

# HUMAN RIGHTS AND ENVIRONMENTAL PROTECTION

Gender Relations,  
Compliance with the  
Escazú Agreement,  
and Opportunities for  
Philanthropy



  
**AMBASSADE  
DE FRANCE  
AU BRÉSIL**  
*Liberté  
Égalité  
Fraternité*

 **fundo casa**  
SOCIOAMBIENTAL

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## Who We Are

***The Casa Socio-Environmental Fund in an organization seeking to promote environmental conservation and sustainability, democracy, respect for socio-environmental rights and social justice through financial support to civil society initiatives and by strengthening their capacities in South America.***

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We have pioneered the debate on socio-environmental philanthropy in Brazil since 2005. Our mission is to generate positive impact on very diverse territories, investing in the lives of those who care for them, and establishing connections between communities and organizations.

To this end, we developed a powerful support network for small civil society initiatives — a network that mobilizes funds, provides support and strengthens capacities, thus ensuring increasing autonomy for groups spread all over South America. We believe change begins by listening, and we listen to the real protagonists of every cause we embrace: those whose lives are directly affected by any change in their territories.

We are partners of philanthropic organizations that want to support grassroots communities but find it hard to reach those groups directly. We are experienced in making sure that philanthropic funds will reach the community groups. For this, we have developed a supporting and monitoring methodology that takes into account the dynamics of the territories.

We have pioneered the debate on socioenvironmental philanthropy in Brazil since 2005. Our mission is to generate positive impact on very diverse territories, investing in lives around them and establishing connections between people and organizations. We exist to generate change.



# ÍNDICE

<b>Introduction</b>	<b>6</b>
<b>Environmental Racism and Women Defenders</b>	<b>8</b>
Elionice Conceição Sacramento	
<b>Protecting Human Rights in the Environment and Governance: Opportunities with the Escazú Agreement for Latin America and the Caribbean</b>	<b>14</b>
Rubens Harry Born	
<b>Connections among Defenders of Human Rights, Environment, Climate Justice and the Casa Socio-Environmental Fund</b>	<b>36</b>
Rodrigo Montaldi Morales	



## **INTRODUCTION**

***It is known that women are protagonists in protecting social and environmental rights all over the world. More particularly, we acknowledge the efforts and leadership of women in South America, who are heading up countless initiatives striving to slow the damage caused by climate change.***

One of these initiatives is the Global Alliance for Green and Gender Action (GAGGA), to which the Casa Socio-Environmental Fund has belonged since 2016, actively channeling funds that support projects on the interface between women and the environment, in countries such as Brazil, Bolivia and Paraguay.

For these and other reasons, in 2020 the Casa Fund was honored to contribute to the organization of a series of talks with environment defenders (Rodas de conversa com defensoras e defensores do meio ambiente), which was an initiative undertaken by the French Embassy in Brazil, under a partnership with the UN High Commissioner in Brazil, UNEP, UN Women, the European Union, WWF Brazil and frontline defenders. Five webinars were held, addressing a wide variety of important issues for people defending human rights and the environment in South America.

In 2021, forging ahead with this collaboration and eager to provide areas for dialogue and exchanges of experiences that underpin environmental defender networks, we organized a three-day virtual meeting with attendees from all over South America.

In addition to spotlighting the activities of human rights and environment defenders, while acknowledging the importance and legacies of organizations, the idea of this meeting was to underscore the impact of the activities of defenders of human rights and others urging environmental preservation, spotlighting violations of environmental and human rights, and disseminating mechanisms and tools offering protection for these people.

These meetings were attended by representatives of civil society, international cooperation agencies, defender networks, funds providing support for social and environmental justice,

organizations protecting women's rights, and other actors, constituting a representative and diverse forum that underpinned collective and regional discussions while opening up opportunities for exchanges and strengthening links.

One of the outcomes of these initiatives is this publication. We felt the need to offer easier access to information pertinent to this Region, spotlighting the situations experienced in its territories. We present three papers here whose topics echoed through the meetings, reflecting realities in this part of the continent.

In Chapter 1, entitled Environmental Racism and Women Defenders, Elionice Conceição Sacramento offers a brief analysis of the concepts and outlooks for environmental racism, showing how this directly affects women and their communities, together with general challenges faced by causes and the consequences of environmental racism.

Entitled Protecting Human Rights in the Environment and Governance: Opportunities with the Escazú Agreement for Latin America and the Caribbean was written by Rubens Harry Born. Chapter 2 presents the core elements and commitments addressed in the Regional Agreement on Access to Information, Public Participation and Access to Justice for Environmental Affairs in Latin America and the Caribbean. Known as the Escazú Agreement, it strives to underscore the relevance of its tools for strengthening environmental governance and promoting people, groups and organizations defending human rights in the environment, and is also referenced to the challenges addressed through the sustainable development goals and democracy.

Added to this chapter are some regional contributions that highlight the synergy between the Escazú Agreement and promoting people and organizations that defend human rights in environmental matters, based on experiences in countries such as Brazil, Mexico, Argentina, Peru and Colombia. Reports on these experiences are presented by Claudelice Santos (Brazil), Coordinator, Instituto Zé Claudio and Maria; Tomás Severino (Mexico), Cultura Ecológica organization; Andrés Napoli (Argentina), Director, Fundación Ambiente y Recursos Naturales (FARN); Aida Mercedes Gamboa Balbín (Peru), Derecho, Ambiente y Recursos Naturales (DAR) civil organization; and Laura Serna Mosquera (Colombia).

Entitled Connections among the Defenders of Human Rights, Environment, Climate Justice and the Casa Socio-Environmental Fund, Chapter 3 was written by Rodrigo Montaldi Morales, with contributions from Maria Amália Souza, Cristina Orpheo, Vanessa Purper, Ângela Pappiani and Rubens Harry Born. It offers an overview of the contexts and situations within which the defenders of human rights and the environment are acting, together with the threats and intimidation to which they are subjected, correlating these risks to the fact that they are protecting their territories and social organizations, while seeking better living conditions. Furthermore, this chapter reports back on the activities of the Casa Socio-Environmental Fund, focused on sustainability and socio-environmental justice, particularly through the Environment and Climate Justice Defenders Program and the lessons learned in almost twenty years of working in this socio-environmental field.

We believe that this report offers an important contribution to the field of protecting human and environmental rights and their defenders. Through this range of reflections, it is hoped that this will buttress a positive agenda of proposals for socio-environmental philanthropy in South America, from the standpoint of its environmental defenders. ■



# **Environmental Racism and Women Defenders**

Elionice Conceição  
Sacramento





Elionice Conceição Sacramento is a black woman, of the Filomena race like the Mothers of the Earth - Maria Eliza da Conceição, Mother of Saint - Totonha Cajueiro or Antonia da Conceição; Mother of Birth - Mae Rosa or Rosalina da Conceição, fisherwoman and Quilombola from Conceição de Salinas. She is a fisherwoman by profession, tradition, and by political decision, as she likes to say. A member of the National Articulation of Fisherwomen and of the Fishermen's and Fisherwomen's Movement, she is a member of the coordina-

tion of the Association of Artisanal Fisherfolk and Quilombolas of Conceição de Salinas. She has a master's degree in Traditional Knowledge and Sustainability along Traditional Peoples and Lands from Universidade de Brasília, and is a doctoral student in Anthropology. Sacramento is the author of the book "Da Diáspora Negra ao Território de Terra e Águas - Ancestrality and Protagonism of Women in the Fishing Community and Quilombola Conceição de Salinas/BA" and co-author of others such as "Salinas, o mar, a lama e a vida.

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***"The night does not sleep in women's eyes, there are more tears than dreams."***

**EXCERPT FROM THE POEM BY OUR ELDER  
CONCEIÇÃO EVARISTO**

With permission from our eldest, it should be said that sleep will not come as long as there is, more hunger, more violence, and more racism than rights.

I am part of this report, whose purpose is to address environmental racism and its repercussions on the lives of women defenders, in the first person, as I am also a woman who defends rights, and racisms have powerful impacts on the territory of my body, just as they have on so many other girls and women.

This report is also a way of showcasing the wealth and potential of the territories that justify the struggle undertaken by women. No one lives only on pain, and we do not wish to treat our existence and our rights only from the standpoint of violation, negation and/or conflicts.

Environmental racism is apparent in developmentalist policy actions, through which whatever is remedied in these cities is dumped in traditional territories. Moreover, everything else that does not fit into the urban aesthetic and businesses – whether social or economic – is also dumped on traditional communities, with severe impacts on the environment and people's lifestyles, particularly for women.

We are talking about territories with immense cultural, social, religious, and economic wealth, endowed with their own ways of relating, creating, and recreating life, linked to the environment, resources, and ancestral beliefs. Places where women are the main holders and protectors of traditional wisdom, but nevertheless strongly attacked.



On June 14, 2021, the newspaper *Brasil de Fato* published an article on the extent to which violence against women and girls in the countryside is bleeding traditional territories (Violence contra Mulheres e Meninas no Campo Sangram Territories Tradicionais). Among other aspects of violation of rights, it disclosed an attack by the Brazilian State on more than 400 women, who were detained and intimidated by the Military Police, in a single action.

For more than a decade, women (known as quilombolas) living in the Rio dos Macacos old runaway slave settlement have been denouncing the violence imposed on their lands and bodies by the Brazilian Navy. These practices have occurred repeatedly, with no effective steps taken. In contrast, local strategies for dealing with problems undertaken by the women themselves, deeply rooted in their grassroots communities, have been adopted successfully.

The report published in 2020 on rural conflicts (Conflitos no Campo) by the Pastoral da Terra Commission (CPT), shows that 446 women have been threatened with death during the past decade, in rural skirmishes. I myself, and women in my family and others engaged with the fisherwomen and quilombolas movement, are certainly encompassed by the statistics. Among the women who have been threatened – squatters, the landless and us, the quilombolas – we are the majority.

This report also shows that 77 attempted murders of women were registered from 2011 to 2020, in socio-environmental land title disputes, with 37 cases of this type of crime. These women were battling for rights against environmental racism and protecting the territories where they live, cultivate and worship. Furthermore, we cannot forget that violence is under-notified, with many situations occurring in areas that are far away from the so-called hubs: there are no records, and most cases go unpunished, even when registered.

In a discussion held on August 13, 2021, in the Chamber between the Women's Affairs Bureau, in partnership with the Women's Rights Commission and the National Confederation of Rural, Farm, and Family Farm Workers, it

was noted that Black women account for 61% of femicide victims. The women that are subjected to violence in the countryside, the forest, and on the waters are Black and Indigenous. I open a parenthesis hereto to address a dimension of violence that is not the focus of this discussion, but it may not slip by unnoticed: surveys show that domestic violence – which includes both sexual and moral violence – against women has risen significantly during the COVID-19 pandemic, as well as violence related to excessively heavy workloads.

During the COVID-19 pandemic, environmental racism also surged, as we were asked to withdraw, to stay in our homes in order to curtail the spread of the virus, under regulations that disregarded our way of life. Capital also encroached on our territories, with even more impacts on our lives.

Although acknowledging protection as something necessary and important, many communities headed by women questioned the protection strategies imposed by the State, which proved ineffective and hard to apply, often increasing vulnerability at the emotional level as well.

Organized by the Casa Socio-Environmental Fund, the related Training Course/Meeting for Women Defenders of Human Rights in Latin America ensured and expanded the voices of many women who attended this occasion, as well as those who are represented by their colleagues from their respective collectives.

***I say expanded voices with repetitions, as this is not a matter of giving them a voice, which we already have, even though they are eager to mute and cancel us, which they deny.***

This distinction is both important and necessary, as the leadership of our struggles is often taken on by groups

and advisers. Although they are important as partners in the discussion, they do not replace the actual subjects on this issue. Protective orders and financial dependence are types of violence imposed on the bodies of women defenders outside their homes.

The voices that echoed through the training course, sharing successful experiences of struggle and resistance, while denouncing all kinds of violence prompted us to acknowledge the power of leadership among women in Brazil and South America, paving the way for some considerations. I feel it is important to stress that fewer women are spotlighted in the struggle. Even the women who are showcased – in either traditional territories or elsewhere – are subject to a wide variety of violence, ranging from rapes and murders through to criminalization and demoralization.

I write this text while we are living through the International Year of Small-Scale Fishing, the International Decade for People of African Descent; Women's Month; and Anti-Racism Month, either structural, institutional, or environmental; Water Action Month, and Violence Awareness Month (March). These political agendas are extremely relevant, prompting society to reflect on prejudice, gender violence, racism, global warming, and justice at the global level as well. However, when faced by the structural and environmental racism that is entwined in global society, merely reflecting on problems is not enough. A stance must be adopted that effectively addresses the nature of the issue. We would need more space and more time, particularly to tell the "allies" that it's time to acknowledge and give up their own privileges.

Worldwide and in South America, there are experiences and struggles





fought by women that are sometimes disseminated in folksy local ways, uncommitted to anyone pursuing effective transformation through facing up to the patriarchy, racism, and capital. The issue is structural and must be altered. These experiences break away from a colonial of passivity and control over women's bodies. It is worth recalling that there are program struggles that are invisible in Brazil, this South American country where we, as women, are "brown as cloves and cinnamon"<sup>1</sup> or "the color of sin"<sup>2</sup>. We, who have battled every day against depersonalization, have many experiences of underground and organic struggles.

