvDefenders@un.org.

Annex II

Consent form for complaints to the Aarhus Convention's Special Rapporteur on environmental defenders

I, [*insert full name*], hereby consent to the submission of a complaint to the Special Rapporteur on environmental defenders under the Aarhus Convention on my behalf.

In line with section VII of the complaint form, I consent to the disclosure of my name:

- (a) In any correspondence regarding this complaint with the Party concerned.
 Yes No
- (b) In any correspondence regarding this complaint with intergovernmental organizations, non-governmental organizations, businesses, military entities or security companies.
 Yes No
- (c) By the Special Rapporteur in the media, including social media, in order to draw attention to the alleged violation(s).
 Yes No
- (d) In any correspondence, documents or information regarding this complaint that may be posted on the website of the Aarhus Convention.
 Yes No
- (e) In reports by the Special Rapporteur to the Meeting of the Parties to the Aarhus Convention and in any referral that may be made by the Special Rapporteur to the Aarhus Convention Compliance Committee.
 Yes No

Signed: _____

Date: _____
