

Mandates of the the Working Group of Experts on People of African Descent; the Working Group on the issue of human rights and transnational corporations and other business enterprises; the Special Rapporteur on the right to development; the Special Rapporteur on the rights of persons with disabilities; the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the human rights of internally displaced persons; the Independent Expert on the promotion of a democratic and equitable international order; the Independent Expert on human rights and international solidarity; the Independent Expert on the enjoyment of all human rights by older persons; the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance; the Special Rapporteur on the human rights to safe drinking water and sanitation and the Working Group on the issue of discrimination against women in law and in practice

REFERENCE:
OL BRA 11/2019

15 July 2019

Excellency,

We have the honour to address you in our capacities as Working Group of Experts on People of African Descent; Working Group on the issue of human rights and transnational corporations and other business enterprises; Special Rapporteur on the right to development; Special Rapporteur on the rights of persons with disabilities; Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes; Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; Special Rapporteur on the situation of human rights defenders; Special Rapporteur on the human rights of internally displaced persons; Independent Expert on the promotion of a democratic and equitable international order; Independent Expert on human rights and international solidarity; Independent Expert on the enjoyment of all human rights by older persons; Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance; Special Rapporteur on the human rights to safe drinking water and sanitation; and Working Group on the issue of discrimination against women in law and in practice, pursuant to Human Rights Council resolutions 36/23, 35/7, 33/14, 35/6, 37/8, 34/18, 32/32, 36/15, 33/9, 34/5, 32/11, 36/4, 35/3, 33/5, 34/35, 33/10 and 32/4.

We are writing to express our concerns that the **Regional Agreement on Access to Information, Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement)** has not entered into force because it

has not acquired the minimum number of 11 ratifications. We reiterate our call urging your Excellency's Government to ratify the Escazú Agreement as a matter of priority.¹

The Escazú Agreement, negotiated under the auspices of the United Nations Economic Commission for Latin America and the Caribbean (ECLAC), was adopted on 4 March 2018 in Costa Rica, and was opened for signature on 27 September 2018.

This landmark regional treaty not only guarantees good environmental governance and human rights including the rights to access information, to participate in decision-making processes as well as to seek remedies, and is also a catalyst for environmental protection and sustainable development. It places a strong emphasis on the fundamental objective of protecting the right to live in a healthy environment.

In keeping with international human rights obligations, the Escazú Agreement sets important standards that will be fundamental in addressing some of the world's most pressing challenges such as climate change, the decline of biological diversity, land degradation, pollution of air and water, natural disasters and the depletion and unsustainable use of natural resources. The Agreement aims to protect the cultural diversity of Latin America and the Caribbean and to recognize the rights of indigenous peoples, local communities, and vulnerable groups. The treaty also underscores States' obligations to foster inclusive participation, combat inequality and discrimination, and guarantee the equal rights of every person to a healthy environment and to sustainable development.

This is a time when environmental human rights defenders in the region are suffering unprecedented levels of violence, intimidation, and harassment, and women human rights defenders face unique challenges which are often driven by multiple and intersecting forms of discrimination against women. The Escazú Agreement is the first of its kind in the world to include specific, binding provisions for the protection and promotion of people, groups and organizations that promote and defend human rights in environmental matters.

By promptly ratifying this ground-breaking treaty, your country will reinforce its strong commitment to the protection and promotion of human rights and the environment.

To date, sixteen of the thirty-three countries of Latin America and the Caribbean region have signed the treaty and one, Guyana, has ratified it. We urge Brazil to ratify the Escazú Agreement as early as possible before 27 September 2019, which marks one year since the Agreement was opened for signature. This will enable the Agreement to come into force so that the vital process of implementation can commence.

With regard to the above, we hope to seek clarification on the process. We would be grateful for your observations on the following matters:

¹ See, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23557&LangID=E>

1. Please provide the steps and measures that your Excellency's Government has taken to ratify the Escazú Agreement since the Government became a signatory.
2. Please provide information in detail including a timeline on how and when your Excellency's Government plans to ratify the Escazú Agreement before 27 September 2019.
3. Please provide information on what measures your Excellency's Government intends to put in place in order to implement the agreement once it is ratified.

This communication, as a comment on pending or recently adopted legislation, regulations or policies, and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 48 hours. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

Please note that a communication on this matter has been sent to all Member States of ECLAC and a copy has been transmitted to Ms. Alicia Bárcena, Executive Secretary of ECLAC.

Please accept, Excellency, the assurances of our highest consideration.

Ahmed Reid

Chair-Rapporteur of the Working Group of Experts on People of African Descent

Elżbieta Karska

Chair-Rapporteur of the Working Group on the issue of human rights and transnational corporations and other business enterprises

Saad ALFARARGI

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Catalina Devandas-Aguilar

Special Rapporteur on the rights of persons with disabilities

David R. Boyd

Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment

David Kaye

Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Clement Nyaletsossi Voule

Special Rapporteur on the rights to freedom of peaceful assembly and of association

Baskut Tuncak
Special Rapporteur on the implications for human rights of the environmentally sound
management and disposal of hazardous substances and wastes

Dainius Puras
Special Rapporteur on the right of everyone to the enjoyment of the highest attainable
standard of physical and mental health

Michel Forst
Special Rapporteur on the situation of human rights defenders

Cecilia Jimenez-Damary
Special Rapporteur on the human rights of internally displaced persons

Livingstone Sewanyana
Independent Expert on the promotion of a democratic and equitable international order

Obiora C. Okafor
Independent Expert on human rights and international solidarity

Rosa Kornfeld-Matte
Independent Expert on the enjoyment of all human rights by older persons

E. Tendayi Achiume
Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia
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Special Rapporteur on the human rights to safe drinking water and sanitation

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