



Parliamentarians for Global Action
Parlamentarios para la Acción Global
Action Mondiale des Parlementaires
برلمانيون من أجل التحرك العالمي

THE ESCAZÚ AGREEMENT: AN ENVIRONMENTAL & HUMAN RIGHTS TREATY

A Factsheet for Parliamentarians



Executive Summary

This Factsheet for Parliamentarians introduces the **Escazú Agreement**, a groundbreaking regional treaty in Latin America and the Caribbean that serves as a key tool to catalyze climate governance and action from a human rights-based approach, ensuring the three rights of access to: information, participation, and justice in environmental matters.

The Factsheet outlines climate change impacts on groups and communities disproportionately on the frontlines as human rights defenders in environmental matters and provides parliamentarians with action points for climate action within this context.

Introduction

Climate change is a threat to human rights. From the rights to health, water, food, housing, self-determination, and life itself¹ – climate change and environmental degradation have given rise to severe consequences impacting the lives, property, livelihoods and working conditions of people around the world.²

Climate change is also a threat multiplier³, disproportionately accentuating its impacts on countries and those segments of the population that are already at a disadvantage. Marginalized groups and those living in vulnerable situations, as a result of pre-existing inequalities and inequities, are even more affected and have less favorable conditions or reduced capacities to adapt to, and mitigate the consequences of, climate change. Factors such as geography, poverty, gender, sexual orientation/gender identity, age, ethnicity or race, nationality of birth or social status, and disability may further aggravate those consequences.



- 1 *Factsheet: The Climate Crisis is a Human Rights Crisis*, Office of the United Nations High Commissioner for Human Rights (OHCHR), October 2018, www.ohchr.org/sites/default/files/FactSheetClimateChange.pdf
- 2 *International Environmental Law-Making and Diplomacy Review*, United Nations Environment Programme (UNEP) and the University of Eastern Finland, 2019, <https://sites.uef.fi/cceel/wp-content/uploads/sites/185/Review-2018-final-HR-and-Env.pdf>
- 3 *Climate Change and Human Rights Contributions by and for Latin America and the Caribbean*, Economic Commission for Latin America and the Caribbean/United Nations High Commissioner for Human Rights (ECLAC/OHCHR), 2019, www.ohchr.org/sites/default/files/Documents/Issues/ClimateChange/S1900999_en.pdf

The human right to a healthy environment: Adopted on 28 July 2022 – and based on the previous year’s [UN Human Rights Council resolution 48/13](#) – the [UN General Assembly resolution 76/300](#) unequivocally recognizes the human right to a clean, healthy and sustainable environment for all people.

“Today is a historic moment, but simply affirming our right to a healthy environment is not enough. The General Assembly resolution is very clear: States must implement their international commitments and scale up their efforts to realize it. We will all suffer much worse effects from environmental crises, if we do not work together to collectively avert them now ... To survive and thrive, we must invest in environmental and social protection centered in human rights; hold governments and businesses duly to account for environmental harms; empower all people to act as agents of change for a healthy environment; and recognize and uphold the rights of those most affected by environmental degradation.”⁴

- **Ms. Michelle Bachelet**, *then UN High Commissioner for Human Rights*

“The [Intergovernmental Panel on Climate Change](#) has recognized that for people in vulnerable situations, a rights-based and inclusive approach to environmental action can make a real difference in their lives while also supporting better environmental outcomes ... Ultimately, however, we need more action to realize this right for all people.”⁵

- **Ms. Ilze Brands Kehris**, *Assistant Secretary-General for Human Rights and Head, Office of the United Nations High Commissioner for Human Rights*



4 *Bachelet calls for urgent action to realize human right to healthy environment following recognition by UN General Assembly*, Office of the United Nations High Commissioner for Human Rights (OHCHR), 28 July 2022, www.ohchr.org/en/press-releases/2022/07/bachelet-calls-urgent-action-realize-human-right-healthy-environment

5 *UN recognition of the right to a clean, healthy, and sustainable environment: past developments and future prospects*, statement by Ilze Brands Kehris, Assistant Secretary-General for Human Rights and Head, Office of the United Nations High Commissioner for Human Rights (OHCHR), April 2022, <https://www.ohchr.org/en/statements-and-speeches/2022/04/right-healthy-environment#:~:text=As%20you%20all%20know%2C%20on,realty%20for%20all%20of%20us>

Women, indigenous and afro-descendent peoples face particularly heightened risks, facing greater burdens and impacts resulting from pre-existing gender inequalities and intersecting forms of discrimination.⁶

At the same time, women, indigenous and afro-descendent peoples are often at the forefront as human rights defenders in environmental matters. They play a key role in the protection of human rights and the environment in the face of numerous threats: from criminalization of their work to gender-based violence, intimidation, smear campaigns and death.⁷

