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Criminalisation of environmental defenders in Latin America: Standards for their protection since the Escazú Agreement

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Abstract: *Latin America is the most dangerous region in the world for environmental defenders, which is why the protection of these activists has become important in recent years. This work aims to analyse a crisis of systematic criminalisation against environmental defenders, who are legally and judicially persecuted for opposing extractive projects or defending their territories. This article analyses the phenomenon of criminalisation in three countries (Colombia, Mexico, and Honduras) through the lens of Article 9 of the Regional Agreement on Access to Information, Public Participation and Access to Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement) and its 2024 Action Plan on Human Rights Defenders in Environmental Matters. Using a qualitative and comparative approach, it assesses the limitations and potential of the Agreement as a tool for effective protection. The study concludes that, whilst the Escazú Agreement is a pioneering normative advancement, its real impact remains limited due to political resistance, structural impunity, and the absence of coercive mechanisms. The existence of this regional instrument does not in itself guarantee the effective protection of environmental defenders. Its transformative potential will depend on its effective incorporation into national legal frameworks, the strengthening of monitoring and enforcement mechanisms, and the active participation of organised civil society. The articulation of international standards, strategic litigation, community participation, and political advocacy will be key to building a safe and enabling environment. The article proposes legal, institutional, and social recommendations to strengthen protection and ensure safe environments for those who defend the environment in the region.*

Keywords: *criminalisation; environmental defenders; Escazú Agreement; human rights; Latin America; international protection.*

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1. Introduction

In Latin America, environmental defence has become a high-risk activity (Alcañiz and Gutiérrez 2022). The region has witnessed alarming numbers of attacks, threats, and murders of environmental defenders, in a context marked by the expansion of extractive projects, institutional weakness, and structural impunity (Omeje 2013; Cardona 2024). Among the most worrying forms of repression is the criminalisation of environmental defenders, understood as the misuse of criminal law and administrative procedures to delegitimise, silence, and hinder their legitimate work (Deonandan and Bell 2019). This criminalisation distorts the essence of the rule of law and constitutes a mechanism of State-sanctioned violence that undermines human rights (Pérez et al. 2023).

This criminalisation manifests itself in arbitrary charges, detentions without due process, excessive use of criminal offences such as sedition, terrorism, or trespass, and stigmatisation campaigns promoted by State or private actors (Middleton and Sullivan 2024; CIEL et al. 2016; Aguilar 2020). Throughout the region, the arbitrary use of vague or ambiguous criminal offences has been identified to criminalise the work of environmental defenders, such as attacks on communication and transportation routes, attacks on national assets, or even the deprivation of liberty of an individual (Aguilar 2020). Human rights defenders are also vilified by the media, which stigmatises these activists to effectively eliminate the right to the presumption of innocence and the right to a fair trial in State justice systems (CIEL et al. 2016).

Given this scenario, the Escazú Agreement – the first binding environmental treaty in Latin America and the Caribbean with specific provisions on the protection of human rights defenders in environmental matters – represents an unprecedented normative promise (Dávila 2023). Specifically, its Article 9 and the Action Plan approved in 2024 offer regional standards that commit States to preventing violence and criminalisation, guaranteeing effective protection measures, and fostering meaningful civil society participation. The Escazú Agreement also represents the State Parties' commitment to the application of those guarantees already recognised in international normative texts (Jiménez 2021).

However, the persistence of systematic criminalisation practices in several signatory countries of the Escazú Agreement raises serious doubts about the actual effectiveness of these standards (Hatzky and Onken 2024). In this context, this paper aims to answer the following research question: How effective are the standards established in the Escazú Agreement in preventing and reversing the criminalisation of environmental defenders in Latin America?

Based on this question, the central research hypothesis is formulated. Although the Escazú Agreement introduces an innovative regulatory framework for the protection of environmental defenders, its effectiveness in preventing and reversing criminalisation has been limited due to a lack of political will, structural impunity, and the resistance of the judicial and State security apparatus.

The overall objective of this work is to critically analyse the protection standards contained in the Escazú Agreement against the criminalisation of environmental defenders in Latin America, evaluating their normative and practical implementation in specific national contexts.

