

Mandates of the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the promotion and protection of human rights in the context of climate change; the Special Rapporteur on the human right to a clean, healthy and sustainable environment and the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes

Ref.: OL BRA 7/2024
(Please use this reference in your reply)

6 February 2025

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights defenders; Special Rapporteur on the promotion and protection of human rights in the context of climate change; Special Rapporteur on the human right to a clean, healthy and sustainable environment and Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes, pursuant to Human Rights Council resolutions 52/4, 57/31, 55/2 and 54/10.

In this connection, we would like to write to your Excellency's Government concerning **the progress of Brazil towards ratification of the Regional Agreement on Access to Information, Participation and Justice in Environmental Matters in Latin America and the Caribbean (the Escazú Agreement)**.

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, and was opened for signature on 27 September 2018. It came into force on 22 April 2021, and as of the time of writing, it has been ratified or acceded to by 17 states.

As outlined in a previous letter on the Escazú Agreement, sent by a large group of Special Procedures mandate holders to your Excellency's Government on 15 July 2019 (BRA 11/2019), the regional treaty is ground-breaking not only in its guarantees on good environmental governance and human rights, but also for the advancement of environmental protection and sustainable development. It places a strong and crucial emphasis on the fundamental objective of protecting the right to live in a healthy environment, a right which has since been recognised at the UN General Assembly (A/76/300) and Human Rights Council (resolution 48/13). We thank your Excellency's Government for its reply to communication BRA 11/2019.

In BRA 11/2019, it was noted that the Escazú Agreement sets important standards that are fundamental to addressing some of the world's most pressing challenges, including 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. Since 2019, as recognised most recently at the

His Excellency
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Conference of the Parties to the Convention on Biological Diversity (CBD COP16), the Conference of the Parties of the United Nations Convention to Combat Desertification (UNCCD COP16) and the Conference of the Parties to the United Nations Framework Convention on Climate Change (UNFCCC COP29), these challenges have only grown, and the need for clear, progressive legislation as a basis for states to mitigate them has grown with it.

Along with the immediate imperative to act to combat climate change, biodiversity loss and pollution, there remains an urgent need to protect human rights defenders and empower their work on environmental matters, in line with the existing international obligations of the States to protect environmental human rights defenders and the right to a clean, healthy and sustainable environment. The Escazú Agreement has the potential to do this. The regional treaty is a first of its kind, in that it includes specific, binding provisions for the protection and promotion of people, groups and organizations that promote and defend human rights in environmental matters, and it has begun to make a difference for them in the states where it is in force. The treaty also includes specific provisions on combatting impunity, which are equally necessary and useful for improving environmental protection and human rights.

We believe these provisions to be of vital importance, considering, as indicated in the referenced letter, the continuous challenges the Latin American and the Caribbean region continues to face in relation to the situation of human rights defenders and in particular the defenders, groups and communities advocating on environmental matters.

It is not too late to ratify the regional treaty. By doing so, your country would reinforce its obligation to respect, protect and fulfil human rights, and support those active on these crucial matters within your jurisdiction.

In light of the above, and in follow-up to the previously referenced letter (BRA 11/2019), we hope to seek clarification on the process of ratification of the treaty by your state, and would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above.
2. Please provide information about the steps and measures that your Excellency's Government has taken to ratify the Escazú Agreement, and the current status of any ratification process that has been initiated.
3. Please provide information on any preparatory work your Excellency's Government has engaged in to ensure the effective implementation of the agreement once it is ratified, including plans to consult with environmental defenders and other relevant stakeholders.

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](#) after 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 the Member States of ECLAC who have yet to ratify the Escazú Agreement and some of those who have yet to accede to it, and a copy has been transmitted to ECLAC.

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

Mary Lawlor
Special Rapporteur on the situation of human rights defenders

Elisa Morgera
Special Rapporteur on the promotion and protection of human rights in the context of climate change

Astrid Puentes Riaño
Special Rapporteur on the human right to a clean, healthy and sustainable environment

Marcos A. Orellana
Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes