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DOCUMENT FOR MONITORING THE DEVELOPMENT
AND IMPLEMENTATION OF THE NATIONAL STRATEGY
FOR HUMAN RIGHTS FOR 2022-2030

REGARDING LABOR AND ENVIRONMENTAL RIGHTS

**DOCUMENT FOR MONITORING THE DEVELOPMENT
AND IMPLEMENTATION OF THE NATIONAL
STRATEGY FOR HUMAN RIGHTS FOR 2022-2030**

Regarding labor and environmental rights

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I. SUMMARY

Monitoring of the 2022-2030 National Strategy for Human Rights and draft of Action Plan includes the following topics: a) evaluation of the Strategy and Action Plan development process; b) assessment of the objectives established in the Strategy and draft of Action Plan for the protection of labor rights and monitoring of their implementation; c) evaluation of the objectives established in the Strategy and draft of Action Plan for the purpose of strengthening the right to environmental protection and monitoring their implementation.

The main findings of GYLA monitoring of the National Strategy for Human Rights and draft of Action Plan are:

a) Evaluation of the development process of the National Strategy for Human Rights and Action Plan

- The process of development of the National Strategy for Human Rights by the Government of Georgia did not meet the standards of development of the policy document defined by the Resolution #629 of the Government of Georgia on December 20, 2019, especially in the part of participation of external stakeholders and public discussions.
- The administration of the Government of Georgia has not published the document of the situational analysis of the human rights situation, on which the strategy document and strategic directions were based;
- The National Strategy for Human Rights does not indicate to what extent the human rights-based approach, gender and social inclusion perspectives were taken into account in the strategy development process;
- The process of developing the Action Plan of the National Strategy for Human Rights needs to be improved in the following directions: a) the involvement of all interested parties in the development of the Strategy Action Plan; b) determination of a reasonable deadline for submitting comments on the working version of the Action Plan; c) public discussion of the working version of the Action Plan and d) maximum consideration of the opinions presented by civil society organizations.

b) Evaluation of the objectives and activities established in the National Strategy for Human Rights and draft of Action Plan for the protection of labor rights

- The strategy document does not clearly state whether the government of Georgia has carried out a situational analysis of the problems in the field of labor rights protection, whether it has studied the recommendations of international and local organizations, and whether it has consulted with the relevant state agencies (the Ministry of Labor, Health and Social Affairs, LEPL Labor Inspection Service) and external stakeholders;
- The objectives proposed by the Strategy for the Protection of Human Rights in the direction of strengthening the protection of labor rights partially reflect the needs in the country, including: a) strengthening the mechanisms of supervision over labor legislation; b) strengthening the labor mediation system and c) creating effective conditions for the implementation of labor legislation and strengthening labor inspection. However, the mentioned objectives are formulated in a very general way,

which allows for a wide interpretation in terms of establishing specific activities in the Action Plan and evaluating the results of achieving the objective;

- The objectives set out in the Human Rights Strategy in the direction of strengthening the protection of labor rights do not take into account the need to improve the legal regulation, because despite the reform of the Labor Code implemented in 2020, some important issues still remain unresolved.
- The objectives presented in the National Strategy for Human Rights to strengthen the protection of labor rights do not include issues reflecting gender and social aspects in labor relations, such as: a) unequal pay for equal work, as a form of discrimination against women; b) unpaid and invisible care work of women; c) issues of protection of labor rights of socially vulnerable groups, including national minorities, representatives of the LGBT+ community, the elderly; d) protection of children from forced labor;
- The indicators defined by the National Strategy for Human Rights in the direction of the protection of the right to labor are not sufficient and cannot provide an assessment of the performance of the objectives defined by the strategy;
- The part of the objectives defined in the direction of labor rights in the draft of Human Rights Strategy Action Plan needs to be refined and improved by referring to clear, foreseeable and measurable activities and indicators.

c) Evaluation of the objectives and activities established in the National Strategy for Human Rights and draft of Action Plan for the protection of environmental rights

- The strategy document does not clearly state whether the Government of Georgia has carried out a situational analysis of the problems in the field of environmental protection, whether it has properly studied and considered the recommendations of international and local organizations, and whether it has consulted with relevant state agencies and other interested parties related to the field of environmental protection;
- The objectives proposed by the National Strategy for Human Rights in the direction of strengthening the protection of the right to environmental protection to some extent reflect the needs in the country, among them, it is really important to bring Georgia's legislation closer to the EU legislation and ensure its implementation, ensure the effective use of environmental procedural rights, improve access to clean air and quality drinking water, effective management of waste and raising public awareness on environmental protection issues. However, it should be noted that the objectives are of a very general nature, which allows for a wide interpretation in terms of establishing specific activities in the Action Plan and evaluating the results of achieving the objective, which may have a negative impact on the achievement of the strategic priority and the evaluation of performance.
- The National Strategy for Human Rights neglected issues related to climate change. These issues may be integrated within the framework of the objective of bringing Georgia closer to the European Union legislation and may be directly or indirectly related to other objectives, including the improvement of air quality or waste man-

agement system, however, due to its importance and the greatest impact on various human rights, climate change must be separated and defined as one of the main priority directions.

- The activities defined in the environmental protection part of draft of the Action Plan of the Human Rights Strategy correspond to some extent to the objectives defined by the Strategy, however, they cannot respond to the challenges and needs of the priority directions. It is necessary to add various activities and refine the Action Plan in the area of environmental protection. In addition, each activity should have clearly defined and measurable indicators.

II. INTRODUCTION

On March 23, 2023, the Parliament of Georgia approved the second National Strategy for Human Rights for 2022-2030,¹ which was developed by the Government of Georgia and approved on September 5, 2022.² The goal of the National Strategy for Human Rights is to strengthen the systematic guarantees of protection of human rights and freedoms in Georgia and to develop appropriate mechanisms in the state governance system. The National Strategy for Human Rights creates a unified framework for strengthening the national system of basic human rights and freedoms and institutional democracy in the country.

The National Strategy for Human Rights includes four priority directions:

- a) Strengthening of justice, principles of rule of law, institutional democracy and effective use of civil and political rights;
- b) Strengthening the protection of economic and social rights and improving systemic guarantees for this purpose;
- c) Reflecting the constitutional guarantees of equality in the state policy, their implementation in practice and the enjoyment of human rights and freedoms without discrimination;
- d) Protection of the rights and liberties of the population affected by the illegal occupation of the territories of Georgia by the Russian Federation, including internally displaced persons and refugees from the occupied territories of Georgia, the residents of villages adjacent to the occupation line, and people living in the occupied territories.

Each priority direction of the strategy, regarding the thematic rights, determines the measures to be taken by the state at the legislative and practical level in the form of goals and objectives.

The purpose of this document is to evaluate the process of developing the National Strategy for Human Rights and monitor the second priority of the strategy, the strengthening of the protection of social rights in the fields of **labor** and **environmental protection**. For this, in 2023, the Georgian Young Lawyers' Association developed a **methodology for monitoring the National Strategy for Human Rights**, which includes a) evaluation of the strategy development process as a policy document development cycle and b) forms and mechanisms for monitoring the implementation of a specific right provided for in the strategy. The monitoring methodology is publicly available.³

The monitoring of assessment and implementation of labor and environmental rights provided by the Human Rights Strategy is based on the methodology developed within the project, which includes the evaluation of the development process and the monitoring of the implementation of specific rights.

¹ Resolution of the Parliament of Georgia of March 23, 2023 #2663-XI06-X03, on the approval of the National Strategy for the Protection of Human Rights (for 2022-2030); available: <https://matsne.gov.ge/document/view/5757268?publication=0>;

² Government session of September 5, 2022, available: Government of Georgia - 2022 sessions of the Government of Georgia (www.gov.ge)

³ Georgian Young Lawyers' Association, Document for monitoring instrument of the National Strategy for Human Rights 2022-2030, Author: L. Jalaghonia, Tbilisi, 2023. The document was created with the support of the European Union (EU) and the United Nations Development Programme (UNDP). Available at: <https://shorturl.at/tzTXZ>.

In the framework of the monitoring of labor and environmental rights in the National Strategy for Human Rights, public information was requested from public institutions, both regarding the strategy development process and labor and environmental rights. As part of the research, public information was requested from:

- the administration of the Government of Georgia regarding the process of developing the National Strategy for Human Rights (see Appendix 1.);
- the Ministry of Labour, Health and Social Affairs of Georgia and the LEPL Labor Inspection Service regarding the implementation of labor rights (see Appendix 2 and Appendix 3);
- the Ministry of Environmental Protection and Agriculture of Georgia regarding environmental rights. (See Appendix 4).
- the LEPL Environmental Information and Education Center on environmental rights (see Appendix 5);
- the LEPL National Environmental Agency regarding environmental rights (See Appendix 6);
- the LEPL Environmental Supervision Department regarding environmental rights (see Appendix 7).

Unfortunately, in the course of the research, the administration of the Government of Georgia and the Ministry of Labor, Health and Social Affairs of Georgia, in violation of the requirements of the Georgian legislation, did not provide us with the requested public information, which is why we are deprived of the opportunity to additionally describe the measures implemented by them in the research, if any. Public information was also not provided by the Ministry of Environmental Protection and Agriculture and the LEPL Environmental Supervision Department in violation of the requirements of the Georgian legislation.

In the research process, the National Strategy for Human Rights document, public information received from public institutions and thematic studies/statements available on open sources were analyzed, based on which the assessment and recommendations were formed.

III. EVALUATION OF THE DEVELOPMENT PROCESS OF THE NATIONAL STRATEGY FOR HUMAN RIGHTS

The first National Strategy for Human Rights approved by the Parliament of Georgia in 2014 expired at the end of 2020. The working version of the document became publicly available on August 23, 2022. The Government of Georgia set a deadline of 2 weeks for external interested parties to submit opinions on the Strategy for Human Rights, and the Strategy was approved on September 5, 2022, immediately after the deadline.⁴

As part of the research, we requested public information from the Georgian government administration regarding the full cycle and stages of the process of developing the National Strategy for Human Rights, the documents studied and the involved parties, the recommendations presented and their consideration in the strategy document. Unfortunately, **we were not provided with the requested public information from the administration of the Government of Georgia**, which is why we were guided only by the information presented in the National Strategy for Human Rights regarding the strategy development process.

According to the National Strategy for Human Rights, to ensure the involvement of relevant representatives in the process of developing the strategy, the government established a high-level inter-agency working group, which was asked to regularly cooperate with international and local NGOs in the process of developing the document. The working group was staffed with representatives of all ministries, at the level of deputy ministers, as well as senior officials of various state agencies and representatives of international organizations.⁵

The strategy document additionally mentions that several thematic working groups were created within the framework of the inter-agency working group, the purpose of which was to ensure effective cooperation in determining the priority directions and goals of the strategy. The thematic groups included the following directions: strengthening the principles of justice and the rule of law; strengthening of economic and social rights; ensuring constitutional guarantees of equality and prohibition of discrimination; ensuring the protection of the rights of the population affected by the illegal occupation of the territories of Georgia by the Russian Federation.⁶

According to the National Strategy for the Protection of Human Rights, the COVID-19 pandemic that started in 2020 proved to be a significant challenge for the strategy development process, which hindered the involvement of external stakeholders in the process. However, the strategy document notes that despite the difficulties, ways have been found to conduct the working group's activities safely and at the same time with the involvement of the parties.⁷

According to the National Strategy for Human Rights, in order to determine the directions of the new national strategy, the following were studied: a) the jurisprudence of the Constitutional Court and the Supreme Court of Georgia; b) reports prepared by the Public Defender of Georgia in recent years; c) recent studies, evaluations and recommendations made for Georgia by relevant international organizations, supervisory bodies and international and

⁴ See: Footnote 2.

⁵ See: Footnote 1, pg. 4.

⁶ See: Footnote, pg. 4.