From a methodological perspective, a qualitative-critical approach is adopted that combines legal analysis with comparative case studies. A documentary review of primary and secondary sources (international regulations, domestic legislation, rulings, reports from human rights organisations, and relevant jurisprudence) is conducted, complemented by a case study in three countries highly affected by the criminalisation of environmental defenders: Colombia, Mexico, and Honduras. Legal discourse analysis is also employed to demonstrate the selective use of criminal law as a tool of repression (Pérez et al. 2023). This approach seeks to reveal the tensions between international human rights law and State practices in extractivist contexts and contexts of high environmental conflict (Raftopoulos 2018; Scheidel et al. 2020; Cotula 2020). The jurisprudence of the Inter-American Court of Human Rights has undergone a process of greening, not as a free decision, but as a need to adapt the human rights enshrined in the American Convention on Human Rights to the worldview, ways of life, cultural identity, and relationship with nature of the traditional peoples of Latin America (Hardt 2024).

The paper is structured in six sections. After the introduction, the second section presents the characterisation and trends in the criminalisation of environmental defenders in Latin America. The third section examines the Escazú Agreement and protection from criminalisation. The fourth section examines the criminalisation of environmental defenders in Colombia, Mexico, and Honduras in light of the Escazú Agreement. The fifth section develops the limits and potential of the Escazú Agreement in the face of criminalisation. The sixth section makes normative and policy recommendations to strengthen the protection of environmental defenders. Finally, the seventh section presents the conclusions.

This paper seeks to provide evidence and arguments to an urgent and strategic debate, how to ensure that environmental defence in Latin America does not pose a risk to the freedom, integrity, or lives of those committed to this cause.

2. Characterisation and trends in the criminalisation of environmental defenders in Latin America

The criminalisation of environmental defenders in Latin America has taken on a systematic, functional, and structural character (Glazebrook and Opoku 2018; Pérez et al. 2023). Far from being isolated episodes or exceptional institutional failures, this practice represents a strategy of social control used to neutralise resistance to extractive, infrastructure, or agro-industrial projects in territories with high socio-environmental conflict (Olarte 2019; Borrás 2013). It is a form of institutionalised violence, in which economic interests, logics of State repression, and narratives that delegitimise those who defend human rights and the environment converge (Doran 2017; Kaufmann and Prieto 2024; Pérez et al. 2023).

Criminalisation can take multiple forms, including arbitrary criminal charges for crimes such as terrorism, sabotage, usurpation, or sedition; detentions without due process; defamation and stigmatisation campaigns in the media; surveillance and intelligence on community leaders; as well as the selective and disproportionate prosecution of social protest (Sauvant et al. 2016; Ferstman 2024; HRW 2024; Aguilar 2020). These actions seek not only to punish the defender but also to generate a collective deterrent effect on organised communities (Pigrau and Borras 2015). In many cases, this criminalisation occurs in parallel with threats, harassment, or murders, generating a climate of fear and immobilisation (Birss 2017).

Reports from international organisations have repeatedly warned of this problem. According to Global Witness (2024), of the 196 murders of environmental defenders documented that year, 85 percent occurred in Latin America, with Colombia, Mexico, and Honduras being the most dangerous countries. Added to these crimes are hundreds of cases of arbitrary prosecution, where the use of criminal law becomes a more effective mechanism of harassment than direct physical violence (Glazebrook and Opoku 2018; Knox 2017; Rodrigues et al. 2022).

The UN Special Rapporteur on Human Rights Defenders (2016) noted that environmental defenders face numerous threats and violations that are closely linked to criminalisation, including violent attacks and threats to their families, enforced disappearances, illegal surveillance, travel bans, blackmail, sexual harassment, judicial harassment, and the use of force to disperse peaceful protests. These violations are committed by both State and non-State actors and occur within a general context of stigmatisation, demonisation, and de-legitimisation of environmental rights defenders (Hossain et al. 2018; Hines 2020; CIEL et al. 2016; Pérez et al. 2023).

The pattern of criminalisation has a strong structural component (Peterson 2010). First, collusion between State and corporate actors creates an environment where extractive projects receive official support,

whilst local opposition is treated as a threat to "development" (Huisman and Sidoli 2019). Second, the weak independence of the judiciary and the lack of human rights training for prosecutors and judges facilitate the acceptance of unfounded accusations (Bartlett 2020; Aguilar 2020). Third, national regulatory frameworks often lack specific provisions to protect defenders, allowing them to be targeted based on ambiguous or anti-terrorism laws (Bennett et al. 2015; IACHR 2015).

