



The protection of human rights defenders in environmental matters in the Escazú Agreement

EDUCATIONAL BROCHURE



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Escazú Agreement and its relationship with the protection of human rights defenders

The Escazú Agreement was established in 2018 as an urgent response to the growing socio-environmental conflicts in Latin America and the Caribbean, which particularly affect environmental and territorial defenders, and specifically, Indigenous peoples. This is the first treaty that links environmental rights with the protection of human rights, guaranteeing individuals and communities access to environmental information, participation in decisions that affect their territories, and access to justice when their rights are violated.

Article 9 is especially important, as it recognizes the risk faced by many environmental defenders and requires States to guarantee safe environments for the full exercise of environmental defense actions, that is, effective conditions of protection, security, and recognition.

What does it mean to be a human rights defender under the Escazú Agreement?

There are more than 800 Indigenous peoples in Latin America and the Caribbean, totaling more than 58 million people. Their dependence on their territories makes them particularly vulnerable to the environmental and social impacts of dispossession, resource exploitation, illicit activities, and structural violence, since their sources of livelihood as Indigenous peoples are intrinsically tied to their lands. Therefore, extractive industries, drug trafficking, and corruption exacerbate these risks, exposing Indigenous peoples to a particular level.

The Escazú Agreement Implementation Guide states that “environmental human rights defenders are defined above all by what they do. They include all individuals and groups who defend the environment, whether frequently and systematically or temporarily and sporadically, in a personal or professional capacity, through formal and structured organizations or groups, informal structures, or as individuals. [...] they do not need to have legal or formal recognition, nor do they need to self-identify as such.”^[1]

In other words, their daily, political, and cultural activities define their identity as defenders, and they can be a collective with a very diverse composition.

Action Plan: How it was established and why it is important

In order to implement Article 9 of the Escazú Agreement, the first Conference of the Parties (COP):

- Approved the creation of an open-ended Ad Hoc Working Group to develop an Action Plan.
- In addition, a regional Annual Forum was established with specialists, whose final report would serve as input for this plan. Civil society organizations and Indigenous peoples, including representatives from countries not yet party to the Agreement, actively participated in the 2022 and 2023 editions of the Forum.
- In this regard, at COP3 in 2024, the Action Plan for Latin America and the Caribbean was officially approved as a technical and political instrument that organizes the concrete strategies that States must follow to protect, promote, and guarantee the work of those who defend nature.

This Plan was developed through a participatory process, which included public consultations, thematic workshops, and direct dialogue with representatives of Indigenous peoples, social organizations, state authorities, and human rights and environmental experts. Therefore, the participatory approach is key to its legitimacy and implementation.

The Plan is structured around four axes:

- 1. Knowledge generation:** The objective is to develop a diagnosis; produce and disseminate content; and continue the space for exchanging experiences, skills, and knowledge represented at the Annual Forum.
- 2. Recognition:** Regarding public recognition of the work and contributions of human rights defenders, the Plan establishes a series of actions, including promoting partnerships; conducting public outreach, communication, and awareness-raising activities tailored to the social, economic, cultural, geographic, and gender characteristics of the public; and organizing regional and international forums to conduct recognition activities, among others.
- 3. Capacity building and cooperation:** Contribute to the institutional formulation and implementation of regulatory frameworks and public policies. Actions: Generate regional guidelines that will be useful for adapting national frameworks regarding attacks against human rights defenders; create and strengthen spaces for coordination with other bodies and mechanisms.

Promote compliance with standards, recommendations, and guidelines related to guarantees regarding a safe environment for human rights

defenders; Conduct training on Article 9 of the Agreement; and Produce materials in various formats.

- 4. Evaluation, monitoring and review** of the Plan with significant public participation, including indigenous peoples.

