

**keynote statement for the upcoming third extraordinary session of the Meeting of the Parties (ExMoP3) to the Aarhus Convention**

The Public Defender of Georgia acknowledges the legitimate right to defend human rights and recognizes the crucial role of human rights defenders in tackling the most pressing challenges facing the world nowadays, inter alia, democratic backsliding, poor human rights standards, environmental degradation, etc. Despite robust international and local normative guarantees aiming to protect HRDs and their work, they invariably become targets of verbal and physical attacks, intimidation, stigmatization, smear campaigns, and/or possible SLAPPs in Georgia. The work of HRDs is further hindered by undue restrictions on their fundamental freedoms and ineffective responses to transgressions against them. Notwithstanding that environmental defenders enjoy the opportunity to operate in a comparatively supportive environment, they still experience some of the prevalent obstacles indicated above.

For example, during 2021, law enforcement authorities repeatedly failed to fulfill their obligation to facilitate peaceful assemblies against the construction of one of the largest hydro power plants – Namakhvani HPP within “sight and sound” of its object through blocking access to the main protest site. While freedom to express views collectively is among the most potent weapons of HRDs to attain their goals and amplify their voices, The Public Defender criticized such an intervention and raised concerns about its proportionality.

The realization of the possibility to defend environmental rights became yet more exacerbated by the covid-19 pandemic and the extraordinary reaction to it on the national level. In particular, the Covid induced curfew and the consequent fines on the participants of the above-mentioned rally led to the interference with the right to peaceful assembly of environmental activists in the first half of 2021.

Regardless of the limitations, the incessant protest against the hydro power plant obstructed its construction and subsequently, resulted in the termination of the contract between the investor and the Georgian government. Therefore, the developments around the Namakhvani hydro power plant created a stark indication of the systemic flaws in the planning and implementing energy projects, including in terms of information disclosure and stakeholder engagement. Hence, the case highlighted the importance of upholding standards set forth in the Aarhus convention and the UN guiding principles on Business and Human Rights.

Taking into account the problems existing with regard to the protection of HRDs, the Public Defender started to dedicate separate chapter to the analyzes of the corresponding situation and pertinent recommendations since 2018. Furthermore, considering the functions of national human rights institutions set out in the Marrakech Declaration and ENNHRI’s Regional Action Plan on its implementation, the Public Defender published a Guide to Working on Issues of Human Rights Defenders in 2020. The Guide defines the notion of human rights defenders based on international standards, explicates the importance of their work, and illustrates state obligations in this regard. In addition, the document outlines the role of NHRIs as well as measures that the Public Defender’s Office takes in order to promote building and securing an enabling environment for HRDs. The guideline serves as a basis for the Ministry of Internal Affairs of Georgia to prescribe the concept of HRDs despite the absence of a legislative norm defining the group, which is a vital prerequisite for identifying offences committed against them and collecting comprehensive statistical data.

Moreover, the Office of the Public defender actively raises public awareness of HRDs, their role, status, activities and rights through imparting public statements and infographics as wells as organizing or participating in relevant round table discussions and training sessions.

In addition, the Public Defender has presented two amicus curiae briefs on lawsuits brought by or against HRDs. The purpose of the first brief is to integrate international principles of the protection of HRDs into the case law of common courts, while the second document addresses the acute problem of ambient air pollution and intends to assist the court in setting good standard for the enjoyment of the right to live in a healthy environment.

We stand committed to continue supporting and promoting HRDs, including environmental defenders and will employ all the apposite tools at our disposal to this end.

Thank you,