

Response of the Government of Georgia to the questionnaire on Biodiversity and Human Rights

1. Please provide, in detail, examples of biodiversity-related legislation, policies and programs that incorporate human rights obligations.

In Georgia biodiversity-related legislation, policies and programs documents that incorporate human rights obligations are reflected in the following policy and legislation:

- Constitution of Georgia clearly states that - Everyone shall have the right to live in a healthy environment (Article 37).
- Georgian Law on Environmental Protection declares that one of the main purposes of the law is to: protect basic human rights provided by Constitution of Georgia in the scope of environmental protection – to live in an environment surroundings and cultural heritage (Article 3).
- The human rights issues related to use of natural resources are covered by the Georgian Law on Wildlife. Specifically, the law states that: for the personal (individual) consumption, as well as in order to satisfy aesthetic, recreational, health and other needs, citizens of Georgia have right to commonly use objects of wildlife (Article 26).
- Georgia is a part of several biodiversity conventions: Convention on Biological Diversity (CBD) and its Cartagena Protocol, the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), the Ramsar Convention on Wetlands of International Importance, the Convention on Migratory Species of Wild Animals (CMS) and its Agreements (ACCOBAMS, AEW, Bats), Convention on the Conservation of European Wildlife and Natural Habitats, European Landscape Convention and UNESCO World Heritage Convention - that also ensures incorporation of human rights obligations in national legislation and programs.
- The National Biodiversity Strategy and Action Plan (NBSAP) 2014-2020 of Georgia underlines the importance of human rights protection in its vision - “By 2030 the people of Georgia will be living in a harmonious relationship with nature, whereby biodiversity is valued, conserved, restored and wisely used, ecosystem processes and services are maintained, a healthy environment is sustained and benefits essential for society are delivered”. NBSAP is based on CBD strategic goals where fulfilment of human rights obligations is one of main priorities. Specifically, two of these goals state - “Enhance the benefits to all from biodiversity and ecosystem services” and “Enhance implementation through participatory planning, knowledge management and capacity-building”. Furthermore, CBD’s Gender Plan of Action was fully considered during the NBSAP elaboration. As a result the document aims at empowering women and encourages their participation.
- Other example of policy incorporating human rights obligations is National Forest Concept of Georgia. The goal of the Concept is defined in the following manner - “For the purpose of solving existing problems in the forestry sector, facilitating poverty alleviation and well-being of the population and promoting sustainable development of the country the goal of the Concept shall be

establishing a system of sustainable forest management which will ensure: improvement of quantitative and qualitative characteristic of Georgian forests, effective use of the economic potential of forests taking into account their ecological values, public participation in forest management related issues and fair distribution of derived benefits”.

- 2. Please provide specific examples of good practices in implementation of human rights obligations in biodiversity-related matters. For instance, such examples may include practices related to: guaranteeing procedural rights (e.g. rights to information, participation and remedy); monitoring human rights affected by biodiversity-related legislation, programs and projects (e.g. rights to life, food, housing, health, water and sanitation, cultural rights, etc.); protecting the human rights of individuals and groups from adverse impacts related to biodiversity; promoting the enjoyment of human rights (e.g. rights to life, food, housing, health, water and sanitation, cultural rights, etc.); guiding business activities in accordance with the UN Guiding Principles on Business and Human Rights; and seeking remedies for victims.**

Government of Georgia and namely the Ministry of Environment and Natural Resources Protection of Georgia (MENRP) highly values the implementation of human rights obligations in environmental sector, including biodiversity-related matters.

Guaranteeing procedural rights is one of the main directions of the MENPR. The MENRP considers public participation in decision-making process and information dissemination among its priorities. In order to effectively ensure the fulfilment of this goal, special structural unit - Legal Entity of Public Law (LEPL) Environmental Information and Education Center - was established under the Ministry.

Secondly, Georgia has been a Party to the UNECE Convention on Access to Environmental Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) since 2001.