These mechanisms articulate what Kaufmann and Prieto (2024) describe as legal violence, where structural inequalities decisively influence who can assert their claims before the State system. Criminalisation is thus not only an individual act of prosecution but a systemic strategy of repression that operates with the complicity or inertia of State institutions (Pérez et al. 2023).

Furthermore, the dominant discourse on development and progress obscures the legitimate causes of environmental protest, portraying defenders as "enemies of order," "radical anti-mining activists," or "investment saboteurs" (Lester 2019; Alvergne 2019). These labels are reproduced by authorities, the media, and even sectors of civil society, creating a stigma that justifies repression. This cultural violence, as Kaufmann and Prieto (2024) explain, instrumentalises discourses of progress and peace to legitimise economic projects (Hein and Bezerra Sales Sarlet 2019).

Criminalisation also operates in differentiated ways based on gender, ethnicity, and class. Indigenous, peasant, and Afro-descendant defenders face intersecting forms of violence such as sexual violence, institutional racism, and territorial dispossession (Hernández Castillo 2016; Aguilar 2020). These situations exacerbate the vulnerability of certain social sectors to the State's criminal justice system (Adams et al. 2019). Of particular note are the attacks against women human rights defenders, who face threats of sexual violence and smear campaigns based on their gender, further exacerbated by the context of criminalisation (CIEL et al. 2016; Pérez et al. 2023).

In the case of indigenous populations, they are often denied access to interpreters or translators who would enable an adequate defence, and in some cases, they are even prohibited from using their native language, which constitutes a form of criminalisation and discrimination based on language and cultural identity (*López Álvarez v. Honduras* 2006).

Finally, the current criminalisation of environmental defenders has historical roots. As Gargallo (2014) argues, this phenomenon is tied to the confusion between modernity and emancipated modernity. From rationalist postulates developed in Europe, communal lands were enclosed, poor people were persecuted, and women were criminalised –

all as part of the consolidation of an economic order hostile to popular mobilisations. These historical continuities underscore the deep structural nature of contemporary violence against environmental defenders.

3. The Escazú Agreement and protection from criminalisation

The Escazú Agreement, adopted in 2018 and in force since 2021, constitutes a milestone in environmental law and the protection of human rights in Latin America and the Caribbean. It is the first international treaty that explicitly links access to information, public participation, and environmental justice with the protection of human rights defenders in environmental matters, establishing legally binding commitments for the States Parties. Its Article 9, entitled "Human Rights Defenders in Environmental Matters," establishes a direct obligation for States to guarantee a safe and enabling environment for these defenders to operate without threats, restrictions, or undue risks.

This Article establishes that States Parties must take appropriate and effective measures to recognise, protect, and promote the rights of environmental defenders. It also includes the duty to prevent, investigate, and punish attacks, threats, or intimidation against them. This provision is particularly innovative, as it is the first international environmental law to specifically recognise the role of human rights defenders as an essential part of environmental democracy, a step beyond Principle 10 of the Rio Declaration and the Aarhus Convention (United Nations Economic Commission for Europe 1998).

In 2024, the States Parties adopted the Action Plan on Human Rights Defenders in Environmental Matters, which operationalises Article 9 through four strategic axes: (1) knowledge generation, to raise awareness of the situation of human rights defenders, systematise data, and promote research; (2) recognition, which seeks to strengthen the legitimate and fundamental role of human rights defenders in environmental protection; (3) capacity building and cooperation, aimed at the adoption of effective national and subnational measures; and (4) follow-up and evaluation, which creates monitoring mechanisms and holds States accountable for their progress.

This Plan also promotes the permanent establishment of the ad hoc Working Group and technical support from the Implementation and Compliance Committee, as well as liaison with national and international human rights networks. Special emphasis is placed on ensuring the participation of Indigenous peoples, local communities, and vulnerable sectors.

However, the transformative potential of Article 9 and the Action Plan contrasts with serious structural limitations. First, the level of

implementation in the States Parties has been uneven and, in many cases, declarative or symbolic. In countries with high levels of environmental violence – such as Colombia, Mexico, and Honduras – the Escazú commitments have not translated into legislative reforms, public policies, or adequate protection systems. Nor, in general, are there effective sanctioning mechanisms or consequences for noncompliance. Second, the Agreement's architecture lacks a binding international judicial mechanism, which limits its enforcement capacity. While the Implementation and Compliance Committee offers a means of monitoring, its consultative nature and dependence on State will reduce its effectiveness in authoritarian or markedly extractivist contexts. Third, the lack of resources and institutional capacities in several countries impedes the effective implementation of the established standards. Added to this is the resistance from business and security sectors, which perceive the Agreement as a threat to economic interests or territorial control.