In Brazil, particularly in the North and Northeast, most fisherwomen are Black and Indigenous. They are also the most violated, as already mentioned. Women are subject to violence and, when Black or Indigenous, these aggressions increase. This violence is imposed on these women and, due to the overlaps with issues of race, gender and territorialization, they bring the struggle against environmental racism into this context as a determining factor that makes everything worse. This is not something out of place, as it occurs in a territory and reflects interest in land expropriation.

In their daily lives, women living in the Southern Hemisphere are starting to engage in dialogs and discuss the problems that affect them, pursuing transformation. We find women from the countryside, forests, and waters, repeatedly raising issues linked to territorial expropriation, environmental racism, and violence, as there is a deep-rooted relationship with the possibility of life continuing in their territories. Consequently, these women have been bringing this issue to the heart of their discussions, precisely because they are the most severely impacted by a policy rooted in the desire to exterminate traditional communities and peoples, who have been headed by women since ancestral times.

These are not occasional or casual chats. Often exhausting, these discussions are part of the strategy that underpins struggles to remain on the collective lands and waters, engaging in environmental protection, in ways of being and living, under government policies. A struggle for the

lives of women that is often fought in silence and invisibility, with the strength of the forest, driven by the waves of the sea. This struggle takes place on land where today's land barons dominate, in alliances with so-called liberal governments, setting up armed squads to break up the struggle, imposing silence, normalizing aggression, acting violently against children and adolescents, and even so, endowed with impunity.

Talking to Celia Xacriabá as she applied her lipstick, it was clear that women battle every day to slow the stampede, through either more flexible environmental legislation, changes to the Forest Code, alterations to the contours of extractivist reserves, or approvals of draft bills that bring death to the land.

The largest women's protest march in Latin America, the Marcha das Margaridas drew the attention of society to naturalized issues in 2019, disclosing the hate for some female bodies, including those of landless and Indigenous women, quilombolas and others in traditional communities, bodies that are not authorized to live.

The collective struggle of women and the principles of solidarity found in the territories among Black women were constructed in slaving ports, strengthened on vessels, and fine-tuned while living on their lands. These are also the women who are heading up the battlefields that, like the song says, smell of death in public, political party life, or other spheres of power, including religious and community leadership. They are defending the territories in the broadest dimension, as extensions of the territory of their own bodies.

Forests and waters are women's territory, just like the word Justice, even if the logic of access differs. The territories consisting of women's bodies are not only the place of power, where the idea of an undefeatable asset can be applied. More than this, they are territories that are violated under the justification that they have more resistance and can withstand more pain. These bodies are subject to a wide variety of systematic attacks and we, as women, in addition to not being cared for comprehensively, we are subject to denial of

<sup>1</sup>Translator's Note: "brown as cloves and cinnamon": phrase alluding to *Gabriela, Cravo e Canela* (*Gabriela, Clove and Cinnamon*), one of the most celebrated novels by Brazilian author Jorge Amado, published in 1958.

<sup>2</sup>Translator's Note: *Da Cor do Pecado* (*The Color of Sin*): a Brazilian soap opera (*telenovela*) whose protagonist falls in love with a young Black woman.

even the right to exist, with our specific characteristics.

The territory is not negotiable for traditional communities and peoples, and women have moved to the front line of the struggles that are protecting them. Even without giving exact figures, the 2021 United Nations Report indicates that women defending territorial rights are among those who are most subject to violence. We, the fighters of the people, believe that the antagonists in the struggle for life think only of today and themselves, building up a green parallel world for themselves and their families, as well as cities of iron and/or asphalt and stone for society.

Within a context of rising violence, women in Brazil and elsewhere in the world are marching with a wide variety of agendas, ranging from eliminating hunger, food sovereignty, and territorial sovereignty, through to work and housing. These banners waved together in the struggle against the violence that is attempting to lower them, either on corporeal territories or the lands of struggle and resistance, which are complementary.

***Systematic violence requires struggles to rebut it each day. From this standpoint, it is worth stressing that there are different groups of women who are fighting for collective or individual goals. Consequently, we have:***

- **those who are struggling on the outside:** dealing with political agendas, remote from their own realities, and unable to achieve specific transformation. The rights of others are often merely platforms for individual plans;
- **those who are protesting only on the inside:** they are immersed in their own oppressions, unable to build other conditions needed to release themselves to the outside; consequently, they struggle in their kitchens and homes, their farms, in the civil service, and in other settings of resistance in the

silence of words, although their existence is revolutionary;

- **those who are protesting inside and outside:** those who have freed themselves and are effectively fighting to free other women; the struggle for women's lives is not a matter for personal promotion, but rather a lifelong commitment to resistance, as the existence of entire peoples depends on them.

In a real dialogue with prospects for transformation, it is important to assume that we are not all sisters, we are not "good savages", nor are we demons. We are not all in the same boat, we are not altogether, as we have differences and disagreements that also form us.

Several elements are involved, for inspiring this article and others that serve as tools for denouncing and addressing the violence imposed on women defenders of rights, while spotlighting their struggles. However, there is a shortage of data, which has prompted us to present the situation of violence in a superficial way over the past few years, showing it is more severe. Moreover, we have no previous information that would allow us to draw comparisons. It cannot be said that violence is getting worse if these episodes were under-notified previously, as the stampedes have already gone by, under previous Administrations.

Making women invisible is also a process of violence, often undertaken by people or groups who claim to be allies, encouraging protection orders and limiting the independence of the women themselves and the movements or collectives that represent them.

The world is at war and, as singer-songwriter Renato Russo said, there are no holy wars. War is war, and traditional communities and peoples, the First Peoples, have been facing a constant war for protecting their own bodies and dealing with environmental racism, with heavier impacts on the lives of women.



Neo-development has spread throughout Latin America, and significantly over the southern part of the globe. Peoples and communities believe that the model is actually backsliding, as the abridgment of a minority has severe impacts on territories and threatens the ancestral space of women and girls, adults, and seniors, who are so necessary in our matriarchal communities.

## ***Day by day, traditional territories are more eagerly sought by capital.***

A glance is enough at the fishing communities and quilombos on the Ilha de Maré island. Here, women in particular are battling against the expansion of enterprises with impacts on the air as well as other environments, including the construction of the second-largest thermo-power plant in Latin America. For example, an engineering firm (Bahiana Engenharia e/ou Empreendimentos) is expropriating some 60% of the land at Conceição de Salinas, and women living there have been attacked by the manager, who threatened to destroy their community, but they continue to fight back.

In these territories, fisherwomen and quilombolas have been heavily attacked and their lives threatened by companies as well as government representatives. Advice on protection follows the line of leaving their lands. The departure of a leader does not solve the problems, as our extended families remain, and the threat simply spreads to other bodies. The situation is no different from what is happening in other places throughout Brazil and South America. In this sense, strengthening networking among women, particularly for coping with widespread violence, is more than necessary.

Thinking about the Indigenous peoples of Brazil, Tupinambá women have already had to flee from ambushes,

drawing up more efficient strategies for themselves and in solidarity, for dealing with the violence threatening their people, often preventing free access to the town and the right to study outside the village.

An important leader of her people, and currently a pre-candidate for the Federal Congress, Celia Xacriabá has been attacked several times, with internet harassment as well. Other women have also been subjected to violence when facing up to environmental racism, including residents of communities in the Pantanal wetlands and along the Araguaia river, as well as extractivists and nutcrackers.

When not directly threatening their lives, these experiences of defending their territories shackle their status as women, the right to be a woman, and to speak their own name. This also blocks access to purportedly men-only redoubts.

The violence that burdens women and their bodies is rooted in the perverse colonial process that does not view women as the owners of their own bodies, with the ability to reflect and make decisions. To the contrary, women are seen as objects who must comply with orders and social impositions. Along these lines, those who move away from this profile are viewed as whores, crazy, criminal, and forced into situations where they do not have the right to live.

In the Brazilian countryside, the map of violence indicates elements of this type, although we do not yet have mechanisms efficient enough to monitor and present the actual figures for women defenders under threat and the lands where they live. Consequently, thinking collectively and implementing protection strategies that do not break away from the territories and their peoples, with others, are necessary, as well as knowing how to keep the secret.

In my life, I am fortunate enough to meet women defenders from many different groups of peoples, particularly when working with the National Articulation of Fisherwomen, as well as the Earth Group, which drew up the healthcare agenda for the rural, forest, and water populations, as well as during my MSc in Sustainability for Traditional Territories and Peoples at Brasilia University. There is a significant group of women who are active in this field, denouncing violations and environmental racism. They are also battling for rights and share experiences of protection, which are not appropriate for sharing here.

Warriors in many different fields, they reaffirm the alliance among women, building up strategies through their own lives. Solidarity and alliances among women help to ensure that some of us remain alive, while preventing the death of others. As a result, it is important to run a permanent campaign that stands up to toxic masculinity, the patriarchy, and capital, urging the promotion of environmental, territorial, and gender justice. ■







# **Protecting Human Rights in the Environment and Governance:**

Opportunities for Latin  
America and the Caribbean  
under the Escazú Agreement

Rubens  
Harry Born



# 1. Introduction

<sup>3</sup> Ratification is the technical term for the formal step by which a country confirms that it will comply with the provisions of an international treaty. Each country's internal procedures for ratification are defined in its legislation or constitution.

***This paper presents relevant and vital elements for people, communities and organizations in society to strive democratically towards respect for rights related to the dignity of life and an ecologically balanced environment, which are necessary conditions for sustainable societies.***

In order to pursue this context, consistent means are needed that are ethically pertinent to the ideals of justice, solidarity, and universal accountability for the present and future of life on the planet.

The focus here addresses the right of access to information, as well as to participate in public decision-making procedures and justice for environmental issues. These rights were addressed by Principle 10 of the Declaration of Rio de Janeiro on Environment and Development, which is one of the documents drawn up by the United Nations Conference on Environment and Development (UNCED), held in Rio de Janeiro in 1992 and thus known as Rio-92. Compliance with this principle is voluntary, in contrast to binding international treaties where compliance is mandatory for the countries that ratify<sup>3</sup> them.

Principle 10 affirms the following:

Environmental issues are best handled with the participation of all concerned citizens, at the relevant level. At the national level, each individual shall have appropriate access to information concerning the environment that is held by public authorities, including information on hazardous materials and activities in their communities, and the opportunity to participate in decision-making processes. States shall facilitate and encourage public awareness and participation by making information widely available. Effective access to judicial and

administrative proceedings, including redress and remedy, shall be provided. (United Nations. ECLAC. Economic Commission for Latin America and the Caribbean. Regional Agreement on Access to Information, Public Participation and Access to Justice in Environmental Matters in Latin America and the Caribbean. Santiago, United Nations. LC/PUB.2018/8. Available at [https://repositorio.cepal.org/bitstream/handle/11362/43611/S1800493\\_pt.pdf](https://repositorio.cepal.org/bitstream/handle/11362/43611/S1800493_pt.pdf))

Principle 10 of the Declaration of Rio-92 paved the way for the preparation and entry into effect of two international agreements, both regional in scope and legally binding: (i) the Aarhus Convention, formally known as the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, adopted by the European Community in 1998; (ii) the Escazú Agreement, known as the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean, whose contents were discussed by countries in the Region between 2015 and 2018. As is usual for the United Nations, both these treaties were given shorter names that mention the venues where negotiations were completed and their final wordings were adopted: Aarhus in Denmark; and Escazú, San José, in Costa Rica.

Before addressing elements in the Escazú Agreement, it is worth recalling some aspects and trends that have been firming up over the past few decades, particularly in terms of the human right to a balanced environment and sustainable development. Challenges raised by economic, social, cultural, legal, and institutional transformations, among others, which are being introduced in order to underpin sustainability, have been addressed by international declarations and agreements for at least fifty years, dating back to the United Nations Conference on the Human Environment, held in Stockholm. The Declaration of Stockholm on the Human Environment proclaimed that "To defend and improve the human environment for present and future generations has become an imperative goal for mankind – a goal to be pursued together with, and in harmony



with, the established and fundamental goals of peace and of worldwide economic and social development.”

**Principle 19** – Education in environmental matters, for the younger generation as well as adults, giving due consideration to the underprivileged, is essential in order to broaden the basis for an enlightened opinion and responsible conduct by individuals, enterprises and communities in protecting and improving the environment in its full human dimension.

Another voluntary agreement that emerged from Rio-92, Agenda 21 acknowledges in its Chapter 23 that there are several sectors of society which are crucial partners for public policies and initiatives pursuing sustainability, in addition to indicating the potential roles that could be played by each of the main segments, in subsequent chapters. As the plan drawn up to pursue the Sustainable Development Goals (SGD) and also voluntary, Agenda 2030 resulted from efforts at dialogue and contributions by governments and a wide variety of sectors of society engaged in the Rio+20 process: the Rio de Janeiro Conference on Sustainable Development (2012). The SGD adopted in 2015 provided a set of 169 goals and indicators to be achieved by 2030.

### ***It should be recalled that the Universal Declaration of Human rights, adopted by the UNO in 1948, states in Article 21, Part I:***

“1. Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.” The provisions in this Declaration are cogent, meaning that compliance is mandatory, as they address human rights. They include the right to freedom of opinion and information,<sup>4</sup> the right to food, health, shelter ethic, in fact, a decent life.<sup>5</sup>

Appearing gradually over the decades during the second half of the XX century, the planetary-wide environmental crisis grew worse as little care was provided, with the expansion of predatory exploitation of environmental goods and services, with wealth and power concentrated in the

hands of a few groups and countries. We entered the third decade of the XXI century with the additional crisis of the COVID-19 pandemic, which is also unveiling social inequality. In the environmental field, specialists are indicating nine major challenges that humankind will have to address, in order to ensure that the planet can continue to offer safety to all: climate change, ocean acidification, shrinking ozone layer, rising quantities of pollutive aerosols in the atmosphere; imbalanced global nitrogen and phosphorus cycles; loss of biodiversity (genetically diverse ecosystems and species); lack of freshwater in terms of both quality and flows; chemical pollution; and local environmental changes prompted by irrational land use.