On 30 April 2014 the Parliament of Georgia adopted the 2014-2020 National Human Rights Strategy. Later, on 9 July 2014 the 2014-2015 National Human Rights Action Plan (HRAP) was approved by the Governmental Decree N445. After the expiration of the first action plan, on 21 July 2016 the second national HRAP for 2016-2017 was adopted. Both HRAPs, the previous and the acting one envisage protection of ecological rights in chapters 23 and 21 respectively.

The 2016-2017 HRAP was created with active participation of national and international organizations. According to this policy document the right to receive information and to participate in decision-making process on environmental issues shall be further enhanced, public awareness on environmental issues shall be promoted and institutional and legislative reforms to ensure better enjoyment of environmental rights shall be conducted.

Furthermore, one of the most important reforms in recent years was elaboration of a new Environmental Assessment Code - it significantly expands the list of activities subject to Environmental Impact Assessment (EIA) and introduces completely new mechanism of planning in the form of Strategic Environmental Assessment (SEA). The code ensures much higher level of public participation not only in decision-making but also in planning stages. In addition, according to new provisions of the code, dissemination of information and arrangement of public discussions will be conducted by the government

authorities instead of investors, while the newly established decision-making procedures will reduce the financial risks of investors.

Public participation is one of the key stages during the approval of management plans for hunting and fish farms. Public consultations, as required by law, are organized in process of adoption of all management plans.

Number of procedures includes consultations with the relevant stakeholders, such as establishment of protected areas, elaboration and adoption of management plans for protected areas, etc.

It also should be mentioned that Georgia's main strategic document on biodiversity-related measures - National Biodiversity Strategy and Action Plan (NBSAP) was elaborated with involvement of all stakeholders (regional and national levels).

Implementation of human rights obligations is also ensured via protection of people and livestock in case of attacks from wild animals. A special procedure has been elaborated to react in such cases.

As for monitoring of human rights affected by biodiversity-related legislation and programs, these issues are addressed by the Law on Wildlife. Public inspection groups can be formed, in order to maintain public control on protection of wildlife, reproduction and use of animals, conservation of wildlife habitats. (Article 14).

3. Please specify, where relevant, challenges your Government has experienced in the integration and protection of human rights in biodiversity-related matters.

There have been some challenges in this direction though after signing the EU-Georgia Association Agreement in 2014, gradual harmonization of environmental legislation to EU standards started that significantly improved the situation in environmental field. Integration and protection of human rights in biodiversity-related matters and harmonization process is still underway.

4. How are the rights of those who may be particularly vulnerable to the loss of biodiversity, including but not limited to indigenous peoples, provided with heightened protection.

Georgia as a party to the UN Convention on Biological Diversity acknowledges and respects the rights of local people, and cooperates with them regarding resource use affecting their lands and territories. Furthermore, the rights of local people are protected and heightened in the Law on Protected Areas of Georgia and the Law on Development of Mountainous Regions of Georgia.

5. How do you ensure that the rights of environmentalists working on biodiversity issues (environmental human rights defenders) are protected? What efforts has your Government made to create a safe and enabling environment for them to freely exercise their rights without fear?

In general, the rights to access to environmental information and public participation in environmental matters, including biodiversity, are reflected in the Constitution of Georgia, the Law of Georgia on Protection of Environment, the General Administrative Code of Georgia, and the Aarhus Convention.

According to Article 42 of the Constitution of Georgia, each person has a right to apply to the court for protection of his/her human rights and liberties (including his/her environmental rights).

Government of Georgia accurately defends such basic human rights as freedom of speech and right to public assembly without prior permission. Environmentalists are free to express their position on any ecological matters (including biodiversity-related) and thus exercise their rights without fear.

Moreover, the protection of the rights of environmentalists are ensured by their access to environmental information as they are able improved considerably and nowadays environmentalists can request and timely receive corresponding information.

Improvement in protection of environmentalist rights also is the elaboration of new Environmental Assessment Code that enables environmentalists to participate in biodiversity-related programs/projects at the early stages.