Despite these limitations, the Escazú Agreement introduces a new framework of regional legitimacy that can be mobilised by defenders, strategic litigants, and civil society organisations. Indeed, its value also lies in its normative and symbolic potential: by elevating environmental defence to the level of a protected human right, it allows criminalising narratives to be challenged within an internationally recognised legal framework.

Article 9 of the Escazú Agreement constitutes a pioneering norm in the recognition and protection of environmental defenders, but its effectiveness in preventing criminalisation will depend on its social appropriation, its integration into domestic law, and the strengthening of monitoring, enforceability, and sanction mechanisms. This tension between normative promise and structural reality will be explored through case studies in the following section.

25 countries in Latin America and the Caribbean have adopted and implemented the Escazú Agreement in their legal system, with the exception of the Bahamas, Barbados, Cuba, El Salvador, Honduras, Suriname, Trinidad and Tobago, and Venezuela (Observatory of Principle 10 in Latin America and the Caribbean 2025).

The introduction of the 2021 Regional Agreement and the 2024 Action Plan (Conference of the Parties to the Escazú Agreement 2022) offers a ray of hope for the protection of environmental defenders. It is hoped that these documents will not only establish clear protection mechanisms but will also promote greater responsibility on the part of States (Catá 2011). One of the most significant aspects is the call for the participation of communities and organisations in the formulation and implementation of public policies related to environmental protection, which could strengthen support networks for defenders (Richardson and Razzaque

2011). Such is the case of the ad hoc Working Group on Human Rights Defenders in Environmental Matters.

However, expectations must be nuanced, the effectiveness of these initiatives will depend on their actual adoption in national legislation and the willingness of Governments to implement significant changes (Cerna 2013). In addition, civil society organisations will play a crucial role in monitoring implementation and holding States accountable (Ghaus 2005). The Escazú Agreement seeks double protection of environmental and human rights by providing a mechanism to hold Governments accountable in their efforts to address environmental challenges (Pánovics 2021).

4. Criminalisation of environmental defenders in Colombia, Mexico, and Honduras in light of the Escazú Agreement

Latin America is home to some of the most lethal contexts for environmental defence worldwide (Middeldorp and Le Billon 2019). Among the signatory countries to the Escazú Agreement, Colombia, Mexico, and Honduras stand out both for their high number of murders and attacks against defenders and for their persistent patterns of judicial criminalisation. This section analyses the implementation of the Agreement in each of these countries, with an emphasis on the effectiveness of Article 9 standards in reversing criminalisation.

4.1. Colombia: Between formal ratification and continued repression

Colombia ratified the Escazú Agreement in 2022 through Law 2273, declared constitutional by the (Constitutional Court Colombia 2024) Constitutional Court in ruling C-359 of 2024. The country has made formal progress in environmental regulations and the protection of defenders, such as the Comprehensive Security and Protection Programme for Communities and Organizations in the Territories, which includes protection components for social and environmental leaders (Krause et al. 2025).

However, the reality contrasts dramatically with the regulatory framework. Colombia has had the highest number of murders of environmental defenders in the region over the last decade. According to Global Witness (2024), more than 60 murders of environmental defenders, especially Indigenous, peasant, and Afro-descendant groups, were recorded in 2022 and 2023. Many of these murders have been preceded by judicial criminalisation campaigns, with unfounded accusations such as obstruction of public roads, criminal association, or terrorism (Aguilar 2020; Pérez et al. 2023).

Article 9 of the Escazú Agreement has had little practical impact on reversing these patterns. Protective measures remain reactive, fragmented,

and decontextualised. Furthermore, the criminal justice system and security forces maintain practices of stigmatisation and repression against environmental leaders, which perpetuates impunity and discourages public participation in environmental issues (Pérez et al. 2023).

4.2. Mexico: Fragmented institutions and strategic use of criminal law

Mexico ratified the Escazú Agreement in 2021, but has not developed a specific national plan to implement Article 9 or a differentiated protection system for environmental defenders. The fragmentation of powers between levels of Government and the militarisation of public security have aggravated the situation.