According to legal experts Ingo Sarlet and Tiago Fensterseifer (2014, p.36), environmental law appeared during the 1970s in order to deal with the environmental crisis, meaning: “disrespect for life and the environment” in turn, this made environmental legislation, with its ethical roots, into a “tool for struggle and the affirmation of life.”

Human rights are considered as indivisible when they are intended to foster the dignity of life. For specialists, environmental rights may be classified as substantive or procedural (instrumental). Substantive rights are all those that may be violated due to some kind of environmental degradation or damage, in ways that affect access to drinking water, food, health, housing, sanitation and climate security. Procedural rights are crucial for ensuring the protection of substantial rights and striving to ensure compliance with environmental conservation duties, especially by state institutions. Noteworthy among the procedural rights are those listed in Principle 10 and included in the Escazú Agreement. This group also includes the rights specific to democracy, free association, gatherings and petitioning state entities to comply with legal obligations.

Within the context of the rising quest for transparency in government policies

<sup>4</sup> **Article 19.** Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

<sup>5</sup> **Article 25. 1.** Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age, or other lack of livelihood in circumstances beyond his control.



and corporate stances, in relation to their customers on the one hand, and heightened awareness of the rising interdependence of countries due to financial and economic globalization, on the other, different views have arisen over the past few decades for extending and underpinning the efficacy of ways of ensuring social and participatory 'control', with proposals and instruments. More recently, a movement has sprung up, particularly in the business sector, focused on concepts of control as social and environmental elements, in an approach focused on Environmental, Social and Governance (ESG) aspects. The word 'governance' is construed in many different ways, and is found in the discourses of government, agencies, institutions in the UN system and businesses.

<sup>6</sup> BORN, Rubens Harry. *Governança e sustentabilidade: desafios para todos*. São Paulo: Vitae Civilis, 2007. (Single document).

The view of democratic and transparent governance is also applicable to environmental issues. Here is a comment on this topic (BORN, 2007, p.2):

***"Set of initiatives, rules, levels and procedures that allow people to exercise transparent social and public control through their communities and civil organizations, over state structures and public policies, on the one hand, with the market dynamic and institutions on the other, pursuing common goals. Consequently, governance encompasses both government mechanisms (that are informal and /or non-state). This means the social capacity (systems, instruments and institutions) for setting course and steering the conduct of states, corporations and people, focused on specific values and long-term goals for society." <sup>6</sup>***

Consequently, procedural rights, specifically those related to access to Principle 10 addressed by the Escazú Agreement, are relevant for environmental governance. Becoming familiar with this Agreement and national legislations, as well as regional and international standards, becomes a vital task for strengthening abilities to promote substantive and procedural rights, as well as for people and organizations defending such rights. This

applies to an even greater extent to Latin America and the Caribbean, which are Regions that lamentably present large numbers of murders and violence against activists and members of organizations, communities and groups striving to protect the rights of the Indigenous peoples and traditional communities, with special protection for territories, goods and services.

## 2. The Escazú Agreement

*Characterized as an international treaty for the countries of Latin America and the Caribbean, the Escazú Agreement is important for strengthening environmental governance and the activities of people, groups and communities that protect rights related to environmental issues.*

Initially, it must be stressed that this is the first legally binding Agreement on environmental matters that encompasses all of Latin America and the Caribbean. It is noteworthy as the first Agreement that includes obligations for the countries to ensure adequate conditions for the safe activities of people and organizations defending human rights related to the environment. This topic is included under Article 9, which will be analyzed below. Consequently, it differs from and extends beyond the Aarhus Convention, which is a similar treaty for Europe, also addressing the rights to access information, participation and justice on environmental issues.

The third aspect that makes the Escazú Agreement relevant for this Region is the obligation for special attention that ensures the rights of access for people or groups living in situations of vulnerability that, according to Article 2, line e, are those that find it particularly difficult to exercise their rights of access in full. To do so, the Articles on these rights in this Agreement establish the conditions to be complied with, such as, for example:

- “Each Party shall guarantee that the above-mentioned persons or groups in vulnerable situations, including Indigenous peoples and ethnic groups, receive assistance in preparing their requests and obtain a response. (Article 5.4);;
- “In order to facilitate access by persons or groups in vulnerable situations to information that

particularly affects them, each Party shall endeavor, where applicable, to ensure that the competent authorities disseminate environmental information in the various languages used in the country, and prepare alternative formats that are comprehensible to those groups, using suitable channels of communication.” (Article 6.6);

- “The public authorities shall make efforts to identify and support persons or groups in vulnerable situations in order to engage them in an active, timely and effective manner in participation mechanisms. For these purposes, appropriate means and formats will be considered, in order to eliminate barriers to participation.” (Article 7.14);
- “The public authority shall make efforts to identify the public directly affected by the projects or activities that have or may have a significant impact on the environment and shall promote specific actions to facilitate their participation” (Article 7.16);
- “In order to give effect to the right of access to justice, each Party shall meet the needs of persons or groups in vulnerable situations by establishing support mechanisms, including, as appropriate, free technical and legal assistance” (Article 8.5).

Analyzed below are some of the core elements and main Articles in the Escazú Agreement, whose main purpose is enshrined in Article 2, which is: **“to guarantee the full and effective implementation in Latin America and the Caribbean of the rights of access to environmental information, public participation in the environmental decision-making process and access to justice in environmental matters, and 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.”**

Article 2 lists five legal definitions for expressions in the Escazú Agreement, such as the concept of “environmental information”. The innovation here is the inclusion of information related to



“environmental risks, and any possible adverse impacts affecting or likely to affect the environment and health”, thus not limiting the information related to environmental protection and management. Anthropogenic activities are underpinned by technologies, substances, products and structures with low environmental impacts under controlled conditions but are not exempt from medium or high risks. Consequently, consideration for environmental risks and the health of businesses, regardless of the occurrence of significant impacts, is part of the care given to substantive rights to an evenly-balanced environment.

The Escazú Agreement is also noteworthy as its text includes principles that are acknowledged by case law or specific standards in some countries, and are essential for ensuring the progression and compliance with procedural rights of access to information, participation and justice, as well as the substantive right to a healthy and ecologically balanced environment. This also the principle of no regression and progression, which implies improving and steadily attaining the rights covered by the Agreement; and the principle of maximum disclosure, associated with the principle of transparency and accountability.

Among the general provisions addressed in Article 4, the countries agree to pursue the most favorable interpretation of full enjoyment and respect for the rights of access, the use of information and communication technologies – such as open data in the various languages used in the country.

Access to information is addressed by two Articles in the Escazú Agreement, for dealing with aspects related to the generation and dissemination of environmental information by the competent authorities (Article 6), as well as accessibility and the conditions applicable to the supply and refusal of environmental information (Article 5). The deadline for responding to a request for environmental information may not exceed thirty days after the date of receipt of the request, and may be extended for up to ten days, should more time be needed to prepare the reply:

**a)** requesting and receiving information from competent authorities

without mentioning any special interest or explaining the reasons for the request;

**b)** being informed promptly whether the requested information is in possession or not of the competent authority receiving the request; and

**c)** being informed of the right to challenge and appeal when information is not delivered, and of the requirements for exercising this right.

For situations constituting an immediate threat to public health or the environment, the Escazú Agreement stipulates that the competent authority must disclose and disseminate through the most effective means all pertinent information in its possession that could help the public take steps to prevent or limit potential damage. To do so, it recommends the development and implementation of early warning systems for potential threats (Article 6.5).

The right of access to participation is set forth in detail in Article 7 of the Escazú Agreement, which must commit to implementing open and inclusive ‘(i) participation of the public in decision-making processes, revisions, reexaminations or updates with respect to projects and activities, and in other processes for granting environmental permits that have or may have a significant impact on the environment, including when they may affect health’ and (ii) reach decisions, revisions, reviews, re-examinations or updates ... with respect to environmental matters of public interest, such as land-use planning, policies, strategies, plans, programs, rules and regulations, which have or may have a significant impact on the environment.”

A reasonable period must be established for participation, whereby the public has sufficient time to access information relevant to the decision-making process. Along the same lines, other provisions in this Article indicate ways (means) and informative content to be made available, for effective participation. At the very least, the public must be informed about:

**a)** the type or nature of the environmental decision under

consideration and, where appropriate, in non-technical language;

**b)** the authority responsible for making the decision and other authorities and bodies involved;

**c)** the procedure foreseen for the participation of the public, including the date on which the procedure will begin and end, mechanisms for participation and, where applicable, the date and place of any public consultation or hearing; and

**d)** the public authorities involved from which additional information on the environmental decision under consideration can be requested and the procedure for requesting information.

Participation includes the right to present comments (proposals, analysis and criticisms), with the governmental authority being bound to give due consideration to this input before reaching a final decision. Once a decision is taken, the public must be advised of the motives and grounds, as well as the manner in which the comments were taken into consideration.

Under the Escazú Agreement, access to justice (addressed in Article 8) encompasses the range of facilities available at the various Court and civil service levels, for objecting and appealing, as well as addressing matters of merit or procedural aspects, decisions affecting the environment, the right of access to information and the right of public participation in decision-making processes. In order to facilitate access to justice for the public on environmental issues, each country must establish:

**a)** measures to minimize or eliminate barriers to the exercise of the right of access to justice;

**b)** means to publicize the right of access to justice and the procedures to ensure its effectiveness;

**c)** mechanisms to systematize and disseminate judicial and administrative decisions, as appropriate; and

**d)** the use of interpretation or translation of languages other than the official languages when necessary for the exercise of that right

As mentioned, a singular and innovative element of the Escazú Agreement is found in its Article 9, which addresses commitments to guarantee a “safe and enabling environment for persons, groups and organizations that promote and defend human rights in environmental matters, so that they are able to act free from threat, restriction and insecurity.” The States Parties must take “adequate and effective measures to recognize, protect and promote all the rights of human rights defenders in environmental matters, including their right to life, personal integrity, freedom of opinion and expression, peaceful assembly and association, and free movement, as well as their ability to exercise their access rights” (Article 9.2). They must also take “appropriate, effective and timely measures to prevent, investigate and punish attacks, threats or intimidations that human rights defenders in environmental matters may suffer while exercising the rights set out in the present Agreement” (Article 9.3).

Articles 10 to 26 address cooperation mechanisms, capacity-building, and the management and decision-making facilities of the Escazú Agreement, the settlement of disputes, its duration and other implementation aspects of legally binding treaties. The Executive Secretariat of the United Nations Economic Commission for Latin America (ECLAC) was appointed to provide secretariat services. The level of future decisions taken under the Escazú Agreement is the Conference of the Parties (COP), also setting up a Commitment Implementation and Compliance Support Committee. This is an ancillary (subsidiary) advisory entity that is transparent, non-litigious, non-judicial and non-punitive, with significant and ensured public participation, for examining compliance with the obligations.

Discussions over the text of this Agreement ended on March 4, 2018. A period of two years was set for its signature (September 27, 2018 – September 26, 2020), which is a formal step whereby each country indicates its concurrence with the adopted wording, through the representative authority. For international validity, according to custom, a threshold number of countries is established that ratify, accept, or approve it. For the Escazú Agreement, Article 22

established that it will become valid at the international level ninety days after ratification by eleven countries in the Region. This threshold was reached in early 2021, with this Agreement entering into effect on April 22, 2021, for the twelve countries that had ratified it until then. For the others, it will come into effect ninety days after filing the respective ratification or adhesion document with the United Nations.

The ratification procedure in each country is defined by its own legislation, or through national constitutions.

One year after entering into effect, in April 2022, the first Conference of the Parties (COP 1), will be responsible for issuing consensus approval of the procedural rules, among other responsibilities, including ways of ensuring significant public participation.



### 3. Uses and Comments for the Implementation of the Escazú Agreement

<sup>7</sup> Updated list of ratifications (party countries) available at: <https://observatoriop10.cepal.org/es/tratados/acuerdo-region-al-acceso-la-informacion-la-participacion-publica-acceso-la-justicia-asuntos>. Accessed on: February 26, 2022.

<sup>8</sup> <https://www.globalwitness.org/pt/global-witness-reports-227-land-and-environmental-activists-murdered-single-year-worst-figure-record-pt/>. Accessed on: February 26, 2022.

The countries of Latin America and the Caribbean have different juridical systems that are based on Roman or Common Law. On the other hand, from the environmental standpoint, the Region shares challenges that are both common and diverse, either through shared biomes and ecosystems, or the challenges in making the transition to sustainability for the development. They are using shared platforms, such as Agenda 2030, regional human rights treaties, and the ethnic and cultural plurality of their people, among other elements.

Although the enter into effect of the Escazú Agreement involves only the twelve countries<sup>7</sup> that initially ratified it, it is worth recalling that international treaties are ranked as a source of law. This allows members of the Judiciary and Legislative Branches, as well as its offices that are essential to the Courts, such as the Public Defender's Office and the Public Prosecutor's Office in Brazil, to use their content as justification and the ground for decisions, as well as drafting regulatory innovations relating to rights of access.

On the other hand, the implementation of the Escazú Agreement will need regulatory standards drafted for creating and establishing shared and objective criteria and standards for the provisions, such as for matters related to commitments to ensure safe conditions for people and organizations defending environmental human rights.