⁷ See: Footnote 1, pg. 5.

local non-governmental organizations working in the field of human rights protection.⁸ **However, the administration of the Government of Georgia has not published the document of the situational analysis of the human rights situation in the country, on which the strategy document and strategic directions were based. In addition, the National Strategy for Human Rights does not further indicate to what extent gender and social inclusion perspectives were taken into account in the strategy development process.**

According to civil society organizations, the entire process of developing the National Strategy for Human Rights lacked inclusiveness and involvement of external stakeholders.⁹ Taking into account that civil society organizations in fact were not involved in the process of preparing the strategy document, the 2-week period determined by the Government of Georgia was not reasonable for getting to know the document and forming opinions, considering the scope of the document and the variety of topics.¹⁰ Although on August 31, 2022, during the discussion of the working version of the strategy, it was emphasized that before the strategy was approved by the government, it was important for all interested parties to have the opportunity to express their opinions regarding the document and participate in the meaningful discussion, the government approved the strategy on September 5 without proper discussions.¹¹

In addition, **civil society organizations, in addition to the strategy development process, had critical comments and suggestions on the content of the National Strategy for Human Rights, as the strategy did not address a number of human rights challenges in the country, including:**¹²

- The need to reform the High Council of Justice, in terms of the development of the justice system;
- problems related to individual independence of judges;
- effective investigation of possible criminal facts committed by law enforcement officers;
- the issue of human rights protection during the implementation of the mandate of the State Security Service and the conduct of covert investigative actions;
- effective implementation of the preschool education system reform;
- prevention of early marriage;
- the issue of continuation and improvement of the reform of labor legislation of Georgia;
- the issue of elimination/prevention of continuous occupation;
- the issue of improving the legal status of women, LGBT community, children and disabled persons living in the occupied territory;
- the issue of effective investigation of the facts of alleged torture in the occupied territories and the use of preventive measures.

⁸ See: Footnote 1. pg. 5.

⁹ Democracy Research Institute;

¹⁰ Democracy Research Institute;

¹¹ Democracy Research Institute;

¹² Democracy Research Institute;

- It should be emphasized separately that unlike other social groups, LGBT people and their rights are not mentioned once in the document.¹³

Based on all of the above, we can conclude that **the process of development of the National Strategy for Human Rights by the Government of Georgia did not meet the standards of development of the policy document defined by the Resolution #629 of the Government of Georgia of December 20, 2019,**¹⁴ especially in the part of participation of external stakeholders and public discussions, which, in turn, negatively influenced the definition of the content part of the strategy.

Also, for the purposes of this document, it is important to present information regarding the chronology and accompanying events of the **Action Plan** development process. In particular, after the adoption of the strategic document, the Georgian government began work on its first human rights Action Plan. Non-governmental organizations announced their readiness to coordinately submit written opinions on the Action Plan for the protection of human rights to the Human Rights Secretariat of the Government of Georgia (hereinafter referred to as the “Secretariat”) in February 2023; however, the draft law initiated by members of the parliamentary majority on “transparency of foreign influence” made it impossible to effectively perform any objectives/activities set by the strategy and considered by the Action Plan. Because of this, **on February 28, 2023, more than 50 civil society organizations sent a letter to the Secretariat confirming their willingness to prepare written comments on the Human Rights Action Plan and present them in a coordinated format.**¹⁵ **However, the same letter emphasized that due to the initiation of bills on transparency of foreign influence, given the existing Russian experience of increasing control, harassment, and repression, it was impossible for these two processes to coexist in parallel.** At the same time, the signatory organizations¹⁶ called upon Niko Tatulashvili, the adviser to the Prime Minister of Georgia on Human Rights, to publicly state his position regarding the draft law, and to meet with the organizations in a private format. **The civil society organizations did not receive any feedback from the Secretariat on the mentioned letter.**

On March 19, 2023, civil society organizations sent the **2nd letter** to the Secretariat.¹⁷ In the letter, they expressed their position that, despite withdrawing the draft laws, the use of derogatory and hateful language towards human rights defenders and any attempts to narrow the space for civil society (in the form of the mentioned draft laws or other legislative or practical manifestations) would be against the fundamental values of the European Union, would sabotage of the candidate status and violate Article 78 of the Constitution.

In the same letter, it was emphasized that in the process of developing the human rights Action Plan, it is critically important for civil society organizations to represent the voices of

¹³ See: The position of the Women’s Initiatives Support Group and the Equality Movement, Publika, 15.09.2022, available: <https://publika.ge/ratom-ar-aris-nakhsenebi-lgbt-adamianebe-adamianis-uflebata-dacvis-erovnul-strategiashi/>, [17.11.2023].

¹⁴ Resolution #629 of the Government of Georgia of December 20, 2019 on the approval of the procedure for development, monitoring and evaluation of policy documents; available: <https://www.matsne.gov.ge/ka/document/view/4747283?publication=0>.

¹⁵ Appeal of non-governmental organizations of February 28, 2023, to the Advisor to the Prime Minister of Georgia on Human Rights, Mr. Niko Tatulashvili; available: <https://shorturl.at/aqxS2>;

¹⁶ Ibid.

¹⁷ Appeal of non-governmental organizations to the Human Rights Protection Secretariat of the Georgian Government Administration; available: <https://shorturl.at/gkAKW>

people whose interests they have been protecting for years through various legal means or service delivery. Especially considering that some rights groups were not mentioned in the strategy at all.

For civil society to be fully engaged, it is important that there is a real, tangible possibility that decision-makers will take the proposals into account. Otherwise, the involvement of civil society will have a fictitious character and it cannot provide the legitimate goals that the existence of inclusive processes in a democratic society serves.

In this regard, the Secretariat was requested to inform in writing:

- i. In what timeframe was it planned to develop the human rights Action Plan?
- ii. Has the Secretariat developed a formal rule defining the organization and timeline for the development of an Action Plan? When were the stakeholder meetings scheduled?
- iii. With the participation of which interested parties was it planned to develop the Action Plan? Was the involvement of civil society considered in the process of developing the Action Plan? If the answer to this question is positive, what was the format of involvement of civil society organizations?

The mentioned information was/is important for the effective planning of the activities of civil society organizations in relation to the Action Plan. **There was no feedback from the secretariat on this letter either.**

On June 6, 2023, at the initiative and facilitation of the Public Defender of Georgia, a meeting was held with Prime Minister's adviser on human rights Niko Tatulashvili and civil society representatives.¹⁸ The meeting aimed to discuss the issues related to the development of the Action Plan of the National Strategy for Human Rights between the government administration and civil society representatives, mainly in the direction of the need to ensure the continuous involvement of civil society organizations.

At the meeting, representatives of civil society organizations voiced the key concerns related to the deterioration of the legal situation in the country, including the practices of narrowing the space for civil society.¹⁹ The above-mentioned questions were also asked at the meeting, however, the specific answers to them, unfortunately, are not known even at the stage of publication of the present report.

On June 29, 2023, civil society organizations held a press conference at which they publicly addressed the Secretariat and announced their willingness to present their views. See the text of the announcement below:

¹⁸ GYLA calls on the Secretariat of Human Rights of the Government of Georgia to ensure the format of continuous involvement of civil society in the process of developing the action plan; available: <https://gyla.ge/ge/post/gyla-calls-on-the-secretariat-of-human-rights-of-the-government-of-georgia-to-provide-a-format-for-the-continuous-involvement-of-civil-society-in-the-process-of-developing-the-action-plan>

¹⁹ Ibid.

“We, civil society organizations, publicly call on the government of Georgia to ensure the format of continuous involvement of civil society in the process of developing the human rights Action Plan.

Civil society organizations at all stages expressed/express their willingness to contribute to the Action Plan development process. This is confirmed by the written communication of February 28 and March 19, 2023 with the Human Rights Secretariat of the Government of Georgia. However, we believe that the mentioned engagement should be a process accompanying the relationship based on trust, otherwise, along with initiating/encouraging hostile processes towards the civil society, any engagement is fictitious, and illusory. It is also significant that the strategy itself was approved without a thorough discussion with the interested parties.

We believe that a truly inclusive process will create a better Action Plan that benefits everyone. This is especially important given that some particularly vulnerable groups of society, including LGBTQI people, and their needs are not mentioned in the strategy at all.

In addition, the oral report of the European Commissioner for Neighborhood Policy and Enlargement dated June 22, 2023 states that the Georgian government should resume constructive dialogue with civil society and carry out regular and transparent consultations. We, civil society organizations, confirm once again that the main goal of our activities, is to make maximum efforts to obtain candidate status. Based on this, on July 31, 2023, we will publish opinions that we consider appropriate to take into account in the process of developing the human rights Action Plan for the establishment of a democratic, legal, and social state.

At the same time, we call on the Georgian authorities to:

- to stop the practice of narrowing the space for civil society and not to oppose the order of values determined by the Constitution of Georgia and international acts;*
- to provide a format for continuous involvement of civil society in the process of developing the human rights Action Plan.”*

The above opinions were published publicly on July 31, 2023, and were submitted in writing to the Secretariat.²⁰ However, it is clear that the mentioned opinions will remain only as a document of facultative nature if the state does not take significant steps for the ongoing involvement of civil society organizations in the process of implementing the National Strategy for the Human Rights of Georgia (for 2022-2030).

The joint views of civil society organizations regarding the Action Plan included all four priorities of the strategy and additionally highlighted issues that were not considered in the strategy at all, such as: the rights of the LGBT community and the prevention of homelessness.²¹

On October 31, 2023, the Georgian government administration shared the working version of the human rights protection strategy Action Plan with civil society organizations and invited them to a working meeting on November 1, 2023. **GYLA is critical of sharing the working**

²⁰ Joint opinions of civil society organizations regarding the human rights action plan, 31.06.2023, available: <https://gyla.ge/files/%E1%83%9B%E1%83%9D%E1%83%A1%E1%83%90%E1%83%96%E1%83%A0%E1%83%94%E1%83%91%E1%83%94%E1%83%91%E1%83%98.pdf>

²¹ Ibid.

version of the Human Rights Strategy Action Plan a day before the meeting, as civil society organizations were not given a reasonable time to familiarize themselves with the working version of the Action Plan and present their views at the meeting. In addition, the fact that the legal issues of LGBT persons are still not reflected in the Action Plan needs to be critically evaluated.

It is essential that the Government of Georgia ensures the involvement of all interested parties in the development of the Action Plan of the human rights strategy, determines a reasonable deadline for submitting comments on the working version of the Action Plan, reviews publicly the working version of the Action Plan and considers the opinions presented by civil society organizations. Also, it is essential to have a discussion/engagement format, within which the civil society will receive regular feedback from the agencies or the government administration on the opinions that the civil society presented, and which the government does not intend to take into account. As of November 9, 2023, it is not known what the format proposed by the Human Rights Secretariat of the Government of Georgia for the involvement of civil society organizations will be.

IV. MONITORING OF STRENGTHENING OF SOCIAL RIGHTS

1. Labor Rights

1.1. Introduction

The second priority of the National Strategy for Human Rights determines the main areas of strengthening the protection of social rights, including the protection of labor rights. In this case, the goal of the strategy is effective protection of labor rights and continuous improvement of occupational safety systems. According to the strategy, the state must ensure the strengthening of the legal framework and national mechanisms promoting labor rights in accordance with international standards in order to achieve the goals and objectives defined by the strategy.

To achieve this goal, the strategy defines the following objectives:

- development and strengthening of existing supervisory mechanisms on labor legislation in accordance with international standards; strengthening occupational safety mechanisms at workplaces;
- creation of suitable conditions for effective implementation of labor legislation and strengthening of the Labor Inspection Service;
- strengthening the labor mediation system; effective and continuous development of social dialogue at the central and local levels;

The strategy establishes key indicators for evaluating the achievement of goals, such as:

- the rate of reflection of the European Union directives in the national labor legislation in accordance with the obligations assumed by the association agreement;
- the workplace injury/death rate per 100,000 employees;
- the number of inspections carried out for effective enforcement of labor norms/percentage of inspected operating entities.

1.2. Assessment of planning and definition of strategy in the field of labor rights

The National Strategy for Human Rights document, apart from the general record of the strategy preparation process, does not additionally indicate the basis for determining the main priorities for the protection of labor rights in the strategy. In this case, **it is not clear whether the Government of Georgia has carried out a situational analysis of the existing problems in the field of labor rights protection** and whether the proposed objectives have been based on the findings of this analysis. In addition, the strategy document does not refer to the studies and reports of international or local organizations that were used to study the state of labor rights protection. In addition, the strategy document does not indicate the degree of participation of the relevant state agencies (the Ministry of Labor, Health and Social Affairs, the LEPL Labor Inspection Service) and consultations with external stakeholders, the recommendations presented by them and the rate of their consideration.

The analysis of the objectives established in the National Strategy of Human Rights to strengthen the protection of labor rights shows that a human rights-based approach, including **the perspectives of gender and social inclusion are not taken into account in the strategy**. The presented objectives do not include issues reflecting gender and social aspects

in labor relations, such as: a) unequal pay for equal work, as a form of discrimination against women; b) unpaid and invisible care work of women; c) issues of protection of labor rights of socially vulnerable groups, including national minorities, representatives of the LGBT+ community, the elderly; d) children's protection from forced labor.