Principles for effective indigenous participation in the Action Plan

The full and meaningful participation of Indigenous Peoples in the implementation of the Escazú Agreement Action Plan must be based on fundamental principles that recognize their diversity, collective rights, and unique knowledge. The Plan promotes the cross-cutting application of intersectional, intergenerational, territorial, gender, and intercultural approaches, paying special attention to Indigenous Peoples, who face structural vulnerability and multiple forms of violence.

Intersectionality makes it possible to shed light on how different variables—such as ethnicity, gender, age, or socioeconomic status—intersect, generating cumulative inequalities. This approach, supported by international organizations, is essential for understanding the root causes of the risks faced by Indigenous human rights defenders.

Along with this, the principle of communality highlights the collective dimension of territories and environmental defense work. Attacks against leaders affect not only individuals but entire communities, disrupting their social fabric. Therefore, protection measures must be designed by and with Indigenous peoples, respecting their community organization and protection mechanisms.

Cultural adaptation is also central, as protection measures must take into account the political, cultural, and historical particularities of each community, recognizing that many threats are embedded in processes of structural discrimination. Therefore, it is necessary to consider not only individual risk, but also the impacts on collective territories and livelihoods.

Likewise, a gender perspective demands making visible the specific forms of violence and discrimination faced by Indigenous women defenders.

They are often targets of stigmatization and smear campaigns that seek to silence their voices and isolate them from their communities. At the same time, they assume additional burdens when their male colleagues are criminalized or persecuted. Therefore, promoting their active participation in decision-making implies



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recognizing these barriers and strengthening their capacities from a collective perspective.

Finally, the implementation, monitoring, and evaluation of the Plan must respect international standards for effective Indigenous participation. This requires an articulated and cross-cutting approach based on cultural, collective, gender, and intersectional principles, and must be accompanied by concrete affirmative actions. Strengthening Indigenous governance systems is essential to ensure that protection mechanisms effectively respond to the realities and needs of Indigenous peoples and, fundamentally, to guarantee that no one is left behind.

Proposals to make the participation of indigenous peoples in the Action Plan a reality

Based on the serious situation of violence, harassment, criminalization, and murders that we face as indigenous peoples defending the land, territory, and environment, we reiterate the demand for respect for our fundamental principle: nothing about us without us.

The effective and meaningful participation of Indigenous peoples in the implementation of the Action Plan constitutes not only a guarantee of our rights, but also an affirmation of our collective right to exist as diverse peoples with our own identity. Within this framework, we present the following proposals:

a. Participatory diagnosis

In the “knowledge generation” area, the Action Plan and its Implementation Program propose developing a participatory assessment that documents the violations and protection mechanisms related to defending human rights in environmental matters in Latin America and the Caribbean. To this end, it is important to recognize the contribution of ancestral territorial knowledge in the process of developing this assessment, making it necessary to actively involve Indigenous organizations and communities.

In this regard, we propose including specific seats for Indigenous representatives on the team responsible for preparing the assessment, in order to ensure culturally relevant indicators, a differentiated territorial-collective approach, and an official document that accurately reflects the reality of Indigenous environmental defenders, thus becoming an effective tool for political advocacy and visibility.

b. Special Rapporteur on Indigenous Human Rights Defenders in Environmental Matters

The creation of this Special Rapporteurship is based on the need to address in a differentiated and specialized manner the situations of risk faced by Indigenous human rights defenders in environmental matters. In this sense, by establishing a dedicated mandate, it would guarantee ongoing monitoring of the structural causes of intimidation and reprisals to which Indigenous human rights defenders are exposed, thus complementing the mechanisms already provided for in the Escazú Agreement.

Likewise, this Rapporteurship would directly contribute to the **effective implementation of Article 9 of the Escazú Agreement** by continuously monitoring compliance with the rights of access to information, participation, and environmental justice. Furthermore, the Rapporteurship could implement mechanisms such as on-site visits and sustained dialogue with local organizations and communities, which would contribute to detecting risk patterns, developing culturally relevant regional criteria and guidelines, and disseminating good practices that strengthen Indigenous governance. This would foster a genuine intercultural dialogue to integrate ancestral knowledge of the territory with contemporary legal frameworks.

c. Optional Protocol for Rapid Response

In its Biennial Work Plan, the Support Committee prioritized collaborating with the Ad Hoc Working Group on Human Rights Defenders to follow up on the Action Plan and created a Rapid Response Mechanism to address cases of attacks, threats, or intimidation against those who submit communications.