Along these lines, it is important for the people and organizations involved in defending or promoting these rights to be able to reflect on their own experiences and lessons, on the one hand, while on the other contributing through appropriate participation, with discussions and decisions on the implementation of the Escazú Agreement at the regional level and in each country. This will probably be very useful for mitigating the threats and high rates of violence that still

sweep through the Region against defenders of the environment and Indigenous and traditional communities. According to the Global Witness, a civil society organization, "in 2020, three quarters of the deadly attacks registered against environmental activists urging the right to land took place in Latin America. It is estimated that 165 people were killed in this Region for defending their lands and the planet."<sup>8</sup>

A useful strategy will be to disseminate information and build up capacities for deploying the concepts and instruments of the Escazú Agreement by members of communities and civil society associations, particularly those living in situations of socio-environmental vulnerability, or on the "front line" of resistance to enterprises and agents bringing environmental degradation. It will also be useful to heighten awareness among public defenders, prosecutors and other legal representatives," urging them to use the Escazú Agreement in their work, as either a source of the law or through deploying the instruments in the countries where this Agreement is already included in their domestic juridical arrangements, through ratification.

Another way of including the implicit rules, principles and standards set forth in the Escazú Agreement is through using them to upgrade national or local laws and regulations.

It is hoped that international and bilateral cooperation organizations and others, as well as private social philanthropy entities, financial institutions and others involved in fostering sustainable attitudes at the grassroots and community levels, for protecting Indigenous and traditional cultures and lands, citizenship and democracy, can mobilize additional resources and efforts to ensure that the Escazú Agreement is implemented and complied with in full by a large number of countries, or perhaps all of them in Latin America and the Caribbean.





The Escazú Agreement is certainly a necessary and important platform for buttressing governance and promoting the defenders of environmental human rights in this Region.

## **BRAZIL AND THE ESCAZÚ AGREEMENT**

Brazil took the first step towards becoming a State Party to the Escazú Agreement through its signature by the Brazilian President at that time, Michel Temer, in September 2018. However, when the 2019 – 2022 Administration took office, internal procedures were halted. After signing the treaty, the Ministry of Foreign Affairs should consult other Ministries intervening on this issue and, should there be no objections, the text of the Agreement should be forwarded to the Brazilian President. The inclusion of this international treaty in Brazil's juridical arrangements depends on three discretionary acts by the President, two of them after examination and approval of the wording of the Agreement by the Brazilian Congress. The first step is to forward the wording of the Agreement to the Legislative Branch, which may be accompanied by a recommendation from the President on approval or rejection of the Treaty. Should it be approved by Congress, and after publication of the respective decree by the Legislative Branch, the President is authorized to perform a second discretionary act: filing the ratification document for the Agreement with the United Nations Office. According to current juridical understandings, the insertion of the Agreement and the set of governing legal rules also depends on a third discretionary act: the publication of a decree by the Executive Branch, promulgating the Treaty.

We hope that the political context will, in the near future, allow these acts and approvals to flow smoothly. Unfortunately, based on the information and analyses available to us, the Government whose term of office extends through to year-end 2022 will not take the steps needed to engage Brazil in the Escazú Agreement. In fact, the Minister of Foreign Affairs clearly indicated Government resistance to the Agreement during the first half of 2021, when replying to a

request for information from Federal Representative Rodrigo Agostinho, who at that time was the Coordinator of the Environmentalist Parliamentary Front in the Lower House.

In a document, the Minister wrongly stated that there was a “possibility of restriction on the autonomy of Brazil's Legislative and Executive Branches, in addition to possible political and juridical insecurity for Brazilian public and private projects.” As an argument, he affirmed that the “subsidiary organ addressed in Article 18 of the Agreement, the 'Implementation and Compliance Support Committee' could receive complaints against the States Parties and render judgments on the alignment of Brazilian environmental laws and policies with the provisions in the Agreement.” The lack of information of the Minister of Foreign Affairs was quite clear, with regard to the wording of the Escazú Agreement, particularly the matter set forth in Article 18.2, which states that the above-mentioned Committee, which is a subsidiary entity of the COP “shall be of a consultative and transparent nature, non-adversarial, non-judicial and non-punitive and shall review compliance of the provisions of the present Agreement and formulate recommendations, in accordance with the rules of procedure established by the Conference of the Parties.”

He was also unaware that the Escazú Agreement reiterated the principle of permanent sovereignty of the states over their natural resources, in Article 3, while Article 4.3 states that “Each Party shall adopt the necessary measures, of a legislative, regulatory, administrative or any other nature, in the framework of its domestic provisions, to guarantee the implementation of the provisions of the present Agreement.” Consequently, the arguments deployed by the Minister of Foreign Affairs are questionable, for justifying the stance adopted by the current Administration (2019–2022) for its non-participation in the Escazú Agreement.

Nevertheless, the Escazú Agreement can and must be used as a source of law. An example is the mention of the Agreement, particularly with regard to the right of access to participate in decision-making activities, in an opinion handed down by Justice



Rosa Weber, Federal Supreme Court, in the Petition for Certiorari alleging Non-Compliance with a Fundamental Precept (ADPF) N° 623, attempting to annul the Presidential decree that altered the composition and functioning of the National Environment Council (CONAMA) in 2019, imposing severe constraints on the autonomous participation of representatives of civil society organizations. Principle 10 on the rights of access has also been used by members of the judiciary branch at various levels, including public defenders and prosecutors, in cases involving threats or effective violations of substantive or procedural rights in environmental matters.

At the time when the Escazú Agreement was coming into effect, in April 2022, the Federal Prosecutor's Office and the Federal Public Defender's Office issued Technical Notes supporting the 'ratification' of the Agreement by Brazil. Brazilian civil society organizations, including the Fundação Esquel Brasil Foundation, the Brazilian chapters of Article 19 (*Artigo 19*) and Transparency International (*Transparência Internacional Brasil*), the Brazilian NGOs and Social Movements for the Environment and Development Forum (*FBOMS - Fórum Brasileiro de ONGs e*

*Movimentos Sociais para o Meio Ambiente e o Desenvolvimento*), and the Brazilian Association of Environmental Prosecutor's Office Members (*ABRAMPA - Associação Brasileira de Membros do Ministério Público Ambiental*), that attended the Agreement discussion sessions, are engaged in overseeing its implementation at the national and international levels. In a context of resistance from the Brazilian Government, these organizations have conducted courses and set up dissemination and awareness heightening activities on the rights of access and protection for human right defenders on environmental issues.

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## RELEVANCE OF THE ESCAZÚ AGREEMENT FOR GOVERNANCE AND THE PROTECTION OF THE ENVIRONMENT AND ITS DEFENDERS IN AMAZÔNIA

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The Escazú Agreement is endowed with a crucial element for ensuring instrumental and material rights to a sustainable and wholesome environment: in essence, combating the cycles of violence that have historically assailed environmental activists and the environment, either for providing conditions that ensure access to participation and information for vulnerable communities and groups, or for reversing a cycle of violence that has grown stronger over the course of history. The context of violence added to the lack of transparency and the corruption of public and private institutions is fostering a climate of *carte blanche* for various types of crimes and the perpetuation of impunity for agents that violate and threaten defenders of the environment and traditional communities.

In the Amazon Region, traditional communities and environmentalists have long denounced a war fueled by the exploitation of natural resources, expelling communities from their traditional lands, and genocide. These are situations of extreme violence, which cannot be contained by the usual rules in place in Brazil, particularly due to the legal dismantling of the set of laws, rules and standards providing environmental protection and conserving public lands.

It is important to stress that once the Escazú Agreement has been signed by Brazil, the situation will change in many ways, particularly in terms of better access to public information. Consequently, communities will have mechanisms for accessing basic information, in order to learn, for example, which territories are under threat. Information is one of the foundations for communities to establish their own protection strategies, including effective citizen participation in decision-making processes on issues that affect their lives and lands.

The Escazú Agreement is the first international treaty specifically endowed with measures providing protection for environmental defenders, on how to prevent, investigate and punish attacks, in addition to cross-border cooperation on this issue.

Regarding the aspect of prevention, investigation and punishment, it may not be forgotten that Brazil is the world's fourth most lethal country for environmentalists, ranking third in Latin America.<sup>9</sup> As a personal experience of this, I have my family history, because we lost activists Zé Claudio and Maria to this violence against environmental defenders. Their murders were announced in advance, and the State never did anything to prevent the damage to the lives of this couple, not even justice after this crime, as the mastermind behind the scenes was acquitted by the Lower Courts and is still today free /a fugitive.

The murders of activists Zé Claudio and Maria is not an isolated case. According to Human rights Watch<sup>10</sup> which is an NGO, during the past few decades, only fourteen out of 300 murders of defenders of Amazonia in Brazil have come to judgment. This is blamed on the sluggishness of the entire investigation and court procedures, including preventive measures that could have been implemented right from the initial reports of threats to life. This sluggishness is a key factor in fueling crimes against environmentalists and the environment. With the Escazú Agreement ratified, we would have a mechanism in material terms for demanding more efficient forms of prevention from the Brazilian State against threats to the lives of environmental defenders, in addition to safe conditions for acting to the benefit of society.

<sup>9</sup> Available at: <https://static.poder360.com.br/2021/09/global-witness-mortes-ambientalistas-13set2021.pdf>.

<sup>10</sup> Available at: [https://brasil.elpais.com/brasil/2019/09/16/politica/1568661819\\_648829.html?ssm=FB\\_CC&fbclid=IwAR0hIQGp4TejcrPaxwCgkjuwUVf3J2XwRz43AqiC3Qvjn2RWWRW7F8ORZ3Y](https://brasil.elpais.com/brasil/2019/09/16/politica/1568661819_648829.html?ssm=FB_CC&fbclid=IwAR0hIQGp4TejcrPaxwCgkjuwUVf3J2XwRz43AqiC3Qvjn2RWWRW7F8ORZ3Y).



## INDIVIDUAL DEFENDERS AND THE ESCAZÚ AGREEMENT: AN URGENT SYNERGY

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Year after year, socio-environmental conflicts grow steadily worse in our Region, particularly violence against people, organizations and communities that are battling to defend the land, their territories and natural resources such as water, forests and soils. Media reports on this issue have rated our Region as the world's most dangerous for defenders of environmental human rights. The 2021 Global Witness Report, entitled Last Line of Defense, states that half of the 226 defenders murdered in 2020 came from just three countries, two of them in our Region: Colombia and Mexico. This Report also notes that this is also happening in Brazil, where twenty people were murdered, followed by Honduras (17); Guatemala (13); and Nicaragua (12); with one each in Argentina and Costa Rica.

In Mexico, the 2020 Report on the Situation of Environmental Human Rights Defenders in Mexico (*Informe sobre la Situación de las Personas Defensoras de los Derechos Humanos Ambientales en México 2020*) issued by the Mexican Environmental Law Center (*Centro Mexicano de Derecho Ambiental*) notes that "2020 was as the most violent [year] for engaging in the protection of environmental human rights under the current Central Administration." It is quite lamentable that the recently ended 2021 surpasses the previous year for the number of individual defenders murdered. Mexico has a Protection

Mechanism for Individual Defenders of Human Rights and Journalists, which has proven unable to meet the needs of environmental defenders during its ten years in effect.

The Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean, known as the Escazú Agreement, opens up an opportunity (particularly in its Article 9 on environmental human rights defenders) for Mexico and the countries in our Region to spotlight the plight of these defenders, making them better known, surrounding them with a context for their histories, stories and struggles. This is also a chance to strengthen and introduce laws ensuring their protection, in addition to upgrading mechanisms and procedures that provide them with care. The Escazú Agreement is the first binding instrument of its type that encompasses an obligation to individual defenders.

In general terms, this Article states that each Party will ensure a safe and conducive environment, free from threats, constraints and insecurities. The Parties must also take appropriate steps to acknowledge and protect their rights, including the right to life, freedom of expression, meeting and association, among others. Furthermore, the appropriate steps must be taken that are both effective and timely for preventing, investigating and sanctioning attacks, threats and intimidation.

Moreover, Article 9 includes precepts that, if firmly applied, would also help create the governance of natural resources, protecting and

encouraging the exercise of rights of access to information, participation and environmental justice; these are rights whose use will allow us to successfully exercise other rights, such as the right to health, clean water and a healthy environment for people and communities.

One way of looking at this is that the preventive approach adopted by the Escazú Agreement is wagering exactly the progressive transformation of institutional baselines, urging them towards better-informed and more participative management, which will also dampen down the conditions that fan social and environmental conflicts. In general, these are related precisely to the impossibility of people exercising their rights to information, participation and justice against development projects or extractive activities that are harmful to people resources, and whose lives and survival often depend on these resources.

It is important to place on record that the Escazú Agreement must be supported by more countries in the Region: to date, only twelve have ratified it, and the initial Conference of the Parties – which is the first step towards its full implementation – is scheduled for April 2022. It is important that more information is available, and that national plans should be working on the route maps for its implementation. What we have available today in terms of governments (and societies) is what will steer the Latin America and the Caribbean Region away from being the world's most dangerous place for environmental defenders. It is thus urgent to build up the synergy that we need to pursue this purpose.

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## THE ESCAZÚ AGREEMENT IN ARGENTINA: CHALLENGES FOR ITS IMPLEMENTATION

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- i) The **National Constitution of the Republic of Argentina** establishes in its Article 41 the right of all inhabitants to enjoy a healthy environment. Argentina is a signatory of the **International Labor Organization (ILO) Convention N° 169 concerning Indigenous and Tribal Peoples in Independent Countries**, and has also ratified the **United Nations Declaration on the Rights of Indigenous Peoples**.