The objectives proposed by the strategy for the protection of human rights in the direction of strengthening the protection of labor rights **somewhat reflect** the needs in the country, including: a) strengthening the mechanisms of supervision over labor legislation; b) strengthening the labor mediation system and c) creating effective conditions for the implementation of labor legislation and strengthening labor inspection. However, it should be noted that the mentioned objectives are formulated in a **very general way**, which allows for a broad interpretation in terms of establishing specific activities in the Action Plan and evaluating the results of achieving the objective, which may have a **negative impact** on the achievement of the strategic priority and the evaluation of performance.

It is desirable that the objectives be spelled out more specifically, so that the activities to be implemented within the framework of the Action Plan have an ambitious character and do not include the activities already planned by the agency.

It is problematic that the objectives established in the human rights strategy in the direction of strengthening the protection of labor rights **do not take into account** the need to improve the legal regulation, because despite the reform of the Labor Code implemented in 2020, some important issues remained unsettled. These issues include: a) determination of the upper limit of overtime work and the percentage amount of its compensation in the private sector; b) determining the employer's obligation to pay leave due to pregnancy, childbirth and child care in the private sector; c) review of grounds for termination of employment relationship and removal of grounds with a broad interpretation in the private sector; d) lack of a decent minimum wage in the public and private sector; e) absence and/or scarcity of social guarantees in labor relations in the public and private sector; f) absence of possibility of collective strike in public and private sector; g) the need to strengthen the guarantees of the creation of professional unions and protection of the rights of its members in the public and private sector. Accordingly, **one of the shortcomings of the current human rights strategy is the rejection of the need to improve legal regulation.**

It is important to note that the National Strategy for Human Rights neglects the protection of labor rights of persons employed in the informal sector and Gig Economy, which occupy a significant share of the Georgian labor market.²² The strategy does not provide a vision of how the state should ensure the gradual transfer of persons employed in the informal sector to the formal sector or grant them certain guarantees of the protection of their rights based on the Labor Code. In addition, the strategy does not offer a vision for the protection of the labor rights of persons employed in the Gig Economy, which requires the attention of the state in view of the increasing number of strikes by persons employed in this sector.

According to the National Strategy for Human Rights, the following indicators are defined in the direction of the protection of the labor rights:

- o In accordance with the obligations assumed by the Association Agreement, the rate of reflection of the EU directives in the national labor legislation;

²² Platform for Decent Work, Regulation of Gig Economy - Review of International Experience; June 7, 2021. available: <https://shroma.ge/reports/gig-economy/>.

- o workplace injury/death rate per 100,000 employees;
- o the number of inspections carried out in order to effectively enforce labor norms/ percentage of inspected operating entities;

We believe that the above indicators are not sufficient and cannot provide an assessment of the performance of the objectives defined by the strategy. It is important that indicators are clear, predictable and measurable against each objective.

Based on all of the above, we can conclude that when establishing the area of strengthening labor rights in the National Strategy for Human Rights, a proper analysis of the existing analytical documents in this field was not carried out and the participation of external stakeholders, including civil society organizations working on issues of labor rights protection, was not ensured, which negatively influenced the complete and comprehensive formulation of strategic objectives. The analysis of the objectives of the strategy in the area of protection of labor rights shows that the established objectives cannot fully respond to the problems and challenges in the field of labor rights in the country, ignoring the gender and social aspects of labor rights. At the same time, it is desirable that the National Strategy for Human Rights is not limited to existing regulations in the field of labor rights and to form a broad vision that includes the improvement of the legal regulation of labor rights, the creation of new and effective mechanisms for implementation in practice, and is not limited to the formal understanding of the labor market.

1.3. Assessment of the objectives established for the purpose of strengthening the protection of labor rights

Within the scope of the research, the scope of the objectives established by the National Strategy for Human Rights to strengthen the protection of labor rights is evaluated and a list of activities to be considered in the Action Plan to achieve the goals of each objective is proposed with appropriate justification.

(1) Development and strengthening of existing supervisory mechanisms on labor legislation; in accordance with international standards; Strengthening labor safety mechanisms at workplaces;

In order to enforce labor legislation and occupational safety standards, it is important that the Labor Inspection Service, on the one hand, strengthens supervisory mechanisms, and on the other hand, promotes the creation of mechanisms for the protection of labor rights and occupational safety at the workplace in the private and public sector. For this purpose, the Labor Inspection Service should ensure the practical introduction and implementation of EU directives provided for in the Association Agreement²³ signed between Georgia and the European Union, which may require both legislative and institutional changes. The Labor Inspection Service can also develop guidance documents and recommendations for employers and employees in the private and public sector to protect labor rights and occupational safety standards.

One of the important factors for strengthening occupational safety mechanisms in the work-

²³ Association Agreement between Georgia on the one hand and the European Union and the European Atomic Energy Union and their member states on the other hand; available: <https://matsne.gov.ge/document/view/2496959..>

place is increasing the number of certified occupational safety specialists, which, in turn, depends on the number and availability of training institutions and programs accredited by the Labor Inspection Service. It is important that the number of occupational safety specialists responds to the needs of the labor market and takes into account the demand in particularly vulnerable areas. Currently, the number of occupational safety specialists is small in areas with low and medium risk (service sector; light industry), which needs improvement. In addition, it is important that the Labor Inspection Service has constant communication and cooperation with occupational safety specialists in order to identify problems in the workplace and share practices.

Considering all the above, GYLA believes that **the Action Plan of the National Strategy for Human Rights** should include the following activities:

- Initiation of legislative changes in accordance with international standards, if required, for the developing and strengthening of supervisory mechanisms on labor legislation;
- development of guidance documents and recommendations by the Labor Inspection Service to strengthen workplace safety mechanisms in the private and public sector;
- Increasing the number of accredited training organizations and training programs for the certification of occupational safety specialists;
- increasing the number of certified occupational safety specialists;
- increasing the number of public and private institutions where certified occupational safety specialists are employed;
- Conducting regular workshops and discussions with occupational safety specialists by the Labor Inspection Service in order to identify existing problems and share practices.

The Ministry of Labor, Health and Social Affairs and the LEPL Labor Inspection Service are defined as the state agencies responsible for the implementation of the mentioned activities.

In the working document of the Action Plan of the National Strategy for Human Rights, only 2 activities are defined in the area of the development and strengthening of the existing supervisory mechanisms on labor legislation:

- processing of the European directives specified in Appendix XXX of the association agreement in the area of occupational safety and health protection (19 directives);
- Preparing occupational safety policy document. Improvement of response and preventive mechanisms ensuring occupational safety.

GYLA positively evaluates the issue of processing European directives defined by Appendix XXX of the Association Agreement in the direction of occupational safety, however, it is important that the Action Plan is not limited to the activity of processing European directives and to determine the compliance of Georgian legislation with the standards defined by the directives, especially since the deadline for this activity is the fourth quarter of 2026.

GYLA positively evaluates the determination of the obligation to prepare an occupational safety policy document in the Action Plan, although measures ensuring occupational safety are formulated in a general way. It is important that the Action Plan specifies the respon-

sive and preventive mechanisms for the performance of labor, so that its performance indicators are clearly defined and the assessment of its performance is not complicated.

Accordingly, we believe that the activities for the development and strengthening of the existing supervisory mechanisms on labor legislation should be written in more detail in the human rights Action Plan and the recommendations presented by GYLA in this area should be taken into account.

(2) Creating suitable conditions for the effective implementation of labor legislation and strengthening the labor inspection service

In order for the Labor Inspection Service to perform its functions fully and effectively, it is necessary to strengthen the service with human and financial resources, which can be expressed in: a) increasing the number of labor inspectors, especially in the direction of protection of labor rights; b) in strengthening the professional development of labor inspection; c) equipping labor inspectors with the necessary means for inspection.

Institutional strengthening of the Labor Inspection Service, in turn, will help to increase the number and quality of inspections, which will positively affect the effective implementation of labor legislation in the private and public sector. Despite the fact that the number of scheduled and unscheduled inspections carried out by the Labor Inspection Service increases from year to year, it is important that the mentioned trend is maintained and that the service is able to cover new vulnerable areas. In addition, it is desirable that the Labor Inspection Service ensure the expansion of regional representation and facilitate the creation of appropriate conditions for the effective implementation of labor legislation at the regional level.

One of the important indicators of the strengthening of the Labor Inspection Service is to increase the transparency, accountability and integrity of the service, so that the service can provide information to the public about its activities, promote the participation of external stakeholders and citizens in the service's activities, develop effective internal and external accountability mechanisms, establish an integrity strategy and an Action Plan.

Considering all of the above, GYLA believes that the following activities should be reflected in the Action Plan of the National Strategy for Human Rights:

- increasing the number of inspectors in the labor inspection service;
- increasing the number of labor inspections carried out and the percentage of inspected operating entities by the Labor Inspection Service;
- increasing the transparency, accountability and integrity of the Labor Inspection Service;
- Ensuring continuous professional development of labor inspectors.

The Ministry of Labor, Health and Social Affairs and the LEPL Labor Inspection Service are defined as the state agencies responsible for the implementation of the mentioned activities.

In the working document of the Action Plan of the National Strategy for Human Rights, 5 activities are defined in the area of the development and strengthening of the existing supervisory mechanisms on labor legislation:

- study of cases in the area of occupational safety;
- study of cases in the area of labor rights supervision;
- study of cases in terms of equality in the workplace;
- conduct informational/working meetings (at least 30 meetings) in order to raise awareness about labor norms;
- develop of guidance documents and creation of a staff unit of occupational safety specialists to strengthen safety mechanisms at the workplace.

According to GYLA's assessment, the three activities outlined in the Action Plan - the study of cases in terms of labor rights, occupational safety and equality in the workplace - are the main functions of the LEPL Labor Inspection Service, and it has been suggested that there is no need to define a special obligation in the Action Plan to be fulfilled during the period of its validity. In addition, the Action Plan does not define the indicators for measuring the presented activities, and it is unclear how many cases the Labor Inspection Service needs to handle in order to fulfill its the obligation. In addition, the activities presented in the Action Plan do not show whether the LEPL Labor Inspection Service increases or decreases the number of cases to be studied.

In this case, GYLA's proposal is to define as activities in the Action Plan an increase in the number of planned state inspections in terms of labor rights, occupational safety and equality in the workplace, and to define the percentage of increased annual planned inspections as an indicator.

GYLA positively evaluates the inclusion in the Human Rights Action Plan of holding informational/working meetings to raise awareness about labor standards. However, it is desirable that the Action Plan should write in detail the target groups of the information/working meetings, the topics and the regional coverage of the implementation of this activity. As a result, the vision of the LEPL Labor Inspection Service regarding the priorities of the awareness raising campaign will become known to the public, as well as the process of evaluating the implementation of the Action Plan will acquire a content indicator and will not be limited to a quantitative indicator.

Unfortunately, the Human Rights Action Plan does not define activities for the institutional strengthening of the Labor Inspection Service, despite the fact that this issue is defined as an objective of the strategy. It is important that relevant activities in this direction are written in the Action Plan and the recommendations presented by GYLA are taken into account.

(3) Strengthening the labor mediation system; effective and continuous development of social dialogue at the central and local levels;

In order to strengthen the labor mediation system by the Ministry of Labor, Health and Social Affairs, it is important to refine the relevant legal framework and improve the institutional mechanisms. Effective involvement of the Ministry in the labor mediation process is hindered in practice by the lack of labor mediators and their willingness to be involved in the mediation process, for which it is necessary for the Ministry to increase the number of labor mediators and offer appropriate working conditions based on the labor contract. In addition, it is

important that the labor mediation process is successfully completed and the parties reach an agreement, in which the role of the Ministry is particularly large. For this purpose, the Ministry should actively communicate with labor mediators in order to receive information about their efforts, analyze existing problems and find ways to solve them.

Considering all the above, GYLA believes that the Action Plan of the National Strategy for Human Rights should include the following activities:

- implementation of legislative changes by the Ministry of Labor, Health and Social Affairs, if required, in order to strengthen the labor mediation system;
- implementation of institutional changes by the Ministry of Labor, Health and Social Affairs, if required, in order to strengthen the labor mediation system;
- increasing the number of labor mediators and improving their working conditions by the Ministry of Labour, Health and Social Affairs;
- promotion of professional development of labor mediators by the Ministry of Labour, Health and Social Affairs;
- increasing involvement of the Ministry of Labor, Health and Social Affairs in labor mediations and cases of successful labor mediation;
- conducting regular workshops and discussions with labor mediators by the Ministry of Labour, Health and Social Affairs to identify existing problems and share practices.

