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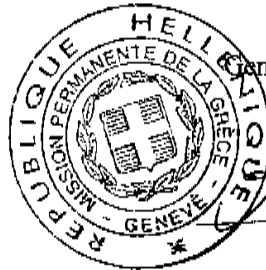
PERMANENT MISSION OF GREECE  
GENEVA

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**NOTE VERBALE**

The Permanent Mission of Greece to the United Nations Office at Geneva and other International Organizations in Switzerland presents its compliments to the Office of the High Commissioner for Human Rights and with reference to the questionnaire of the Special Rapporteur on Human Rights and the Environment, dated 28 July 2016, has the honour to attach herewith the responses of the Ministry of Environment and Energy.

The Permanent Mission of Greece to the United Nations Office at Geneva and other International Organizations in Switzerland avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.



Geneva, 30 September 2016

To: UN Special Rapporteur on Human Rights and the Environment  
Thematic Engagement, Special Procedures and Right to Development Division  
UNOG-OHCHR

*Fax: 022 917 9006*

Att.: 4 pages



ΕΛΛΗΝΙΚΗ ΔΗΜΟΚΡΑΤΙΑ  
ΥΠΟΥΡΓΕΙΟ ΠΕΡΙΒΑΛΛΟΝΤΟΣ ΚΑΙ ΕΝΕΡΓΕΙΑΣ

ΔΙΕΥΘΥΝΣΗ ΔΙΕΘΝΩΝ ΚΑΙ ΕΥΡΩΠΑΪΚΩΝ ΔΡΑΣΤΗΡΙΟΤΗΤΩΝ  
ΤΜΗΜΑ ΕΥΡΩΠΑΪΚΩΝ ΚΑΙ ΔΙΕΘΝΩΝ ΥΠΟΘΕΣΕΩΝ ΠΕΡΙΒΑΛΛΟΝΤΟΣ

Αθήνα, 22 Σεπτεμβρίου 2016  
Αρ. πρωτ.: 183440/1387

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ΚΟΙΝ: ΥΠΕΝ, Γενική Διεύθυνση Περιβαλλοντικής  
Πολιτικής, Δ/νση Προστασίας Βιοποικιλότητας, Εδάφους  
και Διαχείρισης Αποβλήτων, Τμήμα Βιοποικιλότητας και  
Προστατευόμενων Περιοχών  
Πατησίων 147, 112 51 ΑΘΗΝΑ

**ΘΕΜΑ: Ερωτηματολόγιο Ειδικού Εισηγητή για τα ανθρώπινα δικαιώματα και το περιβάλλον**

- ΣΧΕΥ. 1. Το με α.π. 3529/11.8.2016 Έγγραφο του Γραφείου ΓΥΠΕΝ (ΔΕΔΔ 1224/12.8.2016)  
2. Το με α.π. 36351/10.8.2016 Έγγραφο ΥΠΕΞ/Δ4 (ΥΠΕΝ/ΔΕΔΔ 182385/1252/26.8.2016)  
3. Το με α.π. 40080/12.9.2016 Έγγραφο Τμήματος Βιοποικιλότητας και Προστατευόμενων Περιοχών  
(ΔΕΔΔ 1339/16.9.2016)

Σε συνέχεια του ως άνω σχετικού (2) εγγράφου σας σχετικά με το εν θέματι Ερωτηματολόγιο και στο πλαίσιο των αρμοδιοτήτων μας και της διαθέσιμης στο φορέα μας ενημέρωσης, σας πληροφορούμε ως προς τα εξής:

**Ερώτημα 1:**

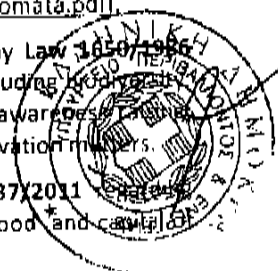
**Please provide, in detail, examples of biodiversity-related legislation, policies and programmes that incorporate human rights obligations**

The human right to environment, including to biodiversity, aims to safeguard human health and quality of life as well as environmental integrity as such. The natural environment, including biodiversity, is perceived as a "public good", as a whole, that should be conserved and protected for the sustainable development of Greece, to the benefit of present and future generations.

Article 24 of the **Greek Constitution** enshrines the mixed rights (individual, social and political ones) of everyone in the natural and cultural environment and, at the same time, establishes the State's obligation to protect and take preventive or enforcement action under the principle of sustainability. Through this constitutional provision, one of the most important principles of international environmental law is transposed into the national legislation, namely the preventive principle, which relates to taking measures to avoid scientifically verified risks or damages to the environment as a "public good". According to the Constitution, environmental protection, includes protection of forests (and thus its biodiversity), of the build environment (i.e. human settlements and cities) as well as of the cultural environment, thus linking the natural environment with traditional practices of local communities (see also the National Action Plan on the "Human Right to Environment" drafted under the coordination of the Ministry of Justice <http://www.opengov.gr/ministryofjustice/wp-content/uploads/downloads/2013/12/Dikaiomata.pdf>).

