



# Towards an Environmental Democracy with a Gender Perspective

*Contributions from women defenders from Latin America and  
the Caribbean within the framework of the implementation of the  
Escazú Agreement.*

OCTOBER, 2022

As part of the joint initiative lead by **FARN (Environment and Natural Resources Foundation)** and the **Eco Maxei Civil Association**, from Argentina and Mexico respectively, and with the support of the **International Union for Conservation of Nature (IUCN) National Committee of The Netherlands**, 25 women environmental human rights defenders from Latin America were invited to participate in the first edition of the *Environmental Citizenship Training for Women Defenders* (ECA, it's Spanish acronym).

The women that were invited lead protection and care actions on territories that are threatened, mostly, by extractive activities.

## Environmental Citizenship Training for Women Defenders

The training took place over five weekly three-hour sessions, between June 29th and July 27th, 2022. During those meetings, regional professors and environmental activists shared their knowledge about the Escazú Agreement and key tools for understanding it, as well as their local experiences exercising their rights of access to information, public participation and justice in the region.

Women nature and territory defenders from Mexico, Costa Rica, Panama, Venezuela, Colombia, Peru, Brazil and Argentina exchanged experiences related to the defense of the environment, the culture and the territory. We realized that, **despite its differences, the region is affected by the same extractive and infrastructural processes, agribusinesses, deforestation, illegal hunting and fishing, among others, that degrade and destroy biodiversity, affect human health, deprive communities from their natural assets and livelihoods, and devastate ancestral lands.** In the face of these shared scenarios, the *ECA* is a stepping stone towards building essential networks for the defense of human rights and the rights of nature.

During the meetings, we took part in several participative activities where we reflected on the challenges that women environmental defenders face regarding the exercise of their rights of access to information, public participation and justice on environmental matters. We also talked about the creative and brave solutions that women implement to face them. As a result of those meetings, the next section presents a set of key points intended to help overcome the multiple challenges that women face in the matters addressed by Escazú, with the intention that they turn into a work agenda to be considered by the member States in public participation spaces and during decision-making instances in the second Conference of the Parties (COP 2) of the Escazú Agreement, and that the agreement is re-read with a gender-based perspective in mind so that women's access rights can progress, with an intercultural and intergenerational perspective.

**We consider that the Escazú Agreement becomes an especially valuable strengthening instrument in the discussion about deepening environmental democracy.**

*ECA for Women Defenders* focused on showing the importance of the Escazú Agreement as an instrument of environmental democracy, establishing rules and standards that ensure fundamental rights for:

- The protection of environmental defenders.
- The access to public information.
- The access to justice on environmental matters.
- Citizen participation.

We all believe that **a just society is not only based on the respect of human rights, but also on the respect of the rights of nature.** The Escazú Agreement becomes, in this sense, an extremely vital instrument to fully comprehend the social and environmental problems at hand, in an integrated and holistic way.

## Women's Role in the Defense of the Environment

In the defense of the environment, women are agents of change and we approach the subject with sensitivity. In this respect, we found that we share the same concerns:

- The defense of life, nature, territories and biodiversity.
- The wellbeing of our communities.
- The attachment to the land and the identity.
- The respect for local knowledge, culture and ancestral worldviews.
- The fight against extractivism.
- The vision to protect future generations.

Despite the critical role that women play in the defense of the territory and nature, their fight is overshadowed by the existing systematic discrimination, institutionalized sexism and gender stereotypes. For that reason, we consider that the mechanisms, processes and spaces to recognize and honor the role of women defenders should be guaranteed within the framework of the Escazú Agreement.

**We agree that it is imperative that we strengthen the participation and the influence of women in national processes, both in the debates about the accession of remaining countries and in the design of the implementation of the agreement in the countries where it has already been ratified. Only by listening to the proposals and opinions of the women defenders will we be able to integrate a gender perspective into the environmental policy.**

## An Agenda to Deepen Respect for Environmental Defenders' Human Rights

In Latin America, dozens of environmental defenders are murdered every year. It is the region with the most murders of environmental activists in the world. A large percentage of the victims are indigenous leaders<sup>1</sup>. This puts us in a position where exercising our rights is dangerous, because the safety of our families and communities has been put at risk. Currently, the Escazú Agreement is the only instrument to include provisions for environmental defenders.

In response to this situation, the *ECA* participants demand proactive action under the following suggestions:

- Get to know the defenders' stories and provide them with the support and assistance needed by using local protection and safety strategies, forming committees to monitor reports and creating collaborative work spaces and alliances that allow us to protect our safety.
- Establish specific protocols with a gender perspective to ensure the human rights of environmental defenders are protected. Consistently train the defenders involved with socio-environmental reports in matters of safety and self-protection.