The Ministry of Labor, Health and Social Affairs is defined as the state agency responsible for the implementation of the mentioned activities.

In the working document of the Action Plan of the National Strategy for Human Rights, 5 activities are defined in the direction of the development of labor mediation and social dialogue:

- training of mediators of collective labor disputes (at least 10 mediators);
- conducting commission sessions and working group meetings by the Tripartite Commission of Social Partnership operating at the central and regional levels in order to discuss the issues in labor and its related matters and posed to the region (at least 1 meeting per year at the commission level, at least 2 meetings per year at the working group level);
- Providing annual conferences and forums on mediation for specialists in various fields;
- Implementing various important activities that ensure awareness raising about mediation as an alternative means of dispute resolution and promotion of the field;
- Conducting trainings and raising awareness about mediation for employees in various organizations, which will help to use mediation to solve the problem in case of a labor category dispute. This will help to unburden the judicial system.

GYLA positively evaluates the representation of the training of mediators of labor disputes in the human rights Action Plan, although the number of mediators to be trained (10 mediators) is small and, taking into account the current needs, it is desirable to increase it. In

addition, it is important that the Action Plan takes into account the issue of improving the working conditions of labor dispute mediators and the quality of communication between them.

GYLA positively evaluates the consideration of awareness-raising measures regarding mediation as an alternative means of dispute resolution in the human rights Action Plan. However, it is important that the Action Plan describes in detail the awareness raising measures and the quantitative and qualitative indicators for their evaluation.

GYLA positively evaluates the reflection of mediation training in the draft of human rights Action Plan. However, it is important that specific organizations, categories of employees and the number of trained employees who will be given the mentioned trainings are written in the Action Plan.

Accordingly, GYLA believes that the mentioned part of draft of the Action Plan needs to be refined and improved, which implies the definition of specific activities and the establishment of measurable indicators. We believe that taking into account the recommendations offered by GYLA will ensure the improvement of this part of the Action Plan.

1.4. Monitoring and evaluation of the implementation of the strategy in the field of protection of labor rights

Monitoring of the implementation of the strategy for the protection of labor rights includes the following objectives: a) development and strengthening of existing supervisory mechanisms on labor legislation; b) creation of suitable conditions for effective implementation of labor legislation and strengthening of labor inspection service. Within the framework of monitoring, the implementation of the activities proposed for the Action Plan in relation to each objective was evaluated.

GYLA was not able to assess the objectives outlined in the direction of labor mediation, because the Ministry of Labor, Health and Social Affairs of Georgia did not provide us with the requested public information regarding this topic.

The implementation of the activities into the practice proposed by GYLA for the Action Plan in relation to each objective was assessed within the framework of monitoring. Considering that the Action Plan of the National Human Rights Strategy was not published during the research period, GYLA only monitored the activities it proposed.

(1) Development and strengthening of existing supervisory mechanisms on labor legislation

Monitoring the development of existing supervisory mechanisms on labor legislation includes the following issues: a) improvement of legal regulation and development of practical guidance documents; b) certification of occupational safety specialists, employment of certified occupational safety specialists and communication with occupational safety specialists by the Labor Inspection Service.

Improvement of the legal regulation of the existing supervisory mechanisms on labor legislation and the development of practical guidance documents - according to the information provided by the LEPL Labor Inspection Service, since the day of the creation of the service (January 1, 2021), the legal regulation of the existing supervisory mechanisms on the labor legislation has been improved, both in the direction of occupational safety and labor rights.

According to the information provided, the following by-law normative legal acts have been adopted by the Government of Georgia in the area of occupational safety:

- Resolution No. 341 of July 1, 2022 of the Government of Georgia “On approval of the technical regulations on the minimum requirements for safety and health protection in the workplace”;
- Resolution No. 457 of September 16, 2022 of the Government of Georgia “On approval of the technical regulations - minimum requirements for placement of signs related to safety and/or health protection in the workplace”;
- Resolution No. 590 of December 23, 2022 of the Government of Georgia “On approval of technical regulations - minimum requirements related to safety and health protection when using personal protective equipment in the workplace”;
- Resolution No. 167 of May 1, 2023 of the Government of Georgia “On approval of the technical regulations on minimum safety and health protection requirements for manual lifting of loads”.

In the direction of labor rights, the following normative acts were adopted and/or implemented:

- “Regarding the approval of the working time recording form and the manner of its production”, Order No. 01-15/n of the Minister of IDPs from the occupied territories, Labor, Health and Social Affairs of Georgia of February 12, 2021, which establishes the working time recording method and form;
- “On determining the proportional rate of annual working time for night work and approving the periodicity and scope of preliminary (before employment) and subsequent periodical medical examinations for persons employed in night work”, Order No. 01-79 /n of the Minister of IDPs from the occupied territories, Labor, Health and Social Affairs of Georgia of September 7, 2021, regulating the periodicity and scope of medical examination of a person employed in night work;
- “On approval of the list/roster of vital services”, Order No. 01-78/n of the Minister of IDPs from the occupied territories, Labor, Health and Social Affairs of Georgia of September 7, 2021, which defined the list of vital services;
- “About some measures to be implemented in order to transition to universal health care”, changes made to the Resolution No. 36 of the Government of Georgia, February 21, 2013 by the Resolution No. 598 of the Government of Georgia of December 27, 2022, which defined the minimum hourly wage for employees (in particular, doctors and nurses) in medical institutions involved in the universal health care program.

According to the mentioned resolution, the minimum hourly wage of a doctor was determined at least 7 GEL per hour, and for a nurse at least - 4.4 GEL per hour. In addition, in accordance with the same resolution, an obligation was defined for medical institutions involved in the universal health care program, that from January 1, 2023, in the labor contracts of doctors and nurses, that an entry regarding the minimum hourly wage should be made. In accordance with the same resolution, the agencies controlling the fulfillment of the above-mentioned obligations were defined, which will control the fulfillment of the labor norms of the employees, as well as supervise the fulfillment of the obligation to reflect the

information in the labor contract and the placement of information about the employees in a special electronic program.

- “About the approval of the rule of certification of activities related to labor arrangement outside Georgia” by the Resolution of the Government of Georgia No. 292 of August 2023, the rule of certification of activities related to labor arrangement outside Georgia and the act of compliance and verification of actual circumstances with the conditions of certification of activities related to labor arrangement outside Georgia were approved.

It is important that, in order to strengthen the existing supervisory mechanisms on labor legislation, to continue bringing Georgia’s legislation into compliance with the relevant directives provided for in the Association Agreement with the European Union, as well as to additionally ensure the compliance of labor rights regulating norms with the standards established by the International Labor Organization.

Certification of occupational safety specialists, employment of certified occupational safety specialists and communication with occupational safety specialists by the Labor Inspection Service - according to the information provided by LEPL Labor Inspection Service, the status of the organization implementing the accredited program of the occupational safety specialist has been granted to 23 organizations, and a list of which is published on the official website of the service.²⁴

In accordance with “the scope, implementation rules and conditions of the accredited program of occupational safety specialist” approved by the order No. 01-25/n of the Minister of IDPs from the occupied territories, Labor, Health and Social Affairs of Georgia of October 31, 2018, from the occupied territories of Georgia, there are:

- An accredited special program designed for the holder of an international occupational safety certificate.
- A fully accredited program, which, as a result of passing all mandatory modules established by this rule and passing the appropriate exam, provides for the possibility of granting the qualification of an occupational safety specialist in any sector.
- An accredited program for low and medium risk facilities, which provides the training of occupational safety specialists in all sectors, except for the list of works defined by the Resolution No. 381, July 27, 2018 of the Government of Georgia, “On approval of the list of high-risk, heavy, harmful and hazardous works”.

In addition, it should be noted that accredited training organizations provide training in 2 directions: the full accredited program and the accredited program at low and medium risk facilities.

According to the information provided, as of September 27, 2023, there are 2465 certified occupational safety specialists, including: 159 persons in the direction of low and medium risk facilities, 88 persons in the direction of the special program and 2218 persons in the direction of the fully accredited program. In order to effectively manage the accredited program of the occupational safety specialist, the LEPL Labor Inspection Service has specially created an electronic program, where relevant data is displayed.

²⁴ Organizations implementing the accredited program of labor safety specialist; See <https://lio.moh.gov.ge/education.php?lang=1&uid=202301081910587115231386>;

According to the information provided, paragraphs 3 and 4 of the first article of the “Scope, Implementation Rules and Conditions of the Accredited Occupational safety Specialist Program” approved by the Order No. 01-25/n of the Minister of IDPs, Labor, Health and Social Affairs from the Occupied Territories of Georgia, dated October 31, 2018, there are more ways to become an occupational specialist. In addition to what is established by this rule, it is also possible to grant a person the qualification of an occupational safety specialist by educational institutions authorized by the law of Georgia. Also, in case of successful completion a training program implemented within the framework of professional and/or higher education (except to short-term (less than 1 year) professional training programs developed within the framework of formal education), which are directly related to the protection of occupational safety in the workplace. The list of educational programs, in accordance with the current legislation, is determined by the Ministry of Education and Science of Georgia.

According to the order No. 96/n of the Minister of Education and Science of Georgia dated August 23, 2022, the list of educational programs/qualifications was established. These educational programs/qualifications are directly related to the protection of occupational safety in the workplace, implemented by educational institutions authorized by the legislation of Georgia, within the framework of professional and/or higher education. The number of persons whose higher and/or professional education qualifications are directly related to the protection of occupational safety in the workplace, as a result of the application, is 10. Additional information on the Occupational Safety Specialist Accredited Program is publicly available on the website administered by the agency, in the Occupational Safety Specialist Accredited Program block.²⁵

According to the information provided, since the creation of the agency, 5 working/informational meetings have been held with occupational safety specialists by the LEPL Labor Inspection Service, including:

- On April 11 and 13, 2022, a meeting was held in order to get familiarized with the changes made in the order of the Minister of Labor, Health and Social Affairs dated October 13, 2018, No. 01-25/n “On approval of the scope, implementation rules and conditions of the accredited program of occupational safety specialist”.
- On July 28, 2022, with the financial support of the EU twinning project, a large-scale meeting was held in Tbilisi to get familiarized with the changes in the labor legislation, including the newly adopted technical regulations.
- On November 10, 2022, in Kutaisi and on November 11 of the same year in Batumi meetings were held for familiarization with the changes in the labor legislation.

It is important that the LEPL Labor Inspection Service ensures the identification of areas where the number of certified occupational safety specialists is small and promotes the development of appropriate programs, as well as increasing the number of certified specialists in specific areas. In addition, in order to establish uniform standards in the field of occupational safety, it is desirable that the LEPL Labor Inspection Service holds thematic workshops and discussions with occupational safety specialists in order to identify problems in practice and share experience.

²⁵ See: <https://lio.moh.gov.ge/accreditation.php?lang=1&page=1>;

(2) Creating suitable conditions for the effective implementation of labor legislation and strengthening the Labor Inspection Service

Monitoring of the steps taken to create suitable conditions for the effective implementation of labor legislation and to strengthen the labor inspection service includes the following topics: a) strengthening the human resources of the labor inspection service, especially increasing the number of labor inspectors; b) promotion of professional development of labor inspectors, especially through thematic trainings and development of professional skills; c) increasing the transparency, accountability and integrity of the Labor Inspection Service; d) Increasing the number of labor inspections carried out by the service and the percentage of inspected operating entities.

Strengthening the human resources of the Labor Inspection Service, especially increasing the number of labor inspectors - according to the **information** provided, 123 staff units are defined in the direction of labor inspection (persons responsible for labor inspection, senior labor inspector/labor inspector), of which 109 units are defined as senior labor inspectors/labor inspectors. According to the provided information, 43 staff units have been determined in the direction of labor rights supervision, and 66 staff units in the direction of occupational safety supervision. According to the information provided, as of September 27, 2023, 91 senior labor inspectors/labor inspectors are employed in the Labor Inspection Service, of which 36 persons are employed in the labor rights supervision department, and 55 persons are employed in the occupational safety supervision department.