While indigenous peoples constitute about 6% of the global population, holding and/or managing just over a quarter of the world's land areas, they safeguard 80% of the world's remaining biodiversity.⁸ Over a third of all fatal attacks on environmental defenders target indigenous peoples.⁹

Within Latin America and the Caribbean, indigenous and afro-descendent peoples maintain approximately 400 million hectares of land, home to about 40% of the natural forests in the region. Afro-descendent communities were often established in areas rich in natural resources, with the extreme climate events of the last decade disproportionately affecting the afro-descendent populations of the Caribbean.¹⁰

On a global scale, nearly three out of four murders of human rights defenders in environmental matters take place in Latin America and the Caribbean¹¹, making the region one of the most dangerous in the world for environmental human rights defenders.¹²

Climate action in practice: [The Parish of Saint Elizabeth in Jamaica](#), considered the breadbasket of the nation, may soon become an example of community resilience in the face of climate change in the Caribbean. Over the last decade, climate change has induced erratic rainfall and hotter dry seasons. The drought, coupled with a lack of access to water irrigation, has forced farmers to adapt to an increasingly unfavorable climate to growing crops. As farmers learn to increase climate resilience, supported by scientists and government, the focus now is to understand the human aspect of farming – from community to best practices, and how men, women, youth and the disabled, interact with their fields, each other, and the local economy.¹³

6 Climate Change and Human Rights Contributions by and for Latin America and the Caribbean, Economic Commission for Latin America and the Caribbean/United Nations High Commissioner for Human Rights (ECLAC/OHCHR), 2019, www.ohchr.org/sites/default/files/Documents/Issues/ClimateChange/S1900999_en.pdf

7 *We must urgently protect environmental defenders*, joint statement by Inter-American Commission on Human Rights (IACHR), the [Rapporteur on Economic, Social, Cultural, and Environmental Rights](#) (REDESCA) and the Office of the United Nations High Commissioner for Human Rights (OHCHR), April 2022, https://www.oas.org/en/IACHR/jsForm/?File=/en/iachr/media_center/PReleases/2022/084.asp

8 *Indigenous Peoples*, The World Bank, April 2022, www.worldbank.org/en/topic/indigenouspeoples

9 *Last Line of Defence*, Global Witness, September 2021, www.globalwitness.org/en/campaigns/environmental-activists/last-line-defence/

10 *Environmental Equity and Racial Justice*, 31st Issue: Sur International Journal on Human Rights, 2021, <https://sur.conectas.org/en/environmental-equity-and-racial-justice/>

11 All documented murders of human rights defenders in environmental matters quoted within this statistic have taken place in Latin America.

12 *We must urgently protect environmental defenders*, joint statement by Inter-American Commission on Human Rights (IACHR), the [Rapporteur on Economic, Social, Cultural, and Environmental Rights](#) (REDESCA) and the Office of the United Nations High Commissioner for Human Rights (OHCHR), April 2022, www.oas.org/en/IACHR/jsForm/?File=/en/iachr/media_center/PReleases/2022/084.asp

13 *Looking for water in Jamaica's Southern Plains*, Alliance of Biodiversity International and the International

WHAT IS THE ESCAZÚ AGREEMENT?

Despite bearing less responsibility for climate change than other regions, Latin America and the Caribbean is highly vulnerable to its effects. As a result, the region has been at the forefront of a human rights-based approach to climate action. Many States in the region have progressively mainstreamed human rights in their national climate frameworks, grounding sustainable development with a core focus on people and their rights.¹⁴ At the international level, countries in the region have long championed a rights-based approach to climate action and have consistently supported climate-related issues into human rights systems and mechanisms.

Adopted within the UN Economic Commission for Latin America and the Caribbean (ECLAC) in Escazú, Costa Rica on 4 March 2018, the [*Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean \(Escazú Agreement\)*](#) is both the first legally-binding agreement in the world to contain specific provisions on environmental human rights defenders, and the first regional environmental agreement of Latin America and the Caribbean. This groundbreaking Agreement recognizes, protects, and promotes the rights of **all** environmental defenders.

This groundbreaking Agreement recognizes, protects, and promotes the rights of **all** environmental defenders. This is inclusive of civil society organizations, non-governmental organizations, all individual human rights defenders in environmental matters, and especially those aforementioned groups often at the forefront of climate action: women, indigenous and afro-descendent peoples.

The Escazú Agreement aims to guarantee the full and effective implementation of the three rights: to access environmental information, for public participation in the environmental decision-making process, and to access justice in environmental matters.