The case of Samir Flores Soberanes, a Nahuatl Indigenous activist murdered in 2019 after opposing the Morelos Comprehensive Project, is emblematic. Although his case generated international condemnation, the State has not guaranteed justice or implemented mechanisms to prevent similar attacks. Other defenders have been criminalised through accusations of vandalism, damage to public property, or carrying weapons, without clear evidence or due process (Aguilar 2020).

Prosecutors and courts often act in coordination with companies or local Governments, which reinforces criminalisation. Added to this is a general climate of impunity: in more than 95 percent of attacks on environmental defenders in Mexico, those responsible are neither identified nor punished. The Escazú Agreement, although cited in some official documents, has not been integrated into judicial practice or public protection policies, which limits its impact (Pérez et al. 2023).

4.3. Honduras: Institutionalised criminalisation and weak rule of law

Honduras ratified the Escazú Agreement in 2022, although the country presents one of the most alarming contexts of structural repression against environmental defenders. Criminalisation manifests itself in a combination of direct violence, arbitrary prosecution, and collusion between extractive companies, security forces, and local authorities (Borrás 2013).

The 2016 murder of Berta Cáceres, a leader of the Lenca people, exposed the level of risk faced by those who oppose megaprojects in Indigenous territories. Since then, dozens of defenders have been criminally prosecuted on charges such as "usurpation," "coercion," or "disturbing public order." Cases such as that of the Guapinol defenders, imprisoned for opposing river pollution by a mining company, demonstrate the systematic use of the judicial system as a tool of repression (IACHR 2011; IACHR 2017; Pérez et al. 2023).

Despite the existence of a Law for the Protection of Human Rights Defenders Decree 34-2015, (State of Honduras 2015), implementation has been minimal. No separate protocols for environmental defenders have been created, and the recommendations of the Escazú Agreement have not been translated into effective public policies or judicial reforms. As noted in the case of *Escalera Mejía v. Honduras*, threats and executions often go unpunished, highlighting the State's failure to dismantle environments hostile to defenders (IACtHR 2018).

The three countries analysed present common patterns of structural criminalisation: instrumental use of criminal law to deter and punish environmental protest, public stigmatisation of defenders as "terrorists," "anti-development," or "saboteurs," structural impunity, weak prosecutorial offices, and institutional complicity. There is an absence of robust national policies to implement Article 9 of the Escazú Agreement. It is also explicit, particularly in the contexts of Mexico and Colombia, that the contradiction between the development model adopted by these countries – anchored in the extractive industry, agroindustry, and large infrastructure works – and the actions of these defenders constitutes a principal factor generating risk (Carvalho et al. 2016; Pérez et al. 2023).

Furthermore, none of the countries have created independent and participatory monitoring mechanisms, as established in the 2024 Action Plan. Lack of resources, pressure from corporate interests, and weak democratic institutions hinder the effective translation of the Escazú Agreement into concrete protection.

5. Limits and potential of the Escazú Agreement in the face of criminalisation

The Escazú Agreement has been recognised by various international organisations as a pioneering instrument in the protection of human rights in environmental matters (Prityi 2021; Rodriguez and Menezes 2022; Novelli 2024). However, despite its binding nature and the regulatory advances it represents, its effective capacity to prevent or reverse the criminalisation of environmental defenders remains limited in the Latin American context (Doran 2017). This section critically examines its main potential and structural limitations from a legal, political, and institutional perspective.

A first limitation lies in the operational ambiguity of Article 9, which establishes general obligations but lacks precise definitions of what constitutes "criminalisation" or "safe environment," leaving wide room for interpretation by the States Parties. This lack of legal precision can be exploited by Governments reluctant to implement concrete measures, allowing the commitments made to be diluted into formal declarations without practical consequences (IACHR 2015).

Second, the Agreement lacks an international mechanism for sanctions or judicial enforceability. Unlike treaties such as the San José Pact of Costa Rica, it does not provide for a contentious system before a specialised court or committee. The Implementation and Compliance Committee is technical, non-binding, and depends on State consent, which limits its capacity to respond to serious violations (Scott 2016; Pérez et al. 2023).