It is important that the LEPL Labor Inspection Service fully utilizes the staff units and selects labor inspectors for vacant positions in the departments of occupational safety and labor rights supervision. In addition, it is desirable that the Labor Inspection Service provides a permanent increase in staffing units designated for labor inspectors, so that the number of labor inspectors responds to the challenges in the country in the field of labor rights and occupational safety supervision. In order to achieve this, it is important that the Government of Georgia and the Ministry of Labor, Health and Social Affairs take into account the needs of the LEPL Labor Inspection Service in the process of planning and approving the state budget.

Promotion of professional development of labor inspectors, especially through thematic trainings and development of professional skills - according to the information provided, since the day of its creation (January 1, 2021), the LEPL Labor Inspection Service provides professional training of the service's employees and labor inspectors, both with internal resources and international donor support. According to the information provided, the professional development trainings of the employees of LEPL Labor Inspection Service include various topics, including a) the mandate and powers of the Labor Inspection Service; b) news of labor legislation and thematic issues related to it, such as: workplace discrimination and sexual harassment, labor migration, forced labor and labor exploitation, minor and child labor; c) strengthening of professional skills, such as integrity, effective communication, etc. The number of employees trained at the structural level of the service, according to the date and topic of the training, is presented in Appendix 4.

It is important that the LEPL Labor Inspection Service conducts a survey of the professional development needs of employees employed in the service, develops annual plans for the professional development of employees, and ensures the satisfaction of existing needs in the direction of professional development, both with its own resources and with the support of international donor organizations.

Increasing the transparency, accountability and integrity of the Labor Inspection Service - according to the information provided, on June 27, 2023, the LEPL Labor Inspection Service, by the Order №LIO 0 23 00000500 of the Chief Labor Inspector, approved the strategy and Action Plan for increasing the integrity of the Labor Inspection Service (2023-2026), which includes three priority directions: increasing the transparency of the service, increasing the accountability of the service and increasing the integrity of the service. The following objectives are defined in each direction: a) raising public awareness and confidence in the activities of the service; b) dissemination of public information and proactive publication; c) improvement of the electronic management system; d) improvement of the human resources management system; e) detection and prevention of conflict of interest; f) creating an ethical environment.

It is important that LEPL Labor Inspection Service ensures the perfect performance and effective implementation of the objectives and activities provided for by the strategy and Action Plan for improving the integrity of the service.

According to the information provided, LEPL Labor Inspection Service is intensively carrying out a number of activities in the direction of raising public awareness of labor norms. Information on the topics and the workshops carried out considering the target groups is reflected in the 2021-2022 activity reports.²⁶ According to the information provided, for the reporting period of 9 months of 2023, the Labor Inspection Service held 35 information meetings (for up to 1560 people) about labor norms and current legislative news, including 6 meetings where young people were informed about the service's mandate, legislative news, and basic principles of labor rights, including occupational safety, in order to raise the awareness of young people. About 300 students attended the meetings. In addition, 7 meetings with about 300 representatives of the clinics involved in the universal healthcare program were held in a discussion format regarding the issue of minimum hourly wages.

According to the information provided, in 2022, LEPL Labor Inspection Service took important steps in the direction of creating and managing communication channels, namely: with the support of the United Nations Development Program and the involvement of the Progressive Forum of Georgia, the following were established: a) The Labor Inspection Service Consultation Center - 15 75; b) website of the Labor Inspection Service www.lio.ge; c) the informative-explanatory and labor legislative acts' website www.shromisleksikoni.ge, to raise the awareness of occupational safety and protection of labor rights in the society. It should be noted that the mentioned websites have been integrated into the official website of the service with the support of the LEPL Information Technology Agency.²⁷

It is important that LEPL Labor Inspection Service should continue an active information campaign in order to raise public awareness of occupational safety and labor rights and pay special attention to the population living in the regions. Also, it is desirable that the service ensures that particularly vulnerable groups in the labor market are informed about their rights, including: national and sexual minorities, women, children and the elderly, persons employed in the informal sector.

Increasing the number of labor inspections carried out by the service and the percentage of inspected operating entities - according to the information provided, the number of planned

²⁶ <https://lio.moh.gov.ge/report.php?lang=1&id=2>.

²⁷ <https://lio.moh.gov.ge>

and unplanned inspections carried out by LEPL Labor Inspection Service is increasing every year, information about which is reflected in the annual reports of the service and published on the website of the service in the block of statistical information.²⁸

According to the information provided, the number of objects to be inspected in the direction of occupational safety supervision in the reporting period of 2023 is 1573. Also, from January 1, 2023 to September 27, 2023: 851 scheduled initial inspections were carried out; 324 unscheduled initial inspections; 1105 verifications (according to scheduled and unscheduled initial inspections). And, in the reporting period of 2023, the number of objects to be inspected in the direction of labor rights supervision is 550. In addition, from January 1, 2023 until now have been carried out: 441 scheduled initial inspections; 486 unscheduled initial inspections; 1234 verifications (according to scheduled and unscheduled initial inspections).

It is important that the LEPL Labor Inspection Service evaluates the vulnerable areas in the direction of occupational safety and labor rights supervision, promotes the increase of the number of scheduled inspections to be carried out in these areas and ensures the awareness of employed persons regarding the submission of individual complaints to the Labor Inspection Service.

Based on all of the above, it can be concluded that the responsible government institutions in the field of labor rights indicated in the strategy must improve the commitments provided for in the draft of strategy's action plan, both in content and in terms of evaluation indicators. In addition, it is necessary for government agencies to take effective steps to implement the commitments made in practice.

2. Right to environmental protection

2.1. Introduction

The second priority of the National Strategy for Human Rights includes the right to environmental protection. In this part, the strategy aims to improve the system of protection and provision of the human right to a healthy environment. According to the strategy, ensuring the right to environmental protection in practice remains a challenge, to deal with which, according to the strategy, the state should implement a number of measures and strengthen national mechanisms promoting the right to environmental protection.

To achieve this goal, the strategy defines the following objectives:

- (a) approximation of the legislation of Georgia to the legislation of the European Union and ensuring its implementation, including the introduction of international environmental norms and standards;
- b) ensuring timely access of the general public to environmental information; improving the publicity of the environmental impact assessment and strategic environmental assessment process and the participation mechanisms of interested persons in the decision-making process;
- c) continuous improvement of access to clean air and quality drinking water;
- d) waste management to create a safe environment for human life;

²⁸ <https://lio.moh.gov.ge/stat.php?lang=1&id=202212271826086439640835>.

- e) ensuring access to justice in the environmental field in accordance with international legal standards;
- f) raising public awareness on environmental issues.

The strategy also establishes key indicators for evaluating the achievement of goals.

2.2. Assessment of planning and definition of strategy in the field of protection of the right to environmental protection

The National Strategy for Human Rights document, specifically in the direction of the right to environmental protection, does not indicate the basis for determining the main priority areas established within the framework of this right. Therefore, **it is not clear to what extent the situational analysis of the problems in the field of environmental protection was carried out and whether the objectives determined by the strategy were based on the relevant findings.** At the same time, it is not indicated whether the studies and reports of international or local organizations, which would be necessary to identify the challenges and problems in the field of environmental protection, were used. The degree of participation of existing and related state agencies in the field of environmental protection and consultations with other interested parties, the recommendations presented by them and the rate of their consideration are not specified.

The analysis of the objectives established in the National Strategy for Human Rights to strengthen the protection of the right to environmental protection reveals that **the human rights based approach was not properly taken into consideration while developing the strategy. Among other things, the perspectives of gender and social inclusion are not taken into account,** while the vulnerabilities of individuals or groups to environmental problems may be different, including the needs of women, children, disabled people and others.

The objectives proposed by the strategy for the protection of human rights in the direction of strengthening the protection of the right to environmental protection to some extent reflect the needs in the country, among them, it is really important to bring Georgia's legislation closer to the EU legislation and ensure its implementation, ensure the effective use of environmental procedural rights, improve access to clean air and quality drinking water, effective management of waste and raising public awareness on environmental protection issues.

However, it should be noted that **the objectives are of a very general nature,** which allows for a wide interpretation in terms of establishing specific activities in the Action Plan and evaluating the results of achieving the objective, which may have a negative impact on the achievement of the strategic priority and the evaluation of performance. It is desirable that the objectives be spelled out more specifically, so that the activities to be implemented within the framework of the Action Plan have an ambitious character and do not include the activities already planned by a related state agency within the scope of its activities.

A serious problem is that the National Strategy for Human Rights ignores such an important issue as climate change. It is possible that the issues related to climate change can be integrated within the framework of the objective of bringing Georgia closer to the European Union legislation and directly or indirectly related to other objectives, including the improvement of air quality or waste management system, however, due to its importance and the

greatest impact on various human rights, climate change must be separated and represent one of the main, priority directions.

In terms of climate change, Georgia has a number of obligations under the UN Framework Convention on Climate Change and the Paris Agreement adopted within this framework. And considering that the vulnerability of different regions, sectors and groups of people in Georgia is increasing constantly to the negative consequences caused by climate change, including frequent and intensified natural disasters, it is critical that this direction was properly reflected in the National Strategy for Human Rights. The issue related to the preservation of biodiversity, which is also directly related to the right to live in a healthy environment, is often neglected and violated during the implementation of various infrastructural, energy and other projects.

Based on all of the above, we can assume that during the formation of the direction of strengthening the right to environmental protection in the National Strategy for Human Rights, a proper analysis of the existing analytical documents in this field was not carried out, and the participation of external stakeholders, including civil society organizations working on the protection of the right to environmental protection, was not ensured, which had a negative impact on the complete and comprehensive formulation of strategic objectives.

The strategy establishes key indicators for evaluating the achievement of the objectives, such as:

- The indicator of compliance of the environmental legislation of Georgia with the requirements stipulated by the Georgia-EU Association Agreement;
- improved indicators of ambient air quality (by cities);
- Increasing rate of access to drinking water (general and by region).

It is problematic that these indicators are established to evaluate the achievement of only two objectives of the strategy: (1) approximation of the legislation of Georgia to the legislation of the European Union and ensuring its implementation, including the introduction of international environmental norms and standards; (2) continuous improvement of access to clean air and quality drinking water. The relevant indicators for the remaining 4 objectives are not defined. Therefore, it is not clear how to assess whether the objectives are being achieved.

On the other hand, the defined indicators are also problematic. They should be very specific and formulated in such a manner that would allow to evaluate the achievement of the specific objectives from different perspectives.

Based on all the above, we can assume that the indicators are not properly formulated and defined. They must be set for each objective separately and be very clear, predictable and measurable.

The analysis of the objectives of the strategy in the direction of the right to environmental protection shows that the formulated objectives cannot fully respond to the problems and challenges in the field of environmental protection in the country, neglects issues related to climate change and the need to preserve biodiversity, and does not take into account the gender and social aspects of the right to environmental protection. Therefore, in order to correct the gaps in the Strategy regarding the environmental protection, it is desirable that the objectives are broadly interpreted and specific activities are defined in the Action Plan

which will be aimed at solving the challenges and problems that are not reflected in the Strategy at this stage. The indicators established in the strategy are also problematic. They had to be very clear, predictable and measurable and defined separately for each objective.

2.3. Assessing the objectives set to strengthen the protection of the right to environmental protection

Within the scope of the research, the scope of objectives established by the National Strategy for Human Rights to strengthen environmental protection is evaluated and a list of activities to be considered in the Action Plan to achieve the goals of each objective is proposed with appropriate justification.

(1) Approximation of Georgian legislation with the legislation of the European Union and ensuring its implementation, including the introduction of international environmental norms and standards;

In order to bring Georgia's legislation closer to the European Union's legislation and ensure its implementation, it is important that Georgia fulfills its obligations within the terms set by the Association Agreement with the European Union and adopts a number of laws to implement the relevant directives.²⁹ **Some of these obligations remain unfulfilled until this stage.**

Regarding the already adopted legislation, such as, for example, the Environmental Assessment Code, apart from the fact that it is somewhat flawed, its implementation in practice is problematic. The problems are related to the violation of the procedures defined by this law and the improper provision of the use of defined environmental procedural rights. In addition, according to the latest amendments to this law, the responsibility for its enforcement was transferred to the National Environment Agency, in which the opinions and comments of the civil sector were not taken into account.³⁰ In particular, civil society viewed the change negatively as corruption risks grew. In this process, the questions and problems raised by the civil society were not properly substantiated and supported by research, and the change was still put into effect. Ensuring meaningful and effective involvement in the decision-making process for interested parties is an obligation defined by the Constitution of Georgia³¹ and the Aarhus Convention.³² Therefore, it is important that the responsible state authorities properly fulfill this obligation and that decisions are made in a reasoned and rigorous manner.

