# Oral Statement to the Human Rights Council on Trinidad and Tobago

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# THE FOUNDATION

## One right underpins every recommendation in this statement

Trinidad and Tobago voted for recognition of the right to a clean, healthy and sustainable environment at the 2022 UN General Assembly.

That right remains absent from domestic law — unrecognised by a Constitution that predates it, leaving communities beside petrochemical facilities, landfills and eroding coastlines with no enforceable duty they can invoke directly.

**2022**

Right recognised by the UN General Assembly.

**1976**

Constitution predates it. Right still unrecognised at home.

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# A GENUINE POSITIVE

## Trinidad and Tobago accedes to the Escazú Agreement.

***27 January 2026*** — After more than seven years of civil society campaigning, T&T deposited its instrument of accession. For the first time, the three environmental access rights are legally binding at the international level, and environmental defenders are specifically protected by treaty.

1 **Information**

Access to environmental information

2 **Participation**

Public participation in decisions

3 **Justice**

Access to environmental justice

*“Accession gives this right a procedural backbone. What remains is its substantive recognition.”*

— CANARI, on behalf of the coalition

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# THE PIVOT

## But accession is a floor, not a ceiling

1

**Permitting reframed as an obstacle...**

...not treated as a safeguard of a right, or a pillar of sustainable development.

2

**One-sided engagement**

Government has held dedicated engagement with 11 oil and gas operators on permitting timelines — with no equivalent engagement for affected communities or broader stakeholder consultation.

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# SIX RECOMMENDATIONS

1. Recognise the right to a healthy environment in domestic law.

2. Reinforce the EMA's institutional independence.

3. Protect the Environmental Commission's jurisdiction.

4. Legislate protection for environmental human rights defenders.

5. Establish a dedicated environmental legal aid fund.

6. Publish a National Escazú Implementation Plan within 12 months.

# RECOMMENDATIONS 1 – 3

1. **Recognise the right in domestic law**

   Through constitutional amendment or primary legislation, consistent with the 2022 UNGA resolution and the Escazú preamble — made justiciable, so individuals and communities can invoke it directly before a domestic court.

2. **Reinforce the EMA's institutional independence**

   Enshrine a statutory duty to act in the public environmental interest.

3. **Protect the Environmental Commission's jurisdiction**

   Make public the undisclosed discussions between government ministries, the EMA and the Commission on CEC appeal jurisdiction. No changes reducing third-party appeal rights without full, transparent public consultation.

# RECOMMENDATIONS 4 – 6

**Legislate protection for environmental defenders**

4 Consistent with Escazú Article 9: protection against retaliation, intimidation, harassment and strategic lawsuits. Expand the Ombudsman's office — or another independent body — to receive complaints, with adequate resourcing.

**Establish a dedicated environmental legal aid fund**

5 In 25 years, only six direct party actions have reached the Environmental Commission — three brought by civil society. Fund proceedings directly, prioritising communities disproportionately affected by industrial activity.

**Publish a National Escazú Implementation Plan (12 months)**

6 A legislative reform timetable to Escazú Articles 5–9, a designated coordinating authority, dedicated resourcing, a compliance baseline, and a specific workstream on domestic recognition of the right — co-developed with civil society.

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# NOT JUST TESTIMONY

## Civil society is offering to help deliver these reforms

- We have already put the case for constitutional recognition to the National Advisory Committee on Constitutional Reform.
- We support affected communities in exercising their environmental rights.
- We document threats against environmental human rights defenders.
- We stand ready to help develop, deliver and monitor a National Escazú Implementation Plan.

*“We ask to be treated as a partner in implementation, not merely a source of testimony.”*

— CANARI

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**Let us remember that the right to a healthy environment is not simply an environmental aspiration—it is a fundamental right that connects human dignity, health, equality, and sustainable development.**