At the national level, many States Parties have not harmonised their domestic legislation or created specialised protocols to comply with Article 9. Criminalisation remains a systematic practice protected by outdated criminal codes, national security doctrines, and ambiguous legal frameworks. In this sense, the lack of political will has been one of the main obstacles to the effective implementation of the Agreement (Aguilar 2020).

Furthermore, there is a strong power asymmetry between environmental defender communities and State or corporate actors. In contexts marked by extractivism, armed conflict, or the militarisation of the territory, defenders are left in a situation of extreme vulnerability (Dunlap et al. 2024). The Agreement, on its own, does not modify these power relations unless accompanied by structural reforms in the justice, security, and environmental governance systems (Evans and Thomas 2023; Pérez et al. 2023).

Despite its limitations, the Escazú Agreement presents valuable normative tools for building a safer environment for defenders (Saura 2022). First, it elevates the legal recognition of these individuals as subjects of special protection at the international level, legitimising their work and positioning it as an integral part of environmental democracy (Von Bogdandy and Venzke 2012). This international legitimacy is a key tool in strategic litigation, advocacy, and awareness-raising campaigns (Zarnegar and Schmitz 2019; Pérez et al. 2023).

Second, the 2024 Action Plan offers a concrete roadmap for translating Article 9 into national measures, including data generation, institutional strengthening, and civil society participation. If properly implemented, it could contribute to transforming public policies on the protection of defenders.

From a symbolic and political perspective, the Escazú Agreement has generated a framework for regional coordination between social movements, human rights organisations, and international agencies (Tigre 2024). The Agreement has encouraged the creation of national monitoring networks, independent observatories, and spaces for public deliberation. These dynamics have transformative value, as they contribute to displacing the dominant discourse that presents defenders as obstacles to development (IACHR 2017).

Furthermore, transparency and access to environmental information – core obligations of the Agreement – allow socio-environmental conflicts to be exposed and abuses to be documented, which is crucial in contexts of criminalisation (Asaba 2025). The enforceability of these rights can weaken impunity, especially when articulated with international mechanisms such as the Inter-American human rights system or the UN special procedures (Pérez et al. 2023; Southey 2025).

The effectiveness of the Escazú Agreement as a tool against criminalisation depends on multiple interrelated factors (Asaba 2025). Most of the most dangerous countries for environmental defenders have ratified the Agreement, but have not adopted national action plans or reformed their legal and protection frameworks (Dávila 2023). The Agreement provides for an active role for social organisations in monitoring and implementation (Ituarte and Mares 2024). However, in contexts of repression, many of these organisations face legal restrictions or threats (Menton et al. 2021). The creation of independent mechanisms, endowed with resources and legitimacy, is key to ensuring that Article 9 goes beyond a declaration of good intentions. Linkage with human rights treaties and international litigation strategies can strengthen its enforceability (IACtHR 2006; Pérez et al. 2023).

The Escazú Agreement represents an unprecedented regulatory advance in the protection of environmental defenders, but it faces structural obstacles that reduce its impact. Its transformative potential lies less in its immediate coercive capacity than in its role as an enabling framework for legal, social, and political action. Criminalisation will not cease simply because of the treaty, but the Escazú Agreement opens fertile ground for challenging it legally and symbolically, especially if social oversight, international cooperation, and pressure from grassroots organisations are strengthened (Satizábal et al. 2025).

The next section will present a series of legal and policy recommendations aimed at strengthening the protection of environmental defenders against criminalisation, as well as improving the national implementation of Article 9 of the Agreement.

6. Recommendations to strengthen the protection of environmental defenders against criminalisation

Based on the analysis developed in the previous sections, serious deficiencies are evident in the implementation of Article 9 of the Escazú Agreement by Latin American States. The persistence of patterns of systematic criminalisation, the instrumental use of criminal law, and widespread impunity makes it urgent to design comprehensive strategies to strengthen the protection of environmental defenders (Alvergne 2019). The following recommendations are addressed to the States Parties, but

also include proposals for civil society, international organisations, and regional cooperation networks.

- Incorporate Article 9 of the Escazú Agreement into domestic law in an express and binding manner, through national laws for the protection of environmental defenders that include a broad definition of criminalisation and establish specific obligations for judicial and security institutions.

- Provide support to victims, victims by extension, and surviving family members so they can obtain fair and timely reparations.

- Build support networks within the region's already established multilateral organisations, such as Community of Latin American and Caribbean States (CELAC), Organization of American States (OAS), and the Economic Commission for Latin America and the Caribbean (ECLAC).