It has also ratified the **United Nations Convention against Corruption** that was adopted in New York, whose COP Resolution 8/12 urges the State Parties to consider establishing and developing confidential complaint systems, whistleblower protection programs, including protected information systems, and effective witness protection steps. On the other hand, Argentina is endowed with general legal mechanisms that may be used by human rights defenders to protect their rights, such as an action for protection of civil rights (*acción de amparo*), as acknowledged in Article 43 of the Argentine Constitution.

- ii) Argentina is endowed with a solid *corpus* of regulations in terms of rights of access, not only through the International Human Rights Treaties with constitutional ranking, but also based on specific rules that regulate this issue nationwide.

Nevertheless, the Escazú Agreement is raising challenges, such as the instrumentation of mechanisms that ensure the protection of the defenders of environmental human rights, which is an institution not encompassed by the nation's juridical arrangements. At the legal level, there is a clear need to adapt and reformulate the

classic institutes of procedural law, as well as the figure of the judge.

On the other hand, this Agreement has allowed the Argentine Court system to extend access to public environmental information held in private hands, and apply the criterion of maximum dissemination and acknowledgement of an extended legitimation of liabilities, as well as revoking administrative acts promulgated in breach of the standards for the dissemination of environmental information (systematically, proactively, and in a timely, regular, accessible and understandable manner, right from the initial stages of the procedure through to the decisions), in addition to public participation that is strengthened by necessary conditions and procedures as required for appropriate participation in environmental issues. Precedents of this type will legitimize demands to meet higher standards of compliance with the rights of access at all stages of the design, development, implementation and review of public policies, as well as government programs and plans, in addition to assessing projects.

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### RELEVANCE OF THE ESCAZÚ AGREEMENT FOR GOVERNABILITY AND ENVIRONMENTAL PROTECTION IN PERU

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#### Introduction

In a context of economic crisis worsened by the COVID-19 pandemic, worldwide encouragement for investment policies in the infrastructure sector has become evident, particularly hydropower complexes, highways etcetera, in addition to mining and hydrocarbons, with limited environmental and social safeguards. In many cases, the mechanisms of transparency have been curtailed, together with access to information and participation for the people, civil society, and the Indigenous peoples. These government decisions have fanned the flames of social conflicts

and resulted in many of these investment projects causing severe environmental damage, while undermining human rights, particularly those protecting territories, such as those that are home to the Indigenous people of Amazonia. These people and groups have also been affected by agents linked to illegal segments of the economy, which have been moving into positions of power and legitimizing frameworks that violate rights. Many of the agents of violence are linked to paramilitary groups (Honduras), dissident guerilla warfare (Colombia), drug trafficking cartels (Mexico and Peru) etc.

In several countries throughout the Region, the past ten years have thus ushered in a stream of changes that have loosened the regulations on a set of procedures weakening environmental laws. On the other hand, there are tools that reflect some voluntary progress in the countries, linking the business sector to civil society and the State. It is important to promote them, including the Initiative for Transparency in Extractivist Industries (EITI – Iniciativa para la Transparencia en las Industrias Extractivas), the Open Government Partnership (OGP – Alianza de Gobierno Abierto), and the recent approval of the Escazú Agreement. The Escazú Agreement is particularly relevant for the defenders of environmental human rights, as this could be an opportunity to address the situation of impunity underpinning the threats that they face in the Region, integrating the Indigenous standpoint into the protection mechanisms of the States.

The Escazú Agreement is a tool that could help reduce social conflicts, attract sustainable investments, and enhance respect for human rights. Ratifying and implementing this Agreement will benefit the country greatly, as this is the regional standard that is being established for transparent and inclusive public decisions that help safeguard the environment and those more severely affected by social and environmental impact. Moreover, it will help strengthen a range of national instruments and initiatives that have been materializing in the environmental field. More particularly, provisions on the protection of environmental defenders are challenging to implement in the Region.

## Importance of the Escazú Agreement for Peru

Peru is firmly engaged in pursuing progress in the fields of justice, the environment and the judiciary. For example, one of the core mechanisms adopted was the 2018 – 2021 National Human Rights Plan. For the first time, this includes individual defenders as an essential protection group, defining the acknowledgement of the safe exercise of their activities as a strategic goal. Under the aegis of this Plan and its implementation, the Protocol was approved on April 25, 2019, which ensures the protection of individual defenders of human rights (Ministerial Resolution RM N° 159-2019-JUS). This sets forth the actions, procedures and steps for articulation designed to establish an appropriate setting where defenders can perform their activities freely. The steps addressed in the Protocol include addressing risks and safeguarding defender rights, recording complaints and accusations, as well as the occurrence of high-risk situations for individual defenders, with these guidelines also approved this year through Ministerial Resolution RM N° 0255-2020-JU.

Consequently, Supreme Decree N° 004-2021-JUS was approved on April 22 this year. This is a tool underpinning the establishment of the Intersectoral Mechanism for the Protection of Individual Defenders, which is a significant step forward, designed to encourage an appropriate setting that ensures prevention, protection and access to justice for individual defenders of human rights. In contrast to the Protocol, this mechanism provides a definition of the Indigenous Defender, as a term, adopting a comprehensive and intersectoral approach that encompasses a total of eight Ministries (Environment, Culture, Energy and Mines, Agrarian Development, Interior and others), which must take steps to provide protection within their own spheres of competence.

Advances have appeared under the aegis of this Mechanism, such as setting up the Environmental Crime Operations Unit (Unidad Funcional de Delitos Ambientales) under the Ministry of the Environment in March

this year, in addition to setting up the first Rapid Response Network for protecting the leaders of Indigenous communities in Ucayali, in May this year. The Operations Unit provides support for making strategic decisions, implementing the best public policies, and improving inter-institutional coordination for dealing with environmental crimes (Andina, 2021). Meanwhile, the Rapid Response Network is supported by direct input from Indigenous leaders, as well as central, regional, and local government representatives, for issuing immediate warnings in any high-risk situations (Ministry of Justice and Human Rights, 2021).

Furthermore, after approval of the National Human Rights Plan, a participatory proceeding was launched that ended with the approval of Supreme Decree N° 009-2021-JUS which approved the 2021 – 2025 National Action Plan for Companies and Human Rights. This instrument is intended to underpin a strategic alliance among the business sector, the Indigenous peoples, trade unions, business associations, and organized civil society, with a culture of respect for all human rights in all business activities nationwide (DAR, 2021). Finally, approval by the Judiciary of the Madre de Dios Pact<sup>11</sup> was a major step forward at the time for ensuring justice for the defenders of environmental human rights. Its commitments include setting up special environmental groups, particularly in the Amazon Region, due to the large number of environmental crimes, as well as integrating inter-cultural elements. Through this approach, although the Escazú Agreement has not yet been ratified, this progress has been attained.

Consequently, the ratification of the Escazú Agreement is a historic opportunity for Peru to demonstrate its real commitment to a sustainable development model. This could help reduce socio-environmental disputes in Amazonia and the Andean Region, which are where most infrastructure and extractivist projects are located, as it would include environmental information in decision-making procedures on the most vulnerable and excluded people and groups in the nation. In turn, it is also a major step forward in the battle against corruption,

with progress in environmental transparency for investments, particularly through granting prospecting and working rights for natural resources, assessing environmental studies, and environmental oversight activities.

<sup>11</sup> Signed by the Judiciary Branch, the Federal Prosecutor's Office, the Ministry of the Environment, the Ministry of energy and mines, the Ministry of Agriculture and Irrigation, DAR, among other institutions.

During the emergency, murders of Indigenous defenders were recorded in Colombia, Peru and Brazil, triggered by violence and disputes linked to the protection of water, land and the environment. According to Front Line Defenders, there were 331 murders of leaders worldwide in 2020, with 263 of them in this Region. This indicates that this is still the deadliest place for defenders of the environment and the earth. For the Amazon Basin: there were 177 cases in Colombia (around 53%); sixteen in Brazil, and eighteen in Peru. Furthermore, 69% of the murders targeted leaders striving to defend the land, the environment, and the rights of the Indigenous peoples.

The upsurge of territorial threats in Peru was prompted largely by illegal logging, mining and farming activities, as well as clandestine coca-growing, all of which are stepping up the vulnerability of Indigenous peoples and environmental defenders. This situation was made even more dire across the board by the pandemic, with inadequate steps taken by the Peruvian government for protecting human rights defenders. In this context, environmental defenders have been left unprotected against major mafias consisting of illegal loggers, miners and drug traffickers, eager to encroach on the territories and adversely affect them, triggering a wave of violence at the sub-national level. The concurrence of these events was supplemented by a government decision to assign high priority to extractivist activities and infrastructure projects, which led to the continuation of socio-environmental disputes, with an upsurge in violence, threats and criminal activities.

This is how and why a total of ten individual environmental defenders were

murdered in Peru during the public health emergency declared on March 11, 2020 (Ojo Público, 2021). The figures presented in Table 1 on this matter show that the Indigenous peoples were the most severely affected. In addition to their exposure to a situation of exclusion that results from the lack of intercultural approaches and public services, they have also come under attack for defending their rights and lands.

**Table 1: Environmental Defenders Murdered during the Pandemic**

Source: *Ojo Público* investigative journalism website. Prepared by the author.

NAMES & SURNAMES	PLACE OF RESIDENCE	DATE OF THE ATTACK	POSITION
<b>Arbildo Meléndez</b>	Unipacucyacu, Huánuco	12/04/2020	Líder indígena
<b>Benjamín Ríos Urimishi</b>	Tahuina, Ucayali	26/05/2020	Indígena
<b>Gonzalo Pio Flores</b>	Nuevo Amanecer Hawái, Junín	17/05/2020	Líder indígena
<b>Santiago Vega Chota</b>	Sinchi Roca, Ucayali	22/07/2020	Indígena
<b>Lorenzo Wampagkit Yampik</b>	Imaza, Amazonas	29/06/2020	Guardabosques
<b>Roberto Carlos Pacheco</b>	Tambopata, Madre de Dios	11/09/2020	Guardabosques
<b>Herasmo García Grau</b>	Sinchi Roca, Ucayali	25/02/2021	Indígena
<b>Yenes Ríos</b>	Puerto Nuevo, Ucayali	14/02/2021	Indígena
<b>Estela Casanto Mauricio</b>	Comunidad Shankivironi, Junín	13/03/2021	Indígena
<b>Mario Marcos López Huanca</b>	comunidad Shirarine, Pasco	28/05/2021	Indígena

Protective measures are thus urgently needed for “people and groups of people striving to protect and promote human rights related to the environment;” as defined by Michel Forst, the former UN Special Rapporteur covering the situation of human rights defenders (United Nations, 2016).

Economic and political groups have been running a campaign against the 2020 Agreement, releasing disinformation on citizenship to sub-national governments, on their benefits to the country. With no technical, legal, or political support, aspects such as the impact on sovereignty, the loss of Amazonia, interference by international organizations, or the impediment to investments, were rebutted by many actors, together with the actual content of the Agreement. Nevertheless, the ratification of the Escazú Agreement was filed in our country in October 2020. This new Congress may discuss its ratification, but the rights protected by this Agreement will remain imperiled, if political actors continue to pursue a blinkered view of human rights. However, through the youth alliance, Indigenous organizations and civil society on the #EscazuAhoraPerú and #EscazúJóvenPerú platforms that supported the Agreement, an opportunity is opening up for curbing the flexibilization of the regulatory framework of socio-environmental standards and rights.

Although significant progress has been achieved with the approval of the Intersectoral Mechanism, one of the toughest challenges is finding the economic and technical resources needed for its implementation. The responsibility of this Administration consists of ensuring that they are more tangible and efficient, paving the way for the consolidation of a protection system for environmental human rights defenders that ensures their full projection. Another responsibility of this new Peruvian Congress is the ratification of the Escazú Agreement, as milestones for the Second Centennial of the Peruvian Republic.



## Conclusions

Deploying different State powers, efforts must be made to articulate actions underpinning the effective implementation of the current tools for the protection of defenders of environmental human rights and justice. Consequently, it is vitally important that the Judiciary continues to forge ahead with initiatives strengthening environmental justice, including capacity-building programs focused on environmental issues; international congresses addressing environmental justice; and the implementation of the Environmental Justice Observatory, which continues to systematize lawsuits, case law and statistics that could provide input for decisions on environmental matters made by court system authorities.

The Peruvian Congress must schedule the ratification of the Escazú Agreement, since once fully implemented, it would help guarantee the rights of environmental defenders more effectively. It would also pave the way for the steps needed to implement a system, establishing preventive and punitive measures against the threats looming over the mechanisms, disseminate the human rights standpoint throughout the business sector, with tools for its effective protection and acknowledgement of efforts to protect the environment and their land.

The Escazú Agreement is a step towards reducing the threats and murders facing environmental defenders and Amazonia reported over the

past few years by many international organizations. Under its aegis, regional and national articulation will be vital, bringing together many different actors to influence and obtain the support needed for ratification, as well as communications campaigns and building up the capacities of civil society for steering this process. According to John Knox, the former UN Special Rapporteur on Human Rights and the Environment, the Escazú Agreement is one of the most important treaties on Human Rights and the Environment that has been drawn up during the past twenty years. This is why its ratification and subsequent implementation will be a major challenge for Peru, although undoubtedly well worthwhile.

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<sup>12</sup> Cited in Muñoz, L., Sanabria, K., Turriago, A., Villarraga, L., 2021.