## Access to Information: a Challenge for the Most Vulnerable Groups

The first of the rights included in the Escazú Agreement is the right of access to environmental information. The agreement sets specific standards for the member states. Accessing this right proves to be a challenge for the most vulnerable groups and communities of the region: indigenous peoples, afro-descendants and rural communities. The challenge lies in leveling the playing field while respecting cultural and social diversity, providing information in local languages and establishing equity mechanisms, taking into consideration the economic, geographical and technological barriers. **The right to acquire valid, current, truthful and sufficient information and knowledge about the state of the environment is necessary to exercise the rights of access to participation and justice.**

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<sup>1</sup> In 2020, 226 of the 227 murders of defenders were committed in the Global South, according to reports on Global Witness. Also, more than one third of the fatal attacks were against indigenous communities, despite them only being 5% of the global population. At the same time, indigenous communities were also the target of 5 of the 7 mass murders registered in 2020. Available in: <https://www.globalwitness.org/es/last-line-defence-es/>

### **We identified the following barriers in exercising the right of access to information:**

- The citizens don't fully trust the information delivered by the local authorities. In many cases, the information is also insufficient.
- The environmental information that is provided is filled with technical terms, making it difficult to understand by the general public. This constitutes an access barrier.
- Remote and rural communities are faced with economic, cultural and technological limitations to adequately access the information.
- People requesting public information in offices have reported being mistreated by employees often.
- Waiting times for information requests are extremely long.
- The State tends to showcase only the positive outcomes of the projects, hiding information regarding risks and negative impacts on the society and the environment. For this reason, it is impossible to guarantee that the information is unbiased and trustworthy.
- Social and cultural protocols to provide information are lacking, especially for vulnerable communities that are, in many cases, monolingual.
- There is evidence of persecution and pressure on public employees that comply with their obligation to inform.

### **To overcome these barriers, it is necessary to:**

- Establish trusting institutional alliances to provide neutral and objective information, as well as provide the tools and mechanisms needed to access information in remote territories, like rural, mountain, jungle and wetland communities, among others.
- Have information systems in place that can monitor information requests properly.
- Generate information that is culturally and socially adequate for the population and translate it so it can be understood by everyone.
- Provide more support to communities in the consultation process prior to specific projects.
- Make concrete actions to improve the attention and treatment of citizens (at national, provincial, departamental and municipal levels). For example, provide

training on citizen rights, gender perspective and multiculturalism to the employees.

- Shorten the waiting times for responses.
- Improve the digitalization of procedures and general information.
- Create specific commissions in the different state organs to allow people to effectively and widely exercise their right to access information.
- Establish permanent debate spaces, with the objective of supporting informed community decision making.
- Foster fair and clear negotiations between companies and communities and make their contracts be available to the public.
- Work on environmental education, in order to improve the abilities and strengths of the citizens to exercise their rights.
- Create communal environmental investigation centers to promote the generation of information and community education.
- Develop community protocols to determine what the adequate steps to provide information to marginalized groups are.

**Generating information that accounts for the role of women in the defense of the territory, water, life and nature is vital in Latin America.**

## **Access to Participation: an Opportunity to “Re-Evolve” Democracy**

The Escazú Agreement sets up clear participation standards that favor improvements in the exercise of this right and reaffirms the States’ commitments. To ensure public participation it is crucial that we understand the role of each one of the sectors involved in the environmental projects.

It is necessary that democracy is “re-evolved” and updated to be able to ensure full, effective, representative and direct citizen participation. We should promote greater unconditioned voluntary civic actions, exercising our right to take part in decision making in environment-related matters. To give effect to that right, it is imperative to transform the environmental governance and to guarantee a dialogue between the citizens and the State.

## **We have identified several barriers in effectively exercising the right to participate:**

- There are no regulations, spaces or mechanisms for citizen participation in place.
- The authorities don't comply with the current participation regulations.
- There's a lack of social and environmental awareness, along with a profound indifference from the authorities.
- Civil servants either have no respect for cultural identity or don't know how to work with cultural and social diversity in mind, taking into account each community's traditions and times.
- The contradictions present in the official discourses foster feelings of distrust and insufficient transparency among the public.
- There are no translators available during the conversations with the communities, which highlights the existing linguistic barrier.

To the former we add that there is **a profound gender inequality in the right to participate: women are mostly at a disadvantage because of the different cultural, economic, technological and social limitations, product of a system that constantly discriminates against us, is violent towards us and doesn't recognize us as citizens. On many occasions, women are not invited to participate in these spaces because we are not considered relevant actors in decision making. For that reason, women's priorities, worries and proposals are overshadowed.**

Nevertheless, women can be promoters of this right by fostering genuine interests and social values through non violent means.

## **To overcome those barriers we need:**

- More effective citizen participation, accompanied by the support of certain institutions (social, territorial, religious, and educational organizations) and key actors, like teachers.
- More promotion for community participation, especially for groups and communities that are located far away from cities and decision-making spaces.
- To improve citizen environmental education and communication.
- To promote legal and technical training with a gender perspective for government authorities in all state levels.
- To create leadership opportunities for women defenders.