The Agreement also aims for the creation and strengthening of capacities and cooperation, contributing to the protection of the right of every person of present and future generations to live in a healthy environment and to sustainable development.¹⁵

As the only binding agreement stemming from the United Nations Conference on Sustainable Development (Rio+20),¹⁶ the Escazú Agreement reinforces the region's commitments at the national, regional, and international levels to access rights, the national implementation of sustainable development obligations, the Sustainable Development Goals (SDGs), and the advancement of human rights.¹⁷

Center for Tropical Agriculture (CIAT), February 2022, <https://alliancebioiversityciat.org/stories/looking-for-water-jamaica>

14 *Climate Change and Human Rights Contributions by and for Latin America and the Caribbean*, Economic Commission for Latin America and the Caribbean/United Nations High Commissioner for Human Rights (ECLAC/OHCHR), 2019, www.ohchr.org/sites/default/files/Documents/Issues/ClimateChange/S1900999_en.pdf

15 *Observatory of Principle 10 in Latin America and the Caribbean: The Escazú Agreement*, Economic Commission for Latin America and the Caribbean (ECLAC), <https://observatoriop10.cepal.org/en/treaties/regional-agreement-access-information-public-participation-and-justice-environmental>

16 The Escazú Agreement, alongside the Aarhus Convention, aims for the implementation of Principle 10 of the 1992 Rio Declaration. Principle 10 emphasizes the importance of public participation (active participation, access to information and access to justice) for addressing environmental issues.

17 *Why the Escazú Agreement Matters: Environmental rights, Justice, and Public participation in the Caribbean*, lecture by the Honourable Mr Justice Winston Anderson, Judge of the Caribbean Court, January 2020, www.ccj.org/wp-content/uploads/2021/02/Public-Lecture-on-why-Escazu-Agreement-Matters_20200123.pdf

The Escazú Agreement offers a path to advance implementation of the Development Agenda 2030 by strengthening the rule of law, bolstering participatory democracy, protecting human rights, and preventing social conflicts amid changes to economies' production structures.¹⁸ The Agreement particularly contributes to [SDG 16: Peace, Justice, and Strong Institutions](#), as well as SDG 10: Reduced Inequalities, SDG 12: Responsible Consumption and Production, SDG 13: Climate Action, SDG 14: Life Below Water, and SDG 15: Life on Land.

This regional Agreement is open to the 33 countries of Latin America and the Caribbean,¹⁹ and entered into force on 22 April 2021. To date, it has 24 signatories²⁰ and 13 Parties.²¹

The [First Meeting of the Conference of the Parties to the Escazú Agreement](#) took place in April 2022, against the backdrop of the global pandemic of COVID-19, the triple environmental crisis of climate change, biodiversity loss and pollution, and challenges to multilateral cooperation. Despite these hurdles, countries in Latin America and the Caribbean have set an example in their commitment to their people and their environment.

Aarhus Convention:

Adopted within the UN Economic Commission for Europe (UNECE) in 1998, the [Convention on Access to Information, Public Participation and Access to Justice \(Aarhus Convention\)](#) likewise includes provisions to the three rights of access on environmental matters.

In May 2021, the European Parliament adopted [Resolution 2021/0245 on the effects of climate change on human rights and the role of environmental defenders on this matter](#), in part calling on Member States to foster cooperation in support of the effective implementation of the Escazú Agreement, a key instrument for the protection of environmental defenders as human rights defenders.

THE ROLE OF PARLIAMENTARIANS

The spirit of the Escazú Agreement reminds the world that, to protect the environment, we need to start by protecting the people who defend it.²² As democratically elected representatives of the people, parliamentarians are uniquely equipped to ensure the protection of human rights through the robust implementation of tools like the Escazú Agreement.

18 *Escazu Agreement Takes Effect, Enshrining Right to Sustainable Development*, International Institute for Sustainable Development (IISD), April 2021, <https://sdg.iisd.org/news/escazu-agreement-takes-effect-enshrining-right-to-sustainable-development/>

19 Antigua and Barbuda, Argentina, Bahamas, Barbados, Belize, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominica, Ecuador, El Salvador, Guatemala, Grenada, Guyana, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Paraguay, Peru, Panama, Dominican Republic, Saint Kitts and Nevis, Saint Vincent and The Grenadines, St. Lucia, Suriname, Trinidad and Tobago, Venezuela, Uruguay

20 Signatories, pending ratification as of 15 November 2022: Belize, Brazil, Colombia, Costa Rica, Dominica, Grenada, Guatemala, Haiti, Jamaica, Paraguay, Peru, Dominican Republic

21 States Parties as of 15 November 2022: Antigua and Barbuda, Argentina, Bolivia, Chile, Ecuador, Guyana, Mexico, Nicaragua, Panama, Saint Vincent and the Grenadines, Saint Kitts & Nevis, Saint Lucia, Uruguay