### THE ESCAZÚ AGREEMENT: A CORNERSTONE FOR THE EFFORTS OF ENVIRONMENTAL HUMAN RIGHTS DEFENDERS IN COLOMBIA

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Defending the environment in Colombia is a story that is constantly changing. The socio-environmental problems faced by this country and the Latin American Region in general have prompted different population groups to work tirelessly right from our origins as a nation, striving to encourage the good use of natural resources, opening up spaces for citizens participation in decisions on territories, better living conditions and a higher quality of life for

its communities, in parallel to State acknowledgement of their environmental conservation efforts.

Several different definitions co-exist for exactly who is an individual defender of environmental human rights. For example, for the United Nations Assembly, we found that: "they are people and groups that that strive peacefully, either personally or professionally, to protect and promote environmental human rights, particularly defending natural resources such as water, air, land, plants and wildlife; it is important to mention that environmental and territorial rights are interrelated and often inseparable."<sup>12</sup> Supplementing this, the former UN Special Rapporteur for Human Rights and the Environment, John Knox believes "Environmental defenders are people or groups

'striving to protect and promote environmental human rights.' They come from different backgrounds and work in different ways."<sup>13</sup> other definitions and characteristics that could be attributed to individual efforts undertaken in specific fields to conserve and protect this land, and what it implies for their communities and personal well-being.

Despite their invaluable efforts, violence against individual defenders of environmental human rights has been systematic in Colombia<sup>14</sup>. This is addressed in national and international reports that have been drawn up to analyze the nation's situation, the causes of this violence, its dynamic and possible paths to solutions. For example, in a report on systematic violence against land rights defenders in Colombia, the Colombian Attorney-General's Office stressed the following as the main causes of violence<sup>15</sup>:

- (I) posición de vulnerabilidad socio(I) socio-economic vulnerability and lack of power to face up to the State, with outlaw companies or groups;
- (II) correlation between the territories whose dynamics are being reshaped by armed conflicts and with higher rates of violence;
- (III) rising numbers of murders and threats as the ethnic, social and peasant movements and their members (and their members) become more visible and engaged in the fields of power and participation;
- (IV) the time-based connection between periods with more activism among environmental causes and higher rates of violence against environmental defenders;
- (V) precedents involving practices such as displacement, resettlement, damage to material assets, blocking access routes and others;
- (VI) major gaps left by the State in the investigation and judicialization all the perpetrators of the murders and other threats, failing to provide effective projection and prevention measures for these segments of the population, particularly as, for example, they were designed for urban settings.

Annual reports on this problem indicate that the nation has around 152 environmental conflicts triggered by massive mining, energy, agribusiness and infrastructure projects through to 2021<sup>16</sup>. Although most of the figures

are not exact, they indicated "611 leaders and environmental defenders have been murdered since the signature of the Peace Agreement in 2016. Among them, 332 are members of Indigenous tribes (the ancestral custodians of Mother Earth), 75 are people of African descent with seats on community land protection councils, 102 are peasants defending the land, 25 are leading ecological activists, and 77 are persons belonging to Community Action Boards characterized by defending their territories."<sup>17</sup> During 2022, reports have been received of thirteen massacres and thirteen murders in general against human rights defenders, although the exact figure is not known for attacks against individuals defending environmental human rights<sup>18</sup>.

Since 2012, the Global Witness NGO has been following and analyzing the situation in Colombia. Consequently, it has issued reports since 2018 through to today, addressing this problem. Published in 2020 and 2021, its latest reports covering 2019 and 2020 respectively, ranked Colombia in first place as the world's most dangerous region for environmental defenders, for the second consecutive time (Global Witness, 2020). The spillover onto the nation's social fabric is undeniable, with these murders, attacks and other expressions of violence spotlighting the fragility of the Colombian State for guaranteeing the rights of individual environmental defenders.

Under Colombian law, a regulatory umbrella has been building up since its 1991 Political Constitution, in terms of human rights and the environment. Over the years, the challenges facing the nation prompted the need to establish specific regulations for preventing, mitigating and providing solutions to social and environmental disputes.

Consequently, it was through Law N° 99, promulgated in 1993, that Title X was introduced on Paths and Procedures for Citizen Participation. Through Law N° 418, promulgated in 1997, a "Protection Program was set up for people in high-risk situations for their lives, integrity, safety, security or freedom, for causes related to political or ideological violence, or the armed domestic conflict looming over the country." It specifically

<sup>13</sup> Cited in Muñoz, L., Sanabria, K., Turriago, A., Villarraga, L., 2021.

<sup>14</sup> Procuraduría General de la Nación, 2018

<sup>15</sup> Federal Attorney-General's Office, 2018.

<sup>16</sup> INDEPAZ, 2021

<sup>17</sup> INDEPAZ, 2021

<sup>18</sup> Colombia Actualidad, 2022

includes a category for the directors and activists of human rights organizations, the directors and activists of social, civic and community organizations, trade unions, associations, peasant and ethnic groups, under the Ministry of the Interior. When the Criminal Code was promulgated in 2000 through Law N° 500, its Article 188 typified the crime of threats against civil servants defending human rights.

In turn, the 2016 Peace Agreement also encompasses guarantees for the safety and security of social movements and organizations, as well as human rights defenders. These laws have been regulated through decrees striving to embody and adapt the rules to the nation's realities and needs. Nevertheless, regulatory efforts have been outstripped by the dynamics of the violence faced every day by individual defenders of the environment.

Within this context, the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean – better known as the Escazú Agreement – plays a vital role. For the first time in history, an international treaty includes provisions on people, groups and organizations that promote and defend environmental human rights, in articles that are binding on the States<sup>19</sup>, raising a necessary banner for the countries in one of the parts of the world most severely assailed by socio-environmental conflicts.

In its 26 Articles, this international Agreement promotes the materialization of the three pillars of environmental democracy: Access to Environmental Information; Access to Citizen Participation on Environmental Issues; and Access to Justice on Environmental Matters. Together, these three pillars form Environmental Democracy and are the foundation stones that any State needs to ensure that the efforts put forth by environmental human rights defenders are rendered under decent conditions. In the words of Muñoz, L. Sanabria, K., Turriago, A., & Villarraga, L., 2021 “Escazu is a watershed tool

for the prevention and settlement of environmental disputes as, by ensuring citizen participation and access to information on decisions affecting people's environments also fosters a culture of dialogue and respect for different viewpoints, with the adopted decisions being endowed with greater legitimacy and acceptance in the communities.”

Although no legal text is sufficiently powerful to rebut and eradicate violence in the territories, its gradual phasing-in process helps mitigate the effects of violence and curb any upsurges, such as those experienced today. The appeal of the Escazú Agreement is that the States are bound to adopt adequate and effective measures for acknowledging, protecting and promoting all their rights, while also ensuring that appropriate, effective, and timely actions are taken to prevent, investigate, and sanction attacks, threats, or intimidation against people engaged in such vital work, in all countries throughout the region.<sup>20</sup>

For Colombia, the State must acknowledge yawning institutional, legal and social gaps that have allowed environmental defenders to be targeted by systematized violations of their rights. The first step towards this is undoubtedly the ratification of the Escazú Agreement, signed by the Administration headed by President Iván Duque in 2019. However, due to delays in Congress, it has not yet been ratified.

In this context, public institutions, civil society, environment and human rights organizations, and academia become vital stepping-stones for the consolidation and materialization of the pillars of this Agreement. Environmental democracy alone cannot drive changes in a society, which requires joint efforts focused on weaving a new social fabric that acknowledges gaps, while at the same time preserving what has worked well and building up new actions that will firm up the status of Colombia as a nation ensuring human dignity, rights and freedoms, while protecting its cultural and natural wealth. ■

<sup>19</sup> Muñoz, L., Torres, M., Iregui, P., Yepes, D., Sánchez, A., Cabrera, M. & Serna, L., 2021

<sup>20</sup> Muñoz, L., Torres, M., Iregui, P., Yepes, D., Sánchez, A., Cabrera, M. & Serna, L., 2021

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# Connections Between Human Rights, Environment, and Climate Justice Defenders and the Casa Socio- Environmental Fund

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# 1. Introdução

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***We are a smile of hope, with feet on the ground and both hands at work. As long as there is something to be done, we will never rest. We are respect and empathy, we are bridge and union. We are Casa.***

For almost two decades, the Casa Socio-Environmental Fund has been promoting environmental conservation and sustainability, together with democracy, respect for social and environmental rights, and social justice. It has done so through providing financial support and strengthening grassroots community capacities, while observing and reflecting with concern on the realities and challenges faced by people protecting human rights and the environment in their daily lives. We have thus defended and supported many types of organizations that help leaders, collectives, and communities to build up their own strategies for protecting their rights, in addition to buttressing the sustainable solutions developed by these grassroots communities.

Right from the start, the Casa Fund gathered together individual experiences and actions focused on environmental and social issues, seeking solutions to major problems through grassroots group actions in remote and under-assisted regions. This is why our track record is steered by listening to communities, pinpointing their real needs, helping them grow stronger, while trusting their abilities to identify and solve problems, in addition to overseeing (as an ally) and encouraging their autonomy to allocate the funds needed in their territories and communities.

Urging land protection and getting recognized to ensure better living conditions is risky for community leaders, who are subjected to steady streams of threats and intimidation. This is the context of pressure and violation of rights in which traditional communities live, as well as riverside

villagers, smallholders, extractive lists, settlers, landless workers, indigenous peoples, and quilombolas: the residents of old runaway slave settlements known as quilombos.

Human rights defenders are playing roles that are essential for strengthening democracy, the State of Law, and the Justice System, while also struggling against poverty and social exclusion. Furthermore, they are driving the progress of a culture of rights in Brazil. As a result, they are subject to a vast range of violations, while disturbing and challenging political and economic powers responsible for breaching human rights.

Within the human rights defense universe, the necessary approach requires correlating aspects related to understanding the environment. According to Portela (2013), the issue of protecting human rights is closely linked to the environment, as environmental degradation directly affects the quality of human life, and may even exterminate it. On the other hand, environmental protection and sustainable development are directly related to protecting human dignity. The idea has thus arisen that a well-balanced environment warrants a place on the list of human rights.

Environmental protection is closely linked to protecting human dignity, which is the essential core of human rights, the hub on which all human rights must converge. For Guerra (2013), the link between the environment and human rights is so clear that it is not possible to imagine the full exercise of human rights without the existence of a healthy environment that underpins the well-being needed to attain full and decent development for all.

Just like protection of human dignity, a healthy and well-balanced environment is a right acknowledged internationally, enshrined in Article 225 of the Brazilian Constitution.

In October 2021, on the eve of the UN Climate Change Conference (COP26) held in Glasgow, Scotland, the UN Human Rights Council acknowledged a clean, healthy, and sustainable environment as a human right, for the first time. Viewed as a landmark event for Environmental Justice, this historic resolution



underpins the idea that vulnerable groups suffer more severely from the destruction of the planet.

The Executive Director of the United Nations Environment Programme (UNEP), Inger Anderson asserted<sup>21</sup> that this right is rooted in the Declaration of Stockholm (1972).” Five decades later, it is very encouraging to see this formally acknowledged worldwide, through a resolution adopted by the UN Human Rights Council. This is a major step forward in constructing the planet as a fair and safe home for all.”

In an official communiqué on this resolution, the UN High Commissioner for Human Rights Michelle Bachelet noted:<sup>22</sup>

***“The decisive action of the Human Rights Council in acknowledging the human right to a clean, healthy and sustainable environment is related to the protection of people and the planet (...).”***

It is also about protecting the natural systems that are basic pre-conditions for the lives and livelihoods of everyone, no matter where they live. As I have been calling for this step for so long, I am delighted to see the Council clearly acknowledging environmental degradation and climate change as interconnected human rights crises.”

She also stresses that this resolution sweeps away the false separation between environmental actions

and protection of human rights.” It is very clear that one goal cannot be reached without the other and, to do so, an evenly balanced approach to sustainable development must be assured, based on human rights,” noted the UN High Commissioner for Human Rights, stressing that a large number of human rights protectors had been killed in 2020, requesting strong, protective measures from the Member States, and taking urgent steps to empower them.

<sup>21</sup>DECLARAÇÃO DA DIRETORA Executiva do PNUMA sobre o reconhecimento do Direito a um Meio Ambiente Saudável. Programa das Nações Unidas para o Meio Ambiente, October 8, 2021. Available at: < <https://www.unep.org/pt-br/noticias-e-reportagens/discursos/declaracao-da-diretora-executiva-do-pnuma-sobre-o-reconhecimento-do>>. Accessed on: March 8, 2022.

<sup>22</sup>MEIO AMBIENTE saudável é declarado direito humano por Conselho da ONU. Nações Unidas Brasil, October 8, 2021. Available at: <<https://brasil.un.org/pt-br/150667-meio-ambiente-saudavel-e-declarado-direito-humano-por-conselho-da-onu>>. Accessed on: March 8, 2022.



## 2. Contexts and Settings

**According to the report entitled 'Last Line of Defence' (2021) released by the Global Witness NGO, Brazil stands high on the global ranking for murdered environmental defenders, behind only Colombia, Mexico, and the Philippines.**

Despite the COVID-19 pandemic, there was no quarantine for rural violence in Brazil. To the contrary, death threats rose in parallel to killings, together with conditions analogous to slavery, forced evictions from land, sexual violence, and attempts to criminalize environmental defenders, as also indicated in the report on rural conflicts (*Conflitos no Campo*), dated 2021 and organized by the Pastoral da Terra Commission (CPT).