- Reform criminal codes and national security laws that contain vague legal concepts (such as sedition, terrorism, aggravated trespass, or illicit association) that have been used to criminalise environmental protest, eliminating or restricting their arbitrary application.

- Legally recognise the role of environmental defenders as subjects of special protection, placing them normatively on par with journalists, judges, or protected witnesses, with reinforced guarantees.

- Create independent national protection mechanisms for environmental defenders, with civil society participation, a territorial and intersectional approach (gender, ethnicity, class), and equipped with resources and functional autonomy.

- Establish action protocols for cases of criminalisation, including legal assistance, personal protection, precautionary measures, and immediate action in the event of arbitrary detentions or unfounded judicial proceedings.

- Train justice officials, prosecutors, police, and public officials on human rights, Escazú standards, and the prevention of criminalisation, especially in areas of high environmental conflict.

- Implement monitoring, early warning, and follow-up systems for cases of criminalisation and violence against human rights defenders, with the active participation of communities and human rights organisations.

- Promote the formation of independent citizen observatories to monitor the implementation of the Escazú Agreement and document cases of criminalisation in the territories.

- Strengthen networks of support, solidarity, and legal defence among social, environmental, and Indigenous organisations, both nationally and regionally, to share strategies for resistance, self-defence, and documentation.

- Promote public awareness-raising campaigns to destigmatise the work of human rights defenders, positioning their work as essential to the rule of law, environmental democracy, and compliance with the 2030 Agenda.

- Strengthen the role of the Escazú Agreement Implementation and Compliance Committee, providing it with more rigorous monitoring powers and mechanisms for direct dialogue with victims and environmental rights organisations.

- Promote the creation of a Regional Special Rapporteur on Environmental Defenders, with a mandate to issue alerts, visit countries, systematise cases, and collaborate with international organisations such as the Inter-American Commission on Human Rights and the UN Special Rapporteur.

- Link compliance with the Escazú Agreement with other international human rights treaties and mechanisms, including the Inter-American system, the Sustainable Development Goals, and the Paris Agreement, to increase diplomatic pressure and regulatory coherence.

- Incorporate free, prior, and informed consent as a cross-cutting obligation in all projects affecting territories inhabited by indigenous people, with defence mechanisms against criminalisation arising from the exercise of this right.

- Ensure the effective and leading participation of these communities in the development, monitoring, and evaluation of the national implementation plans of the Escazú Agreement.

The criminalisation of environmental defenders cannot be eradicated without a comprehensive, multisectoral, and multi-scale response that articulates norms, institutions, public policies, and social mobilisation (Newell et al. 2023). The Escazú Agreement offers a powerful legal foundation, but its effectiveness will depend on its real appropriation

by local actors, the strengthening of State political will, and sustained international support (Esteve and Scheidel 2025).

The recommendations presented seek to transform Article 9 of the Agreement into a practical tool for prevention, protection, and reparation, helping to reverse the punitive logic that threatens not only defenders but also the very possibility of building environmental democracies in Latin America.

7. Conclusion

The criminalisation of environmental defenders in Latin America constitutes a systematic and structural form of repression that seriously violates the principles of the rule of law, human rights, and the standards of environmental democracy. Far from being isolated incidents, these practices respond to dynamics deeply rooted in extractive development models, weak institutional structures, and alliances between public and private powers that perceive environmental defence as a threat.

The Escazú Agreement, particularly its Article 9 and the 2024 Action Plan, represents a highly significant regulatory advance by establishing concrete commitments to prevent and reverse violence against defenders. However, as the comparative analysis of the cases of Colombia, Mexico, and Honduras demonstrates, its practical implementation has been insufficient and fragmented, which limits its effectiveness in the face of patterns of criminalisation.

The existence of this regional instrument does not in itself guarantee the effective protection of environmental defenders. Its transformative potential will depend on its effective incorporation into national legal frameworks, the strengthening of monitoring and enforcement mechanisms, and the active participation of organised civil society. The articulation of international standards, strategic litigation, community participation, and political advocacy will be key to building a safe and enabling environment.

In the face of the growing climate crisis and the expansion of socio-environmental conflicts, the protection of those who defend the environment is not only a legal obligation, but an indispensable condition for environmental justice and democratic sustainability in the region.

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