22 *We must urgently protect environmental defenders*, joint statement by Inter-American Commission on Human Rights (IACHR), the [Rapporteur on Economic, Social, Cultural, and Environmental Rights](#) (REDESCA) and the Office of the United Nations High Commissioner for Human Rights ([OHCHR](#)), April 2022, www.oas.org/en/IACHR/jsForm/?File=/en/iachr/media_center/PReleases/2022/084.asp

Actions that States Parties to the Escazú Agreement can take:

- Pose a parliamentary question to your government on the timeline for ratification of or accession to the Escazú Agreement. If ratification or accession require parliamentary approval, establish national caucuses to build political will and design strategies to support prompt favorable consideration, strengthening cooperation through existing parliamentary networks.
- Strengthen national capacity for implementation of the Escazú Agreement ([Article 10](#)):
 - Engage with your constituents to ensure they are informed of the access rights granted to them through the Agreement, considering pre-existing inequalities that may hinder certain demographics from exercising/accessing their rights.
 - Evaluate existing legislation and ensure new legislation safeguards a rights-based and inclusive approach to environmental action.
 - Allocate sufficient resources to relevant agencies to develop awareness-raising and capacity-building programs on access rights and the environment for the general public and civil servants as well as to strengthen capabilities to collect, retain and evaluate environmental information.
- Enhance cooperation for implementation of the Escazú Agreement ([Article 11](#)) through PGA's global network:
 - Share experiences: highlighting voices of environmental defenders protected through the Agreement, voluntary codes of conduct, guidelines, good practices and standards, and other lessons learnt from your country's process of ratification/implementation.
 - Engage in multisectoral stakeholder forums regarding the utility of the Escazú Agreement and to address cooperation priorities and activities.

Actions that Non-States Parties to the Escazú Agreement can take:

- Pose a parliamentary question to your government on the timeline for ratification of or accession to the Escazú Agreement. If ratification or accession require parliamentary approval, establish parliamentary networks and strategies to support prompt favourable consideration.
- Engage with civil society representatives and human rights defenders on environmental matters to bolster their voices, learn more about their priorities and the issue in your constituency/region, and collaborate to bring the Escazú Agreement into the legislative agenda.
- Assess existing legislation and the human rights protections granted to environmental defenders.
- Engage with States Parties to the Escazú Agreement to ensure a more efficient ratification/implementation process through regional cooperation and lessons learned.

RECOMMENDATIONS

Members of the European Union:

- Pose a parliamentary question to your government on the actions taken following the call by the European Parliament's [Resolution 2021/0245](#) supporting the ratification and implementation of the Escazú Agreement in Latin America and the Caribbean.
- Share best practices and experiences from the Aarhus Convention, reinforcing both Agreements aimed at protecting the right to live in a healthy environment through a rights-based approach to climate action.

Globally:

- Engage with States Parties to the Escazú Agreement for applicable knowledge-sharing in their process to protect the right to live in a healthy environment through a rights-based approach to climate action, in line with the [cooperation actions](#) outlined above for States Parties.
- Evaluate existing legislation and the human rights protections granted to human rights defenders in environmental matters.
- Consult your constituents on their priorities regarding the protection of human rights and an inclusive approach to environmental action.



ADDITIONAL RESOURCES

- [Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean | Economic Commission for Latin America and the Caribbean \(ECLAC\)](#)
- [Observatory on Principle 10 | in Latin America and the Caribbean \(ECLAC\)](#)
- [Last Line of Defense: The industries causing the climate crisis and attacks against land and environmental defenders](#) (Global Witness)
- [Climate Change and Human Rights, contributions by and for Latin America and the Caribbean](#) (ECLAC)
- [SDG 16: Promote peaceful, just and inclusive societies in Latin America and the Caribbean](#) (ECLAC)
- [Video: Who Defends the Defenders?](#) (UNEP)
- [Gender, Climate, and Security](#) (UN Women, UNDP, UNEP, DPPA)
- [Summary for Policymakers, Climate Change 2022: Impacts, Adaption and Vulnerability](#) (IPCC)





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PHOTO CREDITS:

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ABOUT PGA

Parliamentarians for Global Action (PGA) is the largest non-governmental, multi-party international network of individual legislators with approximately 1,150 members in 135 parliaments around the world that informs and mobilizes parliamentarians to advocate for human rights and the Rule of Law, democracy, human security, inclusion, gender equality and justice, including climate justice. This global network of parliamentarians acting in their individual capacity is supported by a PGA National Group structure in parliaments, which creates sustainability and ownership of issues at the national level, and by a Secretariat with relevant expertise. PGA is in general consultative status with the Economic and Social Council of the United Nations with headquarters in New York; its office in The Hague, Netherlands fosters cooperation with The Hague-based International Organizations, including the ICC.

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