The basis of the Greek national legislation for environmental protection is provided by Law 1650/1986 which sets basic rules, criteria and procedures for the protection of the environment, including biodiversity, to benefit human health, quality of life and human development, inter alia, through awarding prizes, information and education also to promote citizens' involvement in environmental conservation measures.

Regarding biodiversity, in particular, the basis for our national legislation is Law 3937/2011 "Biodiversity Conservation" which sets biodiversity as an "invaluable and indispensable good" and



high national significance". Law 3937 is complemented by **Ministerial Decision 40332/2014** for the endorsing the "National Strategy for Biodiversity for 2014-2029 and its related 5year Action Plan" (<http://www.vpeka.gr/Default.aspx?tabid=237&language=el-GR#biodiv>). In the above mentioned Law 3937/2011, in Articles 1 (para 2), 6 (para 7) and 8 (para 7) the right of citizens and any other interested party (without having to prove related documented legal interest) is safeguarded as regards expressing an opinion for the classification of an areas as "protected area for biodiversity", since the Government is obliged to carry out wide consultation processes open to the general public, during drafting any related legislative act.

Moreover, Article 16 of the same Law, establishes the obligation of the State for contributory benefits to private parties or local communities as incentives to ensure conservation of biodiversity in a good status, thus acknowledging the value of ecosystem services for local communities as well as for the general public.

Finally, with Article 18 of Law 3937, the promotion of environmental education and awareness raising is clearly stated as an obligation of the State, to be pursued by all available means, including the responsibility of the Hellenic Ministry of Environment and Energy to upload any biodiversity-related information on its website, with emphasis on the conservation status of the Greek biodiversity.

The Greek biodiversity-related legislation that incorporates human rights provisions also includes (*indicatively hereby mentioned*):

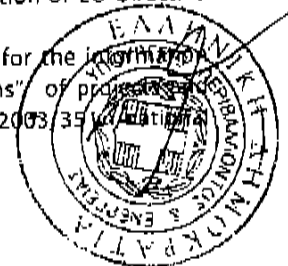
- Law 2971/2001 for the marine and coastal environment, where, in Article 2, the access of everyone to the coast is ensured and by no means blocked;
- Law 3199/2003 for the integrated management of water resources as a basis for social and economic growth;
- Law 3983/2011 for the protection of marine environment incorporating in national legislation the EU Marine Strategy Directive 2008/56;
- Law 4014/2011 which is the new framework law for the environmental licensing of projects and activities aiming at simplifying licensing procedures but at the same time ensure high and effective environmental protection. Law 4014 as regards matters of illegal building and creating environmental offsets has been replaced, more recently, by Law 4178/2013. Law 4014/2011, in Article 3.2.β.γγ, sets out extended public consultation procedures prior to any licensing.
- Law 4117/2013 regarding new procedures for issuance of building permits, for building regulations and for the control of contractons taking into account provisions of Law 4014/2011 on environmental licensing;
- Law 4042/2012 for the protection of the environment, including biodiversity, through criminal law setting preventive, effective and proportional sanctions as set by criminal law, in case an environmental damage (pollution or any other type of degradation) has or may be occur that can have impacts, inter alia, on human health.

## Ερώτημα 2:

**Please provide specific examples of good practices in the implementation of human rights obligations in biodiversity related matters [...]**

An example that could be given relates to ensuring the right to access to biodiversity-related information by all citizens. The right of access to information is provided and guaranteed by the Constitution as well as by the Administrative Procedure Code. The **Aarhus Convention** has been ratified in 2005 with **Law 3422/2005**, according to which public authorities must facilitate the access of citizens to environmental information and disclosure of environmental information to interested parties upon request within specific time-frames is set by law. Law 3422/2005 is also complemented by:

- **Joint Ministerial Decision 11764/653/2006** for the transposition in national legislation of EU Directive 2003/4 on public access to environmental information;
- **Joint Ministerial Decision 37111/2021/2003** for the determination of procedures for the information and participation of the public in the process of issuing the "environmental terms" of projects and activities according to Law 3010/2002 and for the transposition of EU Directive 2003/35 in national legislation;



- **Joint Ministerial Decision 9269/470/2007** for the transportation of Articles 3 and 4 of EU Directive 2003/35 regarding the legal means for the protection of citizens against decisions or omissions of public services that relate to access to information and participation in public consultations during the environmental permitting process.

Additionally, the **"Clarity" Program** (<https://diavgeia.gov.gr/>) launched in 2010, establishes the obligation of all Ministries to upload their decisions on a common publicly accessed URL, unless these decisions contain sensitive personal data or information of national security. This program constitutes a major transparency tool, since the decisions of public entities cannot be implemented unless uploaded and digitally assigned an automatic transaction number, hence all citizens can have access to any decision that can have direct or indirect impacts on biodiversity.