Problems are also manifested in the activities of the persons responsible for the implementation of environmental supervisors and the enforcement of legislation, for which it is necessary to equip these agencies with relevant knowledge, skills, necessary human, material and technological resources, to introduce the principles of good governance in their activities.³³

²⁹ Association Agreement between Georgia on the one hand and the European Union and the European Atomic Energy Union and their member states on the other hand, [2014] OJ L 261/4, Chapter 3.

³⁰ GYLA, "Non-governmental organizations and experts in the field negatively assess the changes made to the "Environmental Assessment Code" (28.03.2020), available: <https://shorturl.at/fisxG>, last seen: 14.11.2023.

³¹ Constitution of Georgia, Article 29.

³² Convention on "Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters" (October 30, 2001), Article 6; GYLA, "Environmental Procedural Rights" (2021) 15-18, available: <https://gyla.ge/files/2020/GetFileAttachment-13.pdf>, last seen: 14.11.2023.³²

³³ GYLA "Criminal Regulation of Environmental Protection" (2022), 8-10, available: <https://shorturl.at/AFPR7>, last seen: 14.11.2023; Ministry of Environment Protection and Agriculture, "Fourth National Environmental Action Programme

Considering all of the above, GYLA believes that the following activities should be reflected in the Action Plan of the National Strategy for Human Rights:³⁴

- Implementation of the directives provided for in terms of environmental protection and climate change under the Association Agreement between Georgia and the European Union and fulfillment of obligations under international agreements within the specified time frame;
- Proper enforcement of the legislation adopted in the country in terms of environmental protection within the framework of the Association Agreement of Georgia with the European Union. Among them, the proper enforcement of the Environmental Assessment Code and the Law on Environmental Liability;
- Georgia’s fulfillment of international agreements on climate change, including the obligations under the Paris Agreement;
- Institutional strengthening of public agencies responsible for the development and enforcement of environmental legislation, equipping them with appropriate human, financial and technological resources;
- Implementation of good governance principles. Among them, ensuring accountability systems of relevant public agencies and **transparency** of their activities.

In the working document of the Action Plan of the National Strategy for Human Rights, only two activities are proposed in terms of ensuring the approximation and implementation of the legislation of Georgia with the legislation of the European Union, including in terms of the introduction of international environmental norms and standards:

- Identifying/correcting deficiencies in regulatory legal acts, improving/implementing environmental protection mechanisms, human rights approaches in these areas;
- Development of the draft law “on chemical substances and mixtures”.

It is welcome that it is planned to correct the gaps in the existing legislation and to develop a draft law on chemical substances and mixtures, which will be a step forward in the field of environmental protection if all interested parties are provided with appropriate information and have the opportunity to participate in the decision-making process.

However, correcting the gaps in the existing legislation and adopting only a single draft law will not be enough for Georgia to fulfill its obligations under the Association Agreement with the European Union in a timely and effective manner in the field of environmental protection. Also, the need to adopt the necessary legislation, relevant plans and policy documents in the direction of mitigation and adaptation of climate change, protection of people from natural disasters and other threats caused by climate change are overlooked in the activities. Attention is not focused on the need for effective enforcement of existing legislation, which, among others, is one of the obligations imposed by the Association Agreement with the European Union.

of Georgia (NEAP), 2022-2026 (2022)”, 24, available: <https://mepa.gov.ge/Ge/PublicInformation/34047>, last seen: 10.11.2023

³⁴ For additional information regarding the practical implementation of the proposed activities, see Chapter 2.4 (1).

In addition, the record on improving and implementing environmental protection mechanisms and human rights approaches is unclear. The activities should be specific in nature and it should be possible to measure the performance of the objective by referring to the relevant indicators. In this case, due to the general nature of the activities, it will be difficult to assess to what extent has a specific objective in the Action Plan has been fulfilled.

Therefore, it is important that the recommendations of GYLA are taken into account in the Action Plan and the list of proposed activities are added.

(2) Ensuring timely public access to environmental information; increasing the transparency of the environmental impact assessment and strategic environmental assessment process, as well as mechanisms for stakeholder participation in the decision-making process;

Problems related to environmental information appear both directly at the stages of collecting and processing this information, as well as at the stages of ensuring their public availability. It was especially problematic to properly use this right in the processes related to the Namakhvani HPP Cascade Project. On the one hand, there were no proper studies based on which the impact of the project on people and the environment should have been evaluated, and on the other hand, the interested parties faced obstacles in terms of access to the available information.

Problems also appear in terms of public participation in the decision-making process. Participation is often formal in nature and organized in such a way that there are obstacles for interested parties to attend public hearings. This issue was especially problematic in the processes related to Namakhvani HPP Cascade Project.

Meaningful participation of society during the development of legislation is also problematic. Often the opinions of the public are not properly taken into account in the decision-making process and the involvement has only a formal form. This was especially visible during the changes made to the Environmental Assessment Code, which delegated the environmental decision-making authority to the LEPL National Agency for Environmental Protection.

Considering all the above, GYLA believes that the Action Plan of the National Strategy for Human Rights should include the following activities:³⁵

- Ensuring proper use of environmental procedural rights defined by Georgian legislation and the Aarhus Convention;
- Collection and processing of information related to the field of environmental protection;
- constant monitoring of the state of the environment and conducting appropriate studies;
- improvement of mutual cooperation of public agencies in terms of information collection and exchange, creation of unified information bases;
- Strengthening of cooperation between different sectors in terms of gathering information, conducting relevant studies;

³⁵ For additional information regarding the practical implementation of the proposed activities, see Chapter 2.4 (2).

- Proactive public placement of environmental information so that interested parties can easily and timely receive the necessary information;
- Providing the requested information in full and on time, in case of public information request;
- Ensuring meaningful participation of interested persons in the process of environmental decision-making in compliance with the standards defined by Georgian legislation and the Aarhus Convention; Among them, informing the public in a timely manner, involving them in the early stages of decision-making, providing them with all the necessary information, ensuring public participation in the public discussions and decision-making process, both physically and electronically, and etc.
- Promoting the involvement of young people in the process of making decisions related to environmental issues;
- Raising public awareness regarding environmental issues so that they can meaningfully participate in the decision-making process.

In the working document of the Action Plan of the National Strategy for Human Rights, only three activities are proposed in terms of ensuring the timely access of the general public to environmental information, improving the publicity of the environmental impact assessment and strategic environmental assessment process, and the mechanisms for the participation of interested parties in the decision-making process:

- organizing, holding, monitoring public hearings and disseminating information about hearings through the center’s communication channels;
- Ensuring the availability of information on the state of fulfillment of license conditions by mineral extraction companies;
- Ensuring the availability of information on issued mining licenses.

The obligation to organize, hold, monitor public hearings and disseminate information about this process is one of the main obligations of the LEPL Environmental Information and Education Center. And in this case, it is not clear what activities the draft of the Action Plan implies in order to improve the quality of the Center’s fulfillment of its obligations and the possibilities of proper use of environmental procedural rights in the country.

In addition, determining the steps to be taken only in the field of mineral resources by improving the access to environmental information and the participation of interested parties in the decision-making process is insufficient for the proper protection of the right to environmental protection.

The activities defined by the plan are either too general or represent isolated cases, which do not provide a real opportunity to achieve the objective defined by the strategy.

Therefore, in this part, it is especially important that the GYLA recommendations are properly taken into account and the plan is not limited only to the activities defined above.

(3) Continuous improvement of access to clean air and quality drinking water;

In order to improve the quality of air and water, it is necessary for the country to fulfill its obligations under the association agreement with the European Union and various international agreements, adopt the relevant legislation and properly enforce it.

It is necessary to constantly monitor the quality of air and water, for which it is important to improve the relevant material and technological base. In addition, it is problematic to control licensed, permitted and illegal activities by relevant public agencies and to use relevant mechanisms in case of violations. Therefore, it is necessary to strengthen the capacities of these agencies and equip them with appropriate resources.

However, sometimes the problem of access to clean drinking water, in addition to pollution, is caused by faulty or in some places non-existent infrastructure and services.³⁶ In this regard, the situation in the villages is particularly problematic.³⁷ The right to access to clean, safe, physically and economically available water is one of the basic human rights.³⁸ In the context of climate change, the problems in this regard will be more and more increasing, since the existing clean water resource will be threatened.³⁹

Considering all the above, GYLA believes that the Action Plan of the National Strategy for Human Rights should include the following activities:⁴⁰

- Timely fulfillment of the obligations regarding the improvement of air and water quality under the Association Agreement of Georgia with the European Union - development of the relevant legislative and institutional framework and effective enforcement of the legislation;
- Improvement of water, air and soil quality:
 - monitoring of water, air and soil quality;
 - Strict enforcement of existing regulations in this area;
 - promoting the development of renewable and clean energy sources;
 - Providing easy access to clean drinking water in different settlements.
- constant monitoring of water and air;
- Timely and proactive informing of the public about water and air quality;
- Providing easy and timely public access to information about water and air quality;
- Continuous monitoring of activities regulated - permitted and licensed - by relevant public agencies to assess the impact of these activities on air, water and soil quality; Improving quick and effective response to violations or illegal activities.
- Equipping public agencies responsible for monitoring and law enforcement with appropriate human, material and technological resources;
- Purchase of technologies necessary for air and water monitoring, placing them in the required places and ensuring their proper functioning.

In the working document of the National Strategy for Human Rights Action Plan, only one activity is defined in terms of continuous improvement of access to clean air and quality drinking water:

³⁶ Ministry of Region Development and Infrastructure of Georgia, „Georgia: Water Supply and Sanitation—Vision and Policy Statement” (November 2021), available: <https://shorturl.at/ipDGT>, last seen: 14.11.2023; Euronews, “Georgia’s face lack of clean domestic water due to decaying infrastructure” (27.07.2022), available: <https://shorturl.at/ehBEL>, last seen: 14.11.2023.

³⁷ Ibid.

³⁸ United Nations Committee on Economic, Social and Cultural Rights, General Comment No. 15 (New York: United Nations, 2002), Art. 2.

³⁹ CENN, “Sustainable management of water resources”, 5, available: <https://shorturl.at/IQT19>, last seen: 14.11.2023.

⁴⁰ For additional information regarding the practical implementation of the proposed activities, see Chapter 2.4 (3).

- Providing cities with 24-hour water supply.

All other columns corresponding to this activity are empty in the working document, where the indicators, the deadline and others should be described, except for the responsible agency, which is the Ministry of Regional Development and Infrastructure of Georgia.

Although, on one hand, it is important to provide cities with 24-hour water supply, but this activity does not correspond at all to the objective defined in this part of the strategy, which concerns the continuous improvement of access to clean air and quality drinking water. Based on this activity, it can be assumed that the draft of Action Plan does not envisage taking concrete steps at all.

Therefore, it is critically important to rework the draft of Action Plan, develop real activities and reflect GYLA recommendations in it.

(4) Waste management to create a safe environment for human life

In terms of effective waste management, it is important to properly enforce the waste management code. In order for the country to reduce waste pollution, on the one hand, it is necessary to properly enforce existing regulations and monitor the compliance of various activities with these regulations, and on the other hand, it is important to improve the waste management system in the country - to create the necessary infrastructure for waste collection, sorting, processing, disposal, which at this stage represents a significant challenge.

Considering all the above, GYLA believes that the Action Plan of the National Strategy for Human Rights should include the following activities:⁴¹

- Proper implementation of obligations under the Association Agreement with the European Union in the field of waste management, adoption and enforcement of relevant legislation;
- Refinement of the waste management code and its proper enforcement, including the introduction of the extended producer obligation system;
- Proper monitoring of waste pollution by relevant responsible agencies and enforcement of legislation.
- monitoring and control of landfills, including illegal landfills, use of appropriate enforcement mechanisms;
- collection and processing of information related to waste;
- creation and improvement of necessary infrastructure for proper management of waste - collection, separation, processing, disposal;
- popularization and promotion of circular economy;
- Raising public awareness regarding waste.

⁴¹ For additional information regarding the practical implementation of the proposed activities, see Chapter 2.4 (4).

In the working document of the Action Plan of the National Strategy for Human Rights, only one activity has been outlined in the direction of waste management in order to create a safe environment for human life:

- Full harmonization of waste management legislation with EU legislation.