In the Brazilian Legal Amazon (*Amazônia Legal*), the situation is becoming increasingly more critical. Assailed by deforestation, burn-offs, land-grabbing, wildcat mining, the expansion of ranching activities, and major infrastructure projects (such as power dams, mining complexes, bulk export ports, and new highways), land expropriation and exploitation is speeding up, spurring an upsurge in violence against the defenders of the environment. Other problems have been (and still are) spreading throughout the rainforest, some resulting from the COVID-19 pandemic and its after-effects, with others imposed by federal support for illegal activities in this region, reflecting the criminal complicity of Brazil's 2019 – 2022 Administration.

On the other hand, the lack of large-scale land title legalization, land-grabbing, failure to demarcate indigenous lands, and refusals to grant land ownership titles to old runaway quilombolas are intensifying feelings of insecurity, and this fertilizing the even more for clashes and threats to peoples defending their ancestral territories.

The significant increase in data on rural violence is not a matter of happenstance in Brazil. This is rather the direct outcome of the policy pursued by its Federal Government. Not satisfied with reaching the highest levels of deforestation and burn-offs in the decade, this Administration is also promoting violence at record levels. Even during the darkest days of the COVID-19 pandemic, there were no pauses in predatory actions by illegal loggers, unlicensed wildcat miners, land-grabbers, and trespassers on indigenous lands, runaway slave settlements, and traditional communities, as well as land earmarked as conservation units. Seizing the opportunity offered by the dismantling of oversight and control policies, the constant presence of these invaders caused much concern among local peoples, as skirmishes increased.

According to data released by Brazil's National Space Research Institute (INPE)<sup>23</sup> in November 2021, Brazilian Legal Amazonia has not posted such a high annual deforestation rate since 2006. According to the deforestation monitoring system (PRODES) run by this Institute, the deforestation rate rose by 22% over the previous period. However, the situation may become even worse. Supported by the Brazilian Congress, the Administration is seeking approval for a set of draft bills that will usher in even more deforestation, violence, and social injustice.

With this situation firmly in place, Legal Amazonia has become known as a "lawless land". This violence is a spillover from disputes triggered by conflicting interests, with overlapping territories earmarked for different resource uses, highly concentrated land ownership, and weak territorial arrangements.

Furthermore, social stresses tend to explode into violence, undeterred by the uneven presence of government controls, particularly legitimate power uncorrupted by major economic interests.

<sup>23</sup> MONITORAMENTO DO DESMATAMENTO da Floresta Amazônica Brasileira por Satélite. Instituto Nacional de Pesquisas Espaciais, November 19, 2021. Available at: <<http://www.obt.inpe.br/OBT/assuntos/programas/amazonia/prodes>>. Accessed on: March 8, 2022.



In-depth analyses of the data show that violence against women – often community leaders defending human rights and the environment – has multiplied exponentially. According to a study conducted in 2022<sup>24</sup> by the Instituto Igarapé institute of 125 environmental activists, eight out of every ten women stated that they had already suffered some kind of attack because of their activities. This study stresses that more than half (7.5 million) of the fourteen million women in Legal Amazonia are living in areas of conflict that affect them in some way. Between 2012 and 2020, more than 4,500 conflicts were recorded in Legal Amazonia, accounting for one-third of clashes in Brazil. According to this survey, and based on data provided by the State Public Security Bureaus in Legal Amazonia, 1,398 women were killed in this region in 2020, for a variety of reasons.

In conclusion, this study noted that violence against defenders was often not perceived as violence or even registered by government agencies. Not all the women engaged in the struggle for human rights and environmental protection are acknowledged as defenders. Furthermore, violence against defenders triggered by their activism is embroiled with other

types of domestic violence, leading to the conclusion that violence against female defenders of human rights is under notified. This analysis is corroborated by the UN Women Brazil agency in a broad-ranging study launched in 2021, exploring the dimensions of violence against female defenders of human rights in Brazil (*Dimensões da violência contra mulheres defensoras de direitos humanos no Brasil*).

Furthermore, under-notification also occurs because what is commonly called “violence against women” is normally associated only with private aspects. This is violence that occurs in the home (domestic violence), in a sexualized manner (sexual harassment and violence). This association between violence against women and private space remains in place, despite the efforts of women’s movements, reflected in rights treaties on women’s rights.

For the defenders of human rights and the environment to act in ways that are free from violence, the government must offer more efficient protection, taking steps not only against aggressors, but also addressing the situation of social stability in this region.

<sup>24</sup>VITÓRIAS-RÉGIAS: na proteção dos direitos humanos e do meio ambiente. Instituto Igarapé, February 25, 2022. Available at: <<https://igarape.org.br/temas/seguranca-climatica/defensores-da-amazonia/>>. Accessed on: March 9 2022.



### 3. Casa Fund and the Environment and Climate Justice Defender Programs

The Casa Fund believes that small-scale support can generate and disseminate a wide variety of social technologies for combating poverty and fostering environmental sustainability. A small support action often demonstrates its exponential impact capacity, with a small mobilization cell expanding into an innovative community development solution that is far broader and more holistic, encompassing and enhancing the entire area around the community receiving the support.

We affirm this because of evidence that we have gathered during almost two decades by the Casa Fund. It is clear that when grassroots groups are strengthened and engaged, they tend to participate more in planning activities and public policy decisions, in addition to implementing direct actions designed to combat poverty and social exclusion, in parallel to income generation and environmental protection and rehabilitation. As a result, they force public agents and

governments to work towards the common good.

The focus of the Casa Fund is providing support for land defense projects, with protection for the ways of life of a wide variety of communities all over South America. They range from traditional communities, such as indigenous peoples, extractivists, the descendants of runaway slaves and riverside villagers, encompassing food security, the right to free speech, and intervention in planning major projects that threaten citizen rights and survival. It also pursues sustainable solutions that indicate paths leading to greater economic strengths for communities with a wide variety of vulnerabilities, associated with climate change, food sovereignty, and urban quality of life. Its activities are always buttressed by active input from local institutions and people who influence and work with monitoring, mobilizing public opinion, and formulating public policies.

The United Nations Framework Convention on Climate Change (UNFCCC) identifies two complementary approaches for dealing with climate change: mitigation and adaptation. Mitigation encompasses reductions in greenhouse gas emissions (GGE) for avoiding or reducing the effects of climate change, while Adaptation strives to reduce its harmful effects, exploring possible opportunities for transforming anthropic activities, when faced by their inevitable or probable impacts. As a result, the programs run by the Casa Fund have been systematically supporting processes in communities that are related to mitigation and adaptation. During just the past three years (2019 – 2021), more than BRL 36 million (about USD 7 million) have been donated to more than 1100 communities. Our priority public is directly connected to the most vulnerable populations. Presented below are further details of the represented groups to which the Casa Fund donated directly between 2019 and 2021:

2019 - 2021				
DIRECT DONATION RECIPIENTS (Represented Groups)	Nº PROJECTS SUPPORTED	AMOUNT DONATED BRL	AMOUNT DONATED USD	%
Indigenous Peoples	325	BRL 14,578,609.75	USD 3,161,899.41	40%
Residents, urban citizen activists and networks	218	BRL 7,647,689.70	USD 1,587,566.98	21%
Residents in old runaway slave settlements (quilombolas)	110	BRL 3,002,059.46	USD 577,564.93	8%
Family farmers	114	BRL 3,556,517.11	USD 720,224.26	10%
Small-scale fishermen/ Riverside villagers/ Caiçaras communities	64	BRL 2,703,729.62	USD 550,858.94	8%
Extractivists	62	BRL 1,685,632.24	USD 339,818.46	5%
Environment and Climate Justice Defenders	214	BRL 2,838,215.32	USD 567,347.06	8%
	1107	BRL 36,012,453.20	USD 7,505,280.04	



## HIGH PRIORITY AREAS

Steered by climate forecasts and focusing on the most vulnerable areas, the Casa Fund is working hard at these locations. Presented below is an outline of our activities between 2019 and 2021, with 90% of the support channeled to more vulnerable areas:

REGIONS	N° PROJECTS SUPPORTED	AMOUNT DONATED BRL	AMOUNT DONATED USD	%
North Region	519	BRL 18,957,933.28	USD 4,120,414.30	53%
Northeast Region	266	BRL 10,602,472.74	USD 2,050,019.27	29%
Southeast Region	64	BRL 2,741,350.07	USD 530,589.74	8%
Other areas	258	BRL 3,710,697.11	USD 804,256.73	10%
	1107	BRL 36,012,453.20	USD 7,505,280.04	

## SUPPORTED PROJECTS AND THEIR DIRECT CONNECTIONS TO MITIGATION AND ADAPTATION (2019-2021)

CONNECTED ISSUES 2019 - 2021			
TRACKS	N° PROJECTS SUPPORTED	AMOUNT DONATED BRL	AMOUNT DONATED USD
<b>Food Security and Sovereignty Track</b>			
Agroecology/ family farming	272	BRL 8,576,162.87	USD 1,771,660.72
<b>Environmental Justice Track</b>			
Protection of human and environmental rights / Land surveillance and monitoring	132	BRL 4,746,175.40	USD 1,090,824.60
Forest protection	236	BRL 10,523,296.29	USD 2,302,436.37
<b>Energy Track</b>			
Impacts caused by energy projects	52	BRL 950,203.50	USD 264,799.78
<b>Sustainable Solutions Track</b>			
Access to water / energy / sanitation / solid wastes disposal	269	BRL 8,079,224.49	USD 1,654,516.00
<b>Income Generation Track</b>			
Integrated stewardship of production chains / certification/ sales / inventories	247	BRL 8,225,697.56	USD 1,654,516.00

<b>Social Control and Public Policies Track</b>			
Capacity-building, applicability, mobilizations, traditional community rights	117	BRL 4,429,347.38	USD 970,669.17
<b>Urban Communities Track</b>			
Active mobility, city-countryside connection, collaborative territories	132	BRL 6,324,853.39	USD 1,246,113.13
<b>Environment and Climate Justice Defenders Track</b>			
Environment and Climate Justice Defenders	214	BRL 2,838,215.32	USD 567,347.06

While providing this support over the years, we became aware that some defenders of human rights and the environment were facing threats and violations of their rights. However, it was after the election of the Bolsonaro Administration that this situation grew even worse, underpinned by government policies and official narratives.

Prompted by this political context, in 2019 the Casa Fund launched the Environment and Climate Justice Defenders Program, with an Environment Defenders Fast Response Fund component in areas where the most severe violations were mapped. The concept of this Program arose after an in-depth listening process conducted through a set of workshops and strategic meetings held throughout 2019. In partnership with rights protection organizations, three training courses were held.

The first addressed the physical safety of urban activists in large-scale demonstrations held in major cities. The second workshop gathered together leaders from Amazonia, focused on secure communications and the physical safety of the region. The third course addressed the Casa Fund staff, focused on constructing a Security Policy and Security Protocols, encompassing a wide variety of steps designed to ensure physical and institutional safety, in addition to secure communications procedures.

In addition to these capacity-building workshops for supported groups, the Casa Fund also organized a strategic meeting in November 2019 with more than fifty partners from the Amazon region: partners, and defenders, grassroots lawyers, funds, and partner organizations, among others, seeking input in order to structure

the Environment and Climate Justice Defender Programs of the Casa Fund. This event encouraged in-depth discussions and diagnoses of the realities of the defenders, exploring ways of strengthening them and their support networks in these regions. It was thus possible to reach a deeper understanding of the challenges they face, designing the best strategies for responding to these demands, working closely with local actors

Through these listening processes, decisions were reached on when the Environment and Climate Justice Defender Programs of the Casa Fund would respond to urgent or emergency situations triggered by violations of human and environmental rights, focused on leaders and groups in vulnerable communities living in regions assailed by social and environmental conflicts in legal Amazonia (as well as other parts of Brazil, on occasion). Individual support could be provided, although the main actions would be focused on collectives and communities. The attention of this Program is channeled towards providing three possible lines of support: i) support for emergency and basic needs; ii) support for actions that are directly related to protecting life; iii) support for actions that interface with the return to the professional and productive lives of these defenders.

From 2019 through to March 2022, the Environment and Climate Justice Defender Program of the Casa Fund engaged in 214 actions supporting leaders and collectivities under threat and violations of rights, donating a total of BRL 2,838,215.32 (about USD 700,000) to these defenders.

Among these 214 support actions, 110 came from the Environment



Defenders Fast Response Fund and 104 from the Indigenous Leaders Fund, which was set up in response to a specific request from a financing entity for a specific duration,

which ended in December 2021. Presented below is an overview of the support actions undertaken by the Environment and Climate Justice Defender Program of the Casa Fund:

ENVIRONMENT DEFENDERS FAST RESPONSE FUND			
<b>Support actions</b>	110		
<b>Donated funds</b>	BRL 1,778,216.32		
<b>Gender</b>			
Female	64		
Male	42		
Not identified*	4		
<b>Supported Defender Category</b>			
Indigenous Peoples	29		
Residents in old run-away slave settlements (quilombolas)	8		
Extrativists/ Settlers	52		
Small-scale fishermen	4		
Environmental activists / civil society	17		
<b>Support Characteristics</b>			
Individual supports	87		
Collective/community supports	23		
<b>State</b>			
Pará	70	AC	02
Roraima	12	MT	02
Maranhão	06	MS**	02
Bahia**	05	PE**	01
Amazonas	04	RS**	01
Minas Gerais**	04		

\*Support for corporate entities/collectivities

\*\*Support actions outside Legal Amazonia, for extremely severe cases and/or issues supported by the Casa Fund in other programs, where requests for support complied with the urgency/emergency criteria for violations of rights, under the Defenders Program of the Casa Fund.