Moreover, the **Greek Ombudsman**, founded in 1998 ([http://www.synigoros.gr/?i=quality-of-life\\_en](http://www.synigoros.gr/?i=quality-of-life_en)) is a specialized constitutionally independent administrative authority with, inter alia, environmental responsibilities that can investigate individual administrative actions or omissions of the government or public services that infringe upon the personal rights or violate the legal interests of individuals or legal entities, inter alia, with regard to protection of natural environment and biodiversity conservation. The Ombudsman provides its services to the public free of charge by submission of a complaint to its competent Department on "Quality of Life".

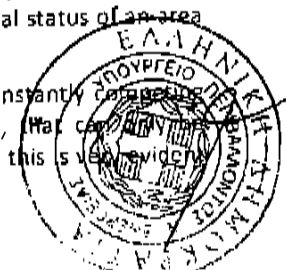
Finally, another successful example that can be given relates to the promotion of environmental education and education for sustainable development (ESD) in Greece by the competent Ministry of Education as a crucial element of democracy and of inclusive societies. Since 1997, Ministry of Education has now introduced sustainable development into official curricula, from primary school right up to Universities, graduate schools and life-long learning, through formal and non-formal channels. In this context, particular emphasis is given on the "education of educators", as carriers and multipliers for change towards sustainable consumer's behaviour. Greece has also been very actively involved in the promotion of the UNECE Strategy for ESD since its beginning, in 2005, as the Chair Country of its Steering Committee from 2005 to 2010 and member of its Bureau until today. Moreover, Greece has facilitated the elaboration of the "Mediterranean Strategy on Education for Sustainable Development" that was officially endorsed in Athens, in May 2014, during the Hellenic Presidency of the Council of the European Union, at the Ministerial Meeting on Environment and Climate Change of the "Union for the Mediterranean". The Mediterranean Strategy encourages countries to incorporate ESD into their formal educational systems, as well as in non-formal and informal educational activities aiming at promoting sustainable development in the Mediterranean region.

### Ερώτημα 3:

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

One of the challenges faced by the government in biodiversity protection related matters with regard to human rights that could indicatively be mentioned, as an example, is the implementation of the "polluter pays" principle and in particular the implementation of EU Directive 2004/35 (transposed in national legislation since 2009 with **Presidential Decree 148**, <http://www.ypeka.gr/Default.aspx?tabid=333&language=el-GR>). The challenges, which are common for EU member states, regard the inefficiency of assessing the value of biodiversity and of ecosystem services in practical terms (i.e. "set a price") in order to consequently set the cost (of environmental damages and, thereof, the cost) of the appropriate remedial measures that should be carried out by the polluter/operator who caused the damage. Moreover, the challenges faced regard the assessment of the baseline/background of the environmental status of an area prior to an environmental damage that might occur.

Another challenge that could also be indicatively mentioned, in this context, is the constantly increasing demand for environmental protection and, at the same time, for economic growth, that can be reconciled in a context of sustainable development. In the case of biodiversity protection this is



in the environmental permitting process of projects and activities within the boundaries of protected areas.

**Ερώτημα 4:**

**How are the rights of those who may be particular vulnerable to the loss if biodiversity, including but not limited to indigenous peoples, provided with heightened protection?**

Biodiversity protection is often linked in practice but also under the related legislation (e.g. see Law 1650/1986) with the protection of cultural heritage of local populations as, in various cases, traditional local practices have proven to be the most environmental friendly choice with the minimum cost. For instance, the Cycladic Islands in the Aegean Sea face a severe water scarcity problem, especially in the summer months when local population can double due to tourist arrivals, with negative effects on local populations' livelihoods. Efforts to reinvent traditional methods of water management through reusing old house cisterns in traditional cyclic settlements have proven extremely effective for the retention of rainfed water, and thus for the improvement of everyday life of local populations in vulnerable situations but also for the conservation of the local environment against the possible adverse impacts of modern non-conventional water production methods might have, like desalination.

**Ερώτημα 5:**

**How do you ensure that the rights of environmentalist working on biodiversity issues (environmental human rights defenders) are protected?**

*Το θέμα δεν αποτελεί αρμοδιότητα του φορέα μας και απάντηση ενδεχομένως θα μπορούσε να δοθεί είτε από το Υπ. Δικαιοσύνης ή Εργασίας είτε μέσω του Αστικού Κώδικα που κατοχυρώνει θεσμικά τις διάφορες μορφές μίας Περιβαλλοντικής Οργάνωσης.*

Τιθέμεθα στη διάθεση σας για οιαδήποτε περαιτέρω πληροφόρηση.

Η Γενική Γραμματέας



ΑΝΤΙΓΡΑΦΗ

Μ. ΜΑΣΤΟΡΑΚΗ ΓΕΩΡΓΙΑ

Χριστίνα Μπαριτάκη

Εσωτερική Διανομή:

- Γραφείο Υπουργού
- Γραφείο Αναπληρωτή Υπουργού
- Γραφείο Γενικής Γραμματέως Υπουργείου
- Διεύθυνση Διεθνών και Ευρωπαϊκών δραστηριοτήτων