Full harmonization of Georgian legislation with EU legislation is important and all steps taken in this regard are welcome.

However, the draft of Action Plan in this part is very general in nature, fails to respond to existing challenges and does not propose specific activities.

In order to create a safe environment for people, it is important to create the appropriate infrastructure for waste management in the country, improve state monitoring and control in this area, promote the circular economy, raise public awareness, and etc. The country is facing a number of practical challenges that cannot be solved by adopting legislation alone, and it is necessary to strengthen the relevant enforcement mechanisms and create an effective system of sustainable waste management.

Therefore, it is necessary that the Action Plan is not limited to only one general activity and concretely reflects the existing needs and specific ways of solving problems. It is necessary to properly consider and share the recommendations developed by GYLA.

(5) Ensuring access to justice in the environmental field in accordance with international legal standards

In practice, it is often problematic to properly enjoy the right of access to justice on environmental issues. The trial process is prolonged, it is difficult to obtain relevant evidence, information, etc.⁴² A visible example of this is the cases in the proceedings of various non-governmental organizations. For example, in order to protect the interests of local residents regarding the Namakhvani HPP Cascade Project, GYLA and Green Alternative filed a lawsuit on April 6, 2020, and requested the annulment of the order on the positive environmental decision on the Namakhvani HPP Cascade Project. However, even the preparatory session has not been scheduled yet.⁴³ The environmental justice should be swift and effective in order to avoid negative impacts on people and the environment.⁴⁴ Therefore, it is important to improve the judicial system and implement the standards defined by the Aarhus Convention.

Considering all the above, GYLA believes that the Action Plan of the National Strategy for Human Rights should include the following activities:⁴⁵

⁴² UNDP, "Access to Environmental Justice in Georgia" (2023), 5, available: <https://www.undp.org/georgia/press-releases/environmental-justice>, last seen: 10.11.2023.

⁴³ GYLA "GYLA and Green Alternative demand the suspension of the environmental decision on Namakhvani HPP Cascade" (05.03.2021), available: <https://shorturl.at/AFTZ2>, last seen: 14.11.2023.

⁴⁴ GYLA "Environmental Procedural Rights" (2021) 19-20, available: <https://gyla.ge/files/2020/GetFileAttachment-13.pdf>, last seen: 14.11.2023.

⁴⁵ For additional information regarding the practical implementation of the proposed activities, see Chapter 2.4 (5).

- improvement of the existing environmental and institutional framework in terms of environmental protection in the country, adoption of relevant legislation;
- providing easy and timely access to environmental information;
- Facilitation of the production of studies related to environmental issues and the development/accumulation of scientific knowledge, so that the public, if required, has access to the necessary evidence;
- Ensuring meaningful involvement of stakeholders in the environmental decision-making process;
- improvement of appeal mechanisms in various public agencies;
- increasing the capacity of courts and judges to consider cases related to environmental protection;
- training of judges based on the specific nature of environmental cases - equipping them with relevant knowledge and skills;
- Raising public awareness of environmental procedural rights and other environmental issues.

In the working document of the Action Plan of the National Strategy for Human Rights, three activities are defined to ensure access to justice in the environmental field in accordance with international legal standards:

- collecting information on violations of access to justice in the environmental field;
- raising the awareness of judges and analytical circles of the court about environmental crimes;
- Analysis of case law on environmental crimes.

It is welcome to collect information on violations of access to justice in environmental issues and to analyze court practice on environmental crimes, however, it is not clear without additional activities, how will the mentioned information be used to improve the state of environmental protection in the country.

The activities are mainly focused on environmental crimes, which creates a feeling that the Georgian government relates environmental justice only to this area. Limiting activities to environmental crimes is not justified. A number of important issues remain neglected, including ensuring access to effective and timely justice within the framework of various infrastructural and energy projects or extraction of mineral resources, when the obligations stipulated by the Environmental Assessment Code or other laws are violated, permits are issued in violation of the law, relevant studies are not presented and etc.

In addition, it is necessary to train judges not only in terms of environmental crimes but also in various environmental protection areas.

Therefore, it is necessary for the Action Plan to correctly reflect the challenges in the country and take into account the recommendations of GYLA in this process.

(6) Raising public awareness on environmental protection issues.

Active planning and implementation of educational programs and projects is necessary to raise public awareness of environmental issues. At this stage, awareness of environmental issues is still low and the country suffers from a lack of professionals in the field of environmental protection.

In order for Georgia to properly cope with modern environmental challenges, environmental education should be available from an early age - in kindergartens and schools. For this, an appropriate educational program should be developed, teachers should be trained, etc. It is also necessary to popularize professions related to the field of environmental protection, for which active cooperation with various educational institutions is required. There should be a more active information campaign regarding environmental issues in the country, for which close cooperation between different sectors is necessary. In addition, it is necessary to involve the local population more in various environmental measures, organize public meetings with them, etc.

Considering all of the above, GYLA believes that the following activities should be reflected in the Action Plan of the National Strategy for Human Rights:⁴⁶

- development and implementation of environmental educational programs;
- Using mass media and social media to raise public awareness of environmental issues. Preparation of various information brochures or videos for this purpose;
- Organization of public meetings;
- Development of grant and other incentive programs aimed at raising environmental awareness.

In the working document of the Action Plan of the National Strategy for Human Rights, the following objectives are defined in terms of raising public awareness on environmental issues:

- capacity building of teachers;
- Development of the program - “Environmental and agricultural education at school” - for the basic and secondary levels of the general educational institution;
- awareness-raising meetings in municipalities about the importance of sustainable forest management and its socio-economic benefits;
- conducting an awareness-raising campaign in the direction of managing risks caused by climate change;
- Creation of basin management advisory and coordination councils.

All the initiatives defined above should be evaluated positively.

However, awareness raising should cover many other issues and environmental protection areas. The reform of the existing education system in the country is necessary in order to be able to raise public awareness more consistently and comprehensively.

⁴⁶ For additional information regarding the practical implementation of the proposed activities, see Chapter 2.4 (6).

2.4. Monitoring and evaluation of the implementation of the strategy in the field of protection of the right to environmental protection

Monitoring and evaluation of the implementation of the strategy in the field of protection of the right to environmental protection covers the following objectives: (a) approximation of the legislation of Georgia to the legislation of the European Union and ensuring its implementation, including the introduction of international environmental norms and standards; b) ensuring timely access of the general public to environmental information; improving the publicity of the environmental impact assessment and strategic environmental assessment process and the participation mechanisms of interested persons in the decision-making process; c) continuous improvement of access to clean air and quality drinking water; d) waste management to create a safe environment for human life; e) ensuring access to justice in the environmental field in accordance with international legal standards; f) raising public awareness on environmental issues.

It should be noted that GYLA was not able to obtain the complete information needed to evaluate these tasks, since the Ministry of Environment Protection and Agriculture of Georgia and the Department of Environmental Supervision did not provide us with the requested public information.

Within the framework of monitoring the implementation of the strategy for the protection of the right to environmental protection, the implementation of the activities proposed for the Action Plan in relation to each objective was evaluated. In addition, the issues that are problematic in the field of environmental protection are discussed here and, in the opinion of GYLA, they should be additionally reflected in the action plan in the form of specific activities.

(1) Approximation of Georgian legislation with the legislation of the European Union and ensuring its implementation, including the introduction of international environmental norms and standards;

Bringing Georgia closer to EU legislation; Fulfillment of the obligations defined by the Paris Agreement - under the Association Agreement of Georgia with the European Union, Georgia has the obligation to introduce various directives related to the field of environmental protection into the national legislation. The agreement envisages the convergence of Georgian legislation with 22 directives and 4 regulations of the European Union, some of which have already been adopted, including water and air quality improvement, environmental assessment, sustainable forest management, sustainable waste management, and environmental responsibility directions, which should be evaluated positively.⁴⁷

However, a number of legislative acts corresponding to the directives defined in the Association Agreement have yet to be adopted, and in addition, the legislation already adopted and its implementation in practice need to be improved. Among them, it is important to meet climate change commitments, which is completely ignored in the current strategy. In this regard, special importance is attached to the development of a national climate change adaptation plan to prevent the violation of fundamental human rights and ensure life in a healthy environment by identifying relevant needs and implementing preventive measures.

⁴⁷ Ministry of Environment Protection and Agriculture, "Fourth National Environmental Action Programme of Georgia (NEAP), 2022-2026 (2022)", pg.11, available: <https://mepa.gov.ge/Ge/PublicInformation/34047>, last seen: 10.11.2023.

According to official sources, adequate funding has been sought to develop an adaptation plan, but it has not yet been developed.⁴⁸ It is also welcome to start work on the climate law, which should create a unified legal framework for combating climate change and introduce different types of obligations for climate change mitigation and adaptation.⁴⁹ At this stage, there are so-called Green and White Papers on climate law, which are consultative in nature.⁵⁰ Public involvement in this process is ensured, however, it is not yet known how meaningful and effective public participation will be and whether it will have only a formal character. In addition, it is extremely important to adopt an integrated national energy and climate change plan.⁵¹ At this point, there is a working version of this plan that has not yet been officially adopted. At the stage of its development, interested parties were involved, however, it is still unclear how meaningful their involvement was and whether the final plan reflects the needs of the country and whether it will properly take into account the need to protect other basic human rights, including the right to live in a healthy environment.⁵²

Institutional strengthening of public agencies, equipping them with appropriate human, financial and technological resources - the Action Plan of the Fourth National Environmental Action Programme of Georgia for 2022-2026 indicates the lack of human, financial and technological resources, which considers the lack of these resources as a risk factor for the implementation of various measures.⁵³ According to this Action Plan, in order to implement the provided measures, it is necessary to equip the state bodies and institutions related to the field of environmental protection with appropriate resources. Therefore, in order to achieve the goals and objectives provided by the human rights strategy, which are closely related to the actions defined by this program, it will be most important to allocate appropriate resources and develop human resources, to equip them with appropriate knowledge and skills.

Introduction of good governance principles - it is necessary to introduce and develop good governance principles in the country.⁵⁴ It is worth noting that on March 17, 2022, the Parliament of Georgia in the third reading supported the draft law "On Amendments to the Environmental Assessment Code" (07-2/111/10; 22.12.2021) submitted in accordance with the legislative initiative of the Government of Georgia. According to the law the department of the Environmental Assessment of the Ministry of Environmental Protection and Agriculture, was fully transferred to the LEPL National Agency for the Environment, and the powers in the part of the enforcement of the Environmental Assessment Code were fully delegated to the LEPL National Agency for the Environment.⁵⁵ According to the explanatory card of the draft law, the main goal of the mentioned institutional change was to simplify the administration of the environmental impact assessment process.⁵⁶ However, the substantive participation of civil society and other interested parties was limited in this process, and the delegation of powers took place despite the opposition of civil society to an institution that has its own

⁴⁸ The Green Book of the Climate Law of Georgia (2023), 32.

⁴⁹ The Parliament of Georgia, "Georgia starts work on climate change law" (2020), available: <https://parliament.ge/media/news/sakartvelo-klimatis-tsvlilebis-kanonze-mushaobas-itsqebis>, last seen: 10.11.2023.

⁵⁰ The Green Book of the Climate Law of Georgia (2023); The White Book of the Climate Law of Georgia (2023).

⁵¹ Draft of the Integrated National Energy and Climate Plan of Georgia (2022).

⁵² GYLA, Annual Report (22), 17.

⁵³ NEAP Appendix #1, Action Plan, (2022), available: <https://mepa.gov.ge/Ge/Files/ViewFile/53630>, last seen: 10.11.2023.

⁵⁴ Better Regulation Task Force, "Principles of Good Governance", available: <https://www.rqia.org.uk/RQIA/media/RQIA/Resources/Better-Regulation-Task-Force-Principles-of-Good-Regulation.pdf>, last seen: 10.11.2023.

⁵⁵ GYLA, "GYLA's opinions on the draft law on "Amendment to the Environmental Assessment Code" (2022), available: <https://shorturl.at/kpxM7>, last seen: 10.11.2023.

⁵⁶ Ibid, pg. 35, paragraph 2.

commercial goals, which, in turn, increases the threat of corruption and, therefore, the threat of interference with the right to live in a healthy environment. In this context, special attention should be paid to the level of accountability and transparency of the National Environment Agency, information and reporting on their activities and measures should be disseminated proactively. The constant refinement of the principles of good governance should be carried out in the case of other state bodies and institutions in the field of environmental protection as well. The expediency and reasonableness of their decisions and actions should be strictly controlled.