As Indigenous peoples, we propose that, at the express request of the Ad Hoc Working Group, an **Optional Protocol** be drafted specifically regulating the operation of this Mechanism when dealing with Indigenous human rights defenders. This protocol would provide provisions to facilitate the presentation of high-risk cases in conditions of limited access to communications, as well as to incorporate ethnic considerations and a community-based approach into the measures or recommendations adopted to safeguard Indigenous human rights defenders from attacks, threats, or intimidation.

d. Annual Indigenous Dialogue

Highlighting the importance of creating spaces for the creation and dissemination of knowledge and partnerships, **we propose holding annual dialogues on various aspects related to Indigenous peoples' work defending human rights in environmental matters.** This space, to be implemented by the Ad Hoc Working Group and the Support Committee, would represent an opportunity to strengthen ties between communities and strengthen collective advocacy, as rotating topics could be addressed, such as community alert systems, the role of women defenders, and ancestral wisdom in environmental protection.

e. Evaluation and monitoring with an ethnic focus

To measure the progress of the Action Plan from the perspective of indigenous peoples, it is proposed that the voluntary and periodic reports submitted by States Parties include the ethnic variable and elaborate on the status of indigenous peoples with respect to Article 9 (work defending human rights in environmental matters) and access rights.

In this way, having official and disaggregated data would contribute to the development of monitoring indicators and would also serve as a basis for the potential development of efficient and effective public policies with differential impact that respect, promote, and protect Indigenous peoples in their work defending human rights in environmental matters.

f. Recognition of Portuguese as a working language

The Escazú Agreement, whose official languages are Spanish and English, requires a more inclusive approach to address the dire situation of land defenders in Brazil, the country with the second highest number of such murders worldwide. This reality demands diverse strategies and the full participation of Brazilian Indigenous communities and organizations in the implementation of the Action Plan.

Therefore, we propose the inclusion of official Portuguese translations in all institutional spaces and working documents of the Agreement and the Action Plan, in order to facilitate open, plural, and meaningful participation by those defending the land and the environment in Brazil, regardless of language.

Reflection:

The Escazú Agreement represents a historic opportunity to transform human rights and environmental commitments into concrete actions, with special attention to those defending their territories against multiple threats. The Action Plan approved in 2024 is the instrument that transforms these commitments into policies, tools, and real spaces for protection. Its participatory construction and focus on the rights of Indigenous peoples set a precedent for the region.

In this sense, recognizing that environmental defenders, and Indigenous peoples in particular, face differentiated risks implies assuming that their voices, knowledge, and forms of organization must be central to the entire implementation process. Incorporating principles such as intersectionality, communality, cultural appropriateness, and a gender perspective is key to ensuring safe and culturally relevant environments for the exercise of the right to defend rights.

The proposals presented by Indigenous peoples not only strengthen the Plan, but also give it legitimacy and viability. In this regard, it is necessary to advance initiatives such as participatory assessment, the creation of an Indigenous Special Rapporteurship, the adoption of an adapted rapid response protocol, annual dialogue, ethnic-focused monitoring mechanisms, and the inclusion of Portuguese as a working language.

It must be kept in mind that the implementation of the Action Plan cannot be achieved without the active participation of those who have historically protected the land and the environment the most. Therefore, ensuring their participation is a duty of justice and a necessary condition for the Agreement's success. Nothing about us without us.

1 United Nations Treaty Bodies and the Escazú Agreement. Comparative Experience in the Implementation and Compliance of the Escazú Agreement. Official Side Event - Escazú COP2. Remarks by Rocío Barahona Riera. p. 147



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