\*\*\*Support actions implemented by the Indigenous Leaders Fund were underpinned by a specific demand, not limited only to Legal Amazonia.

INDIGENOUS LEADERS FUND			
<b>Support actions</b>	104		
<b>Donated funds</b>	BRL 1,059,999.00		
<b>Gender</b>			
Female	65		
Male	39		
<b>Supported Defender Category</b>			
Indigenous Peoples	104		
<b>Support Characteristics</b>			
Individual supports	102		
Collective/community supports	2		
<b>State***</b>			
Amazonas	17	BA	05
Minas Gerais	09	PR	04
Pará	08	AP	03
Rondônia	08	TO	03
Maranhão	07	RS	03
Mato Grosso do Sul	07	CE	02
Mato Grosso	06	DF	02
São Paulo	06	RR	02
Acre	05	SC	02
Pernambuco	05		

Particular attention is drawn to the data on the number of support actions undertaken by the Environment and Climate Justice Defender Programs of the Casa Fund in Pará, Maranhão, and Rondônia States, which are the areas with the most severe and most complex social and environmental conflicts. This strengthens the link between deforestation and the predatory use of natural resources (illegal logging, wildcat mining, infrastructure projects etc.), with low levels of development, widespread poverty, and poor living conditions that trigger these disputes.

According to the Social Progress Index (IPS) for Amazonia in 2021<sup>25</sup>, conducted by the Institute of Man and the Environment in Amazonia (IMAZON), the twenty municipalities (out of 772 in Amazonia) with the highest deforestation rate since 2018 are also the most violent. They also have the least basic sanitation and the worst figures for health-care, education, access to information, and gender equity. This discloses the extent to which deforestation is harmful to social progress. According to the IMAZON survey, most of these municipalities are in Pará and Maranhão, which are the States that sent us the most requests for support.

Other data also coincide with the number of accesses through the Defenders Program run by the Casa Fund, related to land issues. Many of the requests for support that we received for defenders in Maranhão coincided with the fact that it accounted for a third of Brazil's murders related to land conflicts during 2021. According to the Pastoral da Terra Commission (2021), this situation is exacerbated by the fact that almost half of the land in this State is public, with no defined legal status or usage regulations. According to another study conducted by Imazon<sup>26</sup>, more than 11.8 million hectares of land are awaiting a definition of their legal status or usage regulations, which encourages land-grabbing and triggers even more disputes.

## LESSONS LEARNED:

Within this context and based on these situations, the Casa Socio-Environmental Fund developed a technology in the course of its activities, based on the main lessons learned from:

- **Protagonist communities**  
Actions based on acknowledging communities as political subjects that are the protagonists in local transformation processes.
- **Innovation and listening**  
Establish in-depth listening processes in communities that steer the actions to be implemented, making players the protagonists in transformation processes. Support for pioneers and specific skills for listening to the demands and needs of these communities are major assets of the Casa Fund.
- **Working through networks and strengthening local networks**  
The challenges are massive, so addressing them through networks is vital, strengthening existing connections and responding to demands by setting up new networks.
- **Assertive and skilled methodology**  
The entire project and support selection, approval, and monitoring process is underpinned by a huge collaborative network in these regions, which exponentially potentiates our capillarity and outreach to more remote groups, within processes and links consisting of relationships of trust.
- **Focus on donations/democratization of access to funding**  
More than 70% of the Casa Fund budget is allocated to direct donations to community groups. This proves our activities through a methodology that results in an outstanding cost-benefit, compared to other philanthropic structures, stressing its activities/mission as a donor. Here, the focus is on providing the largest possible number of support actions, distributed these regions.

<sup>25</sup> **MUNICÍPIOS QUE MAIS desmatam têm pior qualidade de vida na Amazônia.** Imazon - Instituto do Homem e Meio Ambiente da Amazônia, 6 dez.2021. Available at: <<https://amazon.org.br/imprensa/municipios-que-mais-desmatam-tem-pior-qualidade-de-vida-na-amazonia/>> Accessed on: March 10, 2022.

<sup>26</sup> **LEIS E PRÁTICAS de regularização fundiária no Estado do Maranhão.** Imazon - Instituto do Homem e Meio Ambiente da Amazônia, mar.2021. Available at: <[https://amazon.org.br/wp-content/uploads/2021/03/LeisRegularizacaoFundiar\\_Maranhao.pdf](https://amazon.org.br/wp-content/uploads/2021/03/LeisRegularizacaoFundiar_Maranhao.pdf)>. Acesso em: Accessed on: March 10, 2022.

- **Strengthening capacities and peer-to-peer learning processes**  
Group capacity-strengthening actions are rated as strategic and supplementary to the support actions, paving the way for group autonomy and endowing them with a set of tools and expertise that encourages their growth as collectives and institutions. We acknowledge the importance of collective learning through exchanges and local, regional, and theme-specific networks, and community communication.
- **Local Solutions and Wellbeing**  
The importance of supporting reconstruction actions that focus on full and decent lives that are also more sustainable, has always been rated as top priority, following in the footsteps of Agenda 2030 and the SDGs, all globally acknowledged benchmarks. Actions that benefit and protect the more vulnerable should also buttress efforts to combat climate change while maintaining ecosystem integrity.
- **Economic autonomy for communities and territories**  
Focusing on living in harmony with the forest while ensuring rights that are often relegated to traditional communities living in forest lands, fosters fair income distribution for the defenders of these forests. It is thus necessary to acknowledge the natural protagonism of traditional communities and peoples in the construction and implementation of an economic transition agenda, grounded on a green economy or bio-economics. The solutions lie within these communities and lands.
- **Resources must reach grass-roots communities and defenders quickly**  
It is important to be empathetic and understand that local contexts are dynamic, with defenders needing fast, safe access to resources. It is important to establish relationships and links with defender support networks, while also strengthening their access to legal advice.
- **Collective versus individual**  
Supporting local collective actions produces more effective responses with greater efficiency and better results. In addition to not personifying individuals, collective support actions help strengthen communities for dealing with common issues. For defenders, collective support actions must be planned as a way of reducing violence against leaders, while underpinning collective protection.
- **Systemic vision**  
It is important to act within a holistic, integrated, and systemic vision of the territories and their communities.
- **Empathy**  
working with communities in the field of climate change involves talking about extreme events that cause sweeping damage to communities. Responses must be steered by empathy, solidarity, compassion, respect for human dignity, and ecological integrity.
- **Gender, diversity, and Socio-Environmental Justice**  
It is impossible to build up a resilient and sustainable society without acknowledging and combating inequalities based on gender, race, and class. It is important to support proposals paving the way for the effective engagement of women in administrative fields and areas, where decisions are made and implemented on projects, as well as supported organizations, in addition to actions striving to combat the many violations imposed on women in all categories. This also encompasses actions focused on care, self-care, and mutual care for women involved in the project and supported organizations, as a core criterion.
- **Human Rights and the Environment**  
This intrinsic relationship not only lessens disproportionately severe impacts, but also underpins a more resilient society, as a society can only be as healthy as its most vulnerable members. Protecting the defenders of human rights and the environment is part of these actions.

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**TEXT AND PRESENTATION  
BY RUBENS HARRY BORN, A  
MEMBER OF THE FOUNDING  
COUNCIL OF THE CASA SOCIO-  
ENVIRONMENTAL FUND,**

*Given at the opening ceremony of the I Meeting of External Ombudsmen at Public Defenders' Offices: Human Rights Defenders in Amazonia, held on February 22, 2022, in the auditorium of the Regional Labor Court – VIII Region, Belém, Pará State.*

On behalf of the Casa Fund, I offer my thanks for the chance to be here, speaking at this opening ceremony, and above all for being involved in this event. In addition to an opportunity for yet another discussion, we are firmly convinced that this is a meeting of people and members committed to ensuring the effective functioning of state policies and tools for promoting human rights, through the necessary construction and consolidation of networks of dialog, cooperation and synergy.

I present some information here on the Casa Fund, which is also available on its website at [www.casa.org.br](http://www.casa.org.br):

*"The Casa Socio-Environmental Fund is an organization seeking to promote environmental conservation and sustainability, democracy, respect for socio-environmental rights and social justice through financial support to civil society initiatives and by strengthening their capacities in South America.*

*To do so, we have developed a powerful network supporting small-scale initiatives in civil society. A network mobilizes resources, provides support, and builds up capacities, ensuring increasingly greater autonomy of each of these groups, which are scattered all over South America. We believe that transformation is part of listening, which is why we listen to the real protagonists of each cause that we embrace: people whose lives are directly affected by any alteration to the territories where they live.*

*We have pioneered discussions of socio-environmental philanthropy in Brazil since 2005. Our mission is to generate positive impacts on widely diverse territories, investing in the lives around them, and establishing connections between communities and organizations. We exist to generate change.*

*We strive to work through partnerships, providing fast-response conditions for safeguarding people under imminent and/or specific threats to their integrity and work, as they strive to ensure the full validity of their human rights. We also bridge gaps and help surmount hurdles set up by State programs and policies, in addition to enhancing the value of community initiatives in the places where they live, pursuing dignity and sustainability in their lives. We seek out opportunities for systemic transformation, without forgetting emergency needs in situations of severe vulnerability."*

**CASA SOCIO-ENVIRONMENTAL FUND**. 2022. Website: Quem Somos. Available at: < <https://casa.org.br/sobre/quem-somos/>>. Accessed on March 7, 2022.

Since 2019, the Environment Defenders Program of the Casa Fund has provided support through 214 fund mobilization events, averaging out at BRL 10,000 (about USD 2,000) each for a total of around BRL 2,838,215.00 (about USD 580,000), transferred directly to support leaders defending human rights and collectivities. This is intended to protect the integrity of activist defenders of movements and groups in society who are threatened for defending rights related to the environment, land, indigenous communities, descendants of runaway slaves, and other vulnerable groups. This amount does not include thousands of projects supported during the past 17 years, focused on a wide variety of issues that are included in the portfolio of other Casa Fund programs.

We are talking about networks focused on dialog, cooperation and synergy for promoting and defending rights. This dialog-based relationship assumes the willingness and ability to listen and hear. As well as going beyond: listening, transforming; listening, strengthening; listening and promoting. Listening and acting!!!

Listening and actions that underpin the protagonism of people and groups on the lands where they live. Listening and actions that spotlight duties and the political needs and institutions of the State for promoting the fundamental human rights enshrined in Brazil's 1988 Constitution. Listening and actions to acknowledge the contributions of civil society organizations that, thanks to their autonomy and legitimacy, have become vital partners in the pursuit of justice and socio-environmental sustainability.

Partnerships and participations acknowledged by the United Nations Systems, in Agenda 21 and Agenda 2030, for example. Partnerships and rights grounded on the Universal Declaration of Human Rights, promulgated in 1948.

Listening together, sharing goals and values for protecting democratic and sustainable societies, compliant with the four Pillars of the Earth Charter:

*'RESPECT AND CARE FOR THE COMMUNITY OF LIFE (Respect Earth and life in all its diversity); II. ECOLOGICAL INTEGRITY; SOCIAL AND ECONOMIC JUSTICE (9. Eradicate poverty as an ethical, social, and environmental imperative; and 12. Uphold the right of all, without discrimination, to a natural and social environment supportive of human dignity, bodily health, and spiritual well-being, with special attention to the rights of indigenous peoples and minorities); and DEMOCRACY, NONVIOLENCE, AND PEACE (13. Strengthen democratic institutions at all levels, and provide transparency and accountability in governance, inclusive participation in decision making, and access to justice).'*

Listening and acting for the full application of rights to access information, participate in public decision-making processes of environmental issues, the right to access justice on environment-related topics. Along these lines, it is important to ensure Brazil's engagement in the Escazú Agreement, which came into effect in April 2021. This is the first binding multilateral agreement that contains provisions and obligations on States for ensuring safe conditions that foster the free activities of people and organizations striving to promote human rights related to the environment.

Listening and hearing in order to apply democratic governments for sustainability and socio-environmental integrity, understood as constituting the set of standards, tools, and institutions that allow people, groups, and movements to work towards efficacy, transparency, efficiency, and justice in the activities of States and corporations, focused on fundamental rights, values and ideals of sustainable societies.

Listen, hear, act with urgency!  
Allow me to quote an excerpt from the poetry (and music) of Bob Dylan, awarded the Nobel Prize for Literature in 2016. Here are some lines from *Blowin' in the Wind*.

**How many times must a man look up  
Before he can see the sky?  
Yes, and how many ears must one  
man have  
Before he can hear people cry?  
Yes, and how many deaths will it  
take till he knows  
That too many people have died?  
The answer, my friend, is blowin' in  
the wind**

**BOB DYLAN**

The response that is blowing in the wind also depends on the consolidation of networks and partnerships focused on upgrading systems and policies for the promotion of human rights defenders. Listen. Hear. Act

This Meeting of Public Defenders' External Oversight Offices is both evidence and expectation that *"waiting is not knowing, people who know set the time, they don't wait for it to happen"*, in the words of Geraldo Vandré in *Not to Say I Didn't Mention Flowers (Pra não dizer que não falei das flores)*.

Thus, on behalf of the Casa Socio-Environmental Fund, I reiterate our expectations for this event. In addition to its immediate success, we hope that it will be an important time for creating synergy among people and organizations, between Society and State, where networks will produce responses to fresh winds and new times!





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**AMBASSADE  
DE FRANCE  
AU BRÉSIL**

*Liberté  
Égalité  
Fraternité*



**fundo casa**  
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