It is necessary to introduce the principles of good governance in the country in order to eliminate or reduce corruption risks and to make decisions by state bodies transparent.

(2) Ensuring timely public access to environmental information; increasing the transparency of the environmental impact assessment and strategic environmental assessment process, as well as mechanisms for stakeholder participation in the decision-making process;

It should be noted that there is relevant legislation in the country that guarantees the right of individuals to access environmental information and participate in the decision-making process. Among them, the obligations of the state to respect and ensure these rights include the Constitution of Georgia, the Aarhus Convention, the Code of Environmental Protection, the Code of Environmental Assessment and etc. However, in practice, it is often problematic to use these rights properly. Therefore, it is necessary to constantly improve and develop timely access to complete and comprehensive information and involvement of the public in the decision-making process at an early stage.

In order to improve the access to environmental information and the involvement of interested persons in the decision-making process, since 2013, the LEPL Environmental Information and Education Center of the Ministry of Environment and Agriculture has been operating in the country.

Collection and processing of information related to the field of environmental protection; Continuous monitoring of the state of the environment and conducting appropriate studies - the National Environment Agency is the main body responsible for the continuous monitoring of the state of the environment, collection and processing of relevant information.

According to the information provided by the National Environment Agency, modern information and communication technology (ICT) is being implemented in the National Environment Agency in terms of data collection/processing, which consists of such components as:

- Receiving data from the hydrometeorological observation network, quality control and filling of databases;
- preparation of weather forecasts and early warnings through modern software;
- Dissemination of forecasts and warnings about expected natural events with modern technologies.⁵⁷

⁵⁷ The National Environmental Agency, Letter N 21/9260 (26.10.2023).

Despite the fact that there are certain technological, material and human resources in the country and work is underway to improve and develop them, there are still many steps to be taken to create a proper informational, unified system that would facilitate access to proper data for various public agencies. According to NEAP, “at this stage, society does not have the opportunity to receive complete information about the state of the environment in a timely manner. The reason for this is that the information about the environment in the country is scattered among the agencies that own/produce the information, and there is no mechanism for placing the information in one space. In addition, in many cases, the format of the information itself is not easy for an ordinary citizen to understand.”⁵⁸

It is important to develop and perfect the system of collecting and processing information about the state of the environment in the country as quickly as possible, in order to properly protect human rights.

Improvement of mutual cooperation of public agencies in terms of information collection and exchange, creation of unified information bases - in the conditions of frequent reorganization in the country, environmental information is often divided and scattered among different bodies and agencies, for example, as a result of the reorganization, the documentation presented at different stages and periods during the environmental impact assessment procedures provided for by the Environmental Assessment Code is lost, and at the time public agencies cannot use unified information bases.⁵⁹

That is why it is important to have a unified information base in order to get the necessary information quickly and efficiently.

Ensuring full and timely delivery of requested information in case of public information request - according to the latest UNDP research, in some cases the requested information is provided to the interested public in full and on time, however, in some cases, for example, when it comes to projects of special importance to the state, sometimes the public is not provided with the requested information.⁶⁰

Therefore, it is necessary to correct the current practice and for the state bodies to fulfill their obligations.

Proactive publication and dissemination of information - according to the letter from the LEPL Environmental Information and Education Center, “in order to ensure access to environmental information, public participation in the decision-making process and access to justice in this area, the LEPL Environmental Information and Education Center, within its competence, provides environmental information in a timely manner and effectively spreads it through various communication channels:

- the official website of the Environmental Information and Education Center - eiec.gov.ge;
- the official Facebook page of the Environmental Information and Education Center;
- via email with over 6,000 subscribers;

⁵⁸ The Ministry of Environment Protection and Agriculture, “Fourth National Environmental Action Programme of Georgia (NEAP), 2022-2026 (2022)”, 28, available: <https://mepa.gov.ge/Ge/PublicInformation/34047>, last seen: 10.11.2023.

⁵⁹ Ibid, 20, 28.

⁶⁰ UNDP, “Access to Environmental Justice in Georgia” (2023), 25, available: <https://www.undp.org/georgia/press-releases/environmental-justice>, last seen: 10.11.2023.

- the environmental information portal - ei.gov.ge;
- the print media, which are published daily throughout the country;
- the information board of local municipalities;
- in the public gathering places in the vicinity of the activities.”⁶¹

In addition to the LEPL Environmental Information and Education Center, the obligation to proactively disseminate information rests with other state agencies in the field of environmental protection, which, through their websites, ensure the dissemination of various types of information/their reports, including the National Environment Agency, the Department of Environmental Supervision and etc. which should be considered as a positive practice.

However, since there are challenges in collecting and processing information related to the environment, there are problems related to the dissemination of information too. In addition, in the process related to various projects, problems related to limiting access to information often appear, for example, as it was clearly seen in the processes related to the of Namakhvani HPP Cascade Project.

Ensuring meaningful participation of interested persons in the process of environmental decision-making in compliance with the standards defined by Georgian legislation and the Aarhus Convention; Among them, informing the public in a timely manner, involving them in the early stages of decision-making, providing them with all the necessary information, ensuring public participation in public discussions and decision-making processes, both physically and electronically, and others - it should be noted that there is relevant legislation in the country, legislation of Georgia, the Aarhus Convention,, the Law of Georgia on Environmental Protection, the Code of Environmental Assessment, which guarantee the right of a person to be involved in the decision-making process in accordance with a specific procedure.

Important problems in terms of the implementation of the legislation were revealed both during the adoption of the amendment to the Environmental Assessment Code on March 17, 2022, which implemented institutional changes without the effective involvement of civil society,⁶² and during the processes related to the Namakhvani HPP Cascade Project, when the interested persons were not properly informed and their meaningful inclusion in the decision-making process did not happen.⁶³

Accordingly, it is necessary to develop such mechanisms that will ensure the proper use of this procedural right.

Promoting the involvement of young people in the process of making decisions related to environmental issues - various projects are being implemented in the country, which directly or indirectly contribute to raising environmental awareness among young people and renewing their involvement in the decision-making process. Such projects, according to the information provided by the LEPL Environmental Information and Education Center, include, for example, the following projects: Pre-school Environmental Education, Environmental and Agricultural Education at School, School of Eco-Leaders, Forestry School, Green Camp Climate Ambassadors, Young Climate Volunteers and others.⁶⁴

⁶¹ LEPL Environmental Information and Education Center, Letter N 01/1/2596 (09.10.2023).

⁶² GYLA Annual Report (22), 16.

⁶³ GYLA “Statement on illegal conduct of public review of Namakhvan HPP Cascade Project” (2019), available: <https://shorturl.at/gkppqK>, last seen: 11.10.2023.

⁶⁴ LEPL Environmental Information and Education Center, Letter N 01/1/2596 (09.10.2023).

However, it is necessary to determine with appropriate research how young people are involved in the decision-making process, what is their participation in environmental issues, based on which specific steps should be determined how to effectively and meaningfully involve them in these processes.

(3) Continuously improving access to clean air and quality drinking water

Water

According to public information provided by the National Environment Agency:

“In 2013, the underground fresh drinking water monitoring network (which was interrupted since 1992) was renewed, the expansion of which is ongoing every year;

Modern methodology of hydrogeological monitoring was introduced in the country;

In 2013-2023, 68 automatic and instrumental monitoring stations for groundwater monitoring were organized;

The list of water quality parameters determined by the planned state groundwater monitoring program is in compliance with the monitored parameters provided by the European Union Water Framework Directive;

In 2021, a summary hydrogeological report was published - “Assessment of the quantitative and qualitative characteristics of underground fresh drinking water resources of Georgia (analysis of the existing situation, forecast and recommendations)”, which provides detailed information about the works to be carried out for the sustainable management of underground fresh drinking water (<https://nea.gov.ge/Ge/Departments/Geology/Biuletins>).”⁶⁵

Therefore, it is necessary to carry out these works.

According to NEAP, water legislation is being actively brought closer to the relevant directives of the European Union, within the framework of which the Georgian Law on **Water Resources Management** was developed.⁶⁶ Under this law, a number of legislative acts should be adopted, which should ensure the effective implementation and operation of water legislation. Therefore, it is important that all state bodies fulfill their obligations.

According to the NEAP, the discharge of untreated urban and agricultural wastewater into water bodies, resulting in water pollution, is still a problem. The concentration of ammonium nitrogen in some rivers exceeds the permissible norm throughout the year. In addition, there are also heavy metals in the water, which are mainly related to mining activities.⁶⁷

Therefore, it is necessary to carry out a number of practical measures in order to eliminate the existing problems. Solving environmental issues is often related to the proper functioning of several different areas, therefore, the effective work of all related state bodies is important, including quality monitoring, activity control, timely informing of people and other directions.

⁶⁵ The National Environmental Agency, Letter N 21/9260 (26.10.2023).

⁶⁶ The Ministry of Environment Protection and Agriculture, “Fourth National Environmental Action Programme of Georgia (NEAP), 2022-2026 (2022)”, Chapter 2.2, available: <https://mepa.gov.ge/Ge/PublicInformation/34047>, last seen: 10.11.2023.

⁶⁷ Ibid, 31

Air

Regarding ambient air quality and its monitoring, according to NEAP, the monitoring network of ambient air quality in Georgia includes several stations in several large cities of Georgia.⁶⁸

According to the information provided by the National Environmental Agency, it continues to expand the network of ambient air level monitoring by means of automatic stations.⁶⁹ In 2023, eight automatic air quality monitoring stations and one mobile automatic station will be added. New stations are planned to be located in Tbilisi, Kutaisi, Batumi, Rustavi, Telavi, Akhaltsikhe, Zugdidi and Mestia. It is worth noting that continuous monitoring of lead, cadmium, arsenic, nickel and benzopyrene in the ambient air was introduced, and in 2022 the laboratory of the National Environment Agency received ISO standard accreditation for conducting the aforementioned tests.

The assessment of ambient air quality in Georgia has been carried out since August 1, 2018 according to the Resolution N383 of the Government of Georgia dated July 27, 2018, “Technical Regulation - on the approval of ambient air quality standards”, which is in compliance with the European Union directives.

One of the important environmental challenges remains the polluted air in the largest cities of Georgia, as well as near large industrial zones/facilities. It is particularly noteworthy in this regard city of Rustavi, where air quality has improved in recent years, although air pollution by factories still remains a big challenge.⁷⁰ Practically everywhere, except for the municipality of Zestaponi, the smallest solid particles (PM10, PM2.5) and nitrogen dioxide (NO2) are problematic pollutants.

Therefore, it is important to continue the approximation of the legislation of Georgia with the legislation of the European Union and, at the same time, to implement appropriate control over various polluting activities.

Soil

According to the data of the National Environment Agency, soil quality monitoring (sampling and subsequent laboratory analysis) is carried out in 60 settlements throughout Georgia.⁷¹ According to NEAP, “as a result of natural and anthropogenic impacts, land and soil degradation processes are taking place in the country. According to the latest estimates, 35% of agricultural land is degraded. The most common form of land degradation is soil erosion, which has increased significantly in recent years. More than 1 million hectares have been damaged, of which 380 thousand hectares are arable land, and 570 thousand hectares are pastures and meadows. Among the natural processes that affect the state of land resources, climate change is important, and from anthropogenic impacts, unsustainable agricultural practices, uncontrolled deforestation, unsustainable management of pastures, overgrazing, artificial fires, disruption of reclamation systems, uncontrolled use of pesticides and chemi-

⁶⁸ The Ministry of Environment Protection and Agriculture, “Fourth National Environmental Action Programme of Georgia (NEAP), 2022-2026 (2022)”, Chapter 2.4, available: <https://mepa.gov.ge/Ge/PublicInformation/34047>, last seen: 10.11.2023.

⁶⁹ The National Environmental Agency, Letter N 21/9260 (26.10.2023).

⁷⁰ 2022 Monitoring Report of Rustavi Ambient Air Quality Improvement Action Plan (2020-2022), available: <https://mepa.gov.ge/Ge/Files/ViewFile/53740>, last seen: 11.10.2023.

⁷¹ The National Environmental Agency, Letter N 21/9260 (26.10.2023).

cal fertilizers, cutting windbreaks, etc. are noteworthy. There are also large losses of soil as a result of secondary wetlands and salinization, open mining of mineral resources and building materials, and improper human agricultural activity.⁷²

Accordingly, it is necessary to