- To establish a concrete action plan to ensure effective participation in the implementation of the Escazú Agreement.
- To strengthen networks and environmental dialogue programs.

**Ensuring a fair and intercultural participation with a gender perspective will create more democratic and effective institutions.**

## **Access to Justice on Environmental Matters: a Bastion for Citizens's Control**

The importance of the right to access justice lies in that granting this right ensures that there will be an effective compliance of the other two: access to information and public participation. It also allows for the possibility to report, investigate and sanction environmental offenses and get restoration for the damages. **Environmental justice is crucial for the social control of the individuals' actions and of the State's decisions on environmental matters. In the region, this is of particular relevance due to the socio-environmental conflicts tied to the extractive, development and infrastructure projects.** However, out of the three access rights, this is the one that has been less developed in the State's legal and institutional national frameworks.

**We have identified several barriers in effectively exercising the right:**

- Access is restricted for many vulnerable groups, like women, afro-descendents, indigenous groups and rural communities.
- The Judiciary and other state agents don't have sufficient knowledge about key concepts of Environmental Law, resulting in a serious implementation problem of the current regulations.
- In many cases, the arbitrators are not fully impartial, favoring other interests over the ones of vulnerable groups and people.
- Access to justice is not granted to be free of charge in all cases, which is a big access barrier for an important sector of the population.
- There are still probatory challenges for environmental defenders, especially in the most vulnerable communities.



**To overcome those barriers we consider it crucial to:**

- **Adjust or update the State's regulations and internal procedures to ensure the access to justice with a gender perspective and that all the standards of the Escazú Agreement are met.**
- Come up with tools that guarantee a broad and effective access to justice, especially for the most vulnerable groups.
- Establish rapid actions, including precautionary and provisional measures.
- Provide adequate repair mechanisms.
- Have a judiciary branch specialized in environmental matters. A specialized judicial branch is needed to be able to ensure the resolution of socio-environmental conflicts. **Courts and prosecutors offices are needed for this purpose.**
- Train the citizenship in environmental justice matters.
- Have enough regulations that are adapted to the environmental process, considering the current ones are not sufficient. It is crucial that they are clear and comprehensible for the general population.
- Improve the access to timely and transparent judicial procedures, considering that we are located in the world's most dangerous region for environmental and human rights defense.
- **Ensure that the access to justice is free of charge, so that all the citizens can access it and effectively exercise their right.**
- Keep records and monitor all judicial decisions in environmental matters, as a strengthening mechanism for access rights.
- Make campaigns to share the information that is not known by the affected citizens, to ease the conditions for environmental litigation.
- Promote arbitrators that are impartial and sensitive to the exercise of this right.
- Adjust the probatory rules to the environmental complexity, generating dynamic burden of proof or reversal of the burden of proof mechanisms.
- Strengthen citizen participation in judicial spheres.

We recognize the importance of escalating the socio-environmental challenges and strengthening the communities so that they can report local and national authorities to international organizations.

Additionally, **it is crucial to strengthen the Conference of the Parties as a space for accountability for all the Member States of the Escazú Agreement, and the inclusion of new and improved mechanisms to access justice.**

**It is crucial that an environmental justice with a gender perspective be promoted, to ensure women the access to timely and transparent judicial procedures that are free of charge.**

## **Challenges for the Upcoming Conferences of the Parties of the Escazú Agreement**

During the conversations among the women defenders, we agreed that it is necessary to strengthen certain key aspects for the implementation of the Agreement with a gender perspective to face the upcoming Conferences of the Parties (COP):

- Improve the social networks between the defenders of the region, especially strengthen the role of women in the defense of the environment, integrating a gender-based approach in the Agreement and its implementation.
- Promote a better socialization and dissemination of the Escazú Agreement and the citizen rights that it grants to the general public, but with a special emphasis on the most vulnerable groups, especially indigenous peoples. Establish mechanisms and gender, intercultural and age quotas in all the processes, spaces, events and decisions conducted within the framework of the Escazú Agreement.
- Guarantee the full and effective participation of the women defenders in the Support Committee, in the Forum for Women Environmental Defenders (*Comité de Apoyo al Cumplimiento*, en el *Foro de Defensores Ambientales*), and other spaces and negotiations in the Escazú Agreement.
- Establish gender equality as one of the permanent items in the agenda of Escazú's COP. **Establish the design and implementation of a Gender-based Action Plan that guides and eases gender equality in the works under the Agreement.**

**We owe everything to the Earth. Without Earth there is no life.  
That's the reason why we have to protect it.**

## Where do we feel deprivation and where do we feel hope?

During the *ECA for Women Defenders*, the participants identified the parts of our bodies where we hurt and suffer from the deprivation we feel when extractivism advances on our territories, communities and ancestral knowledge. On the other side, we identified the source of strength in our bodies, a strength that fills us with hope and encourages us to keep fighting for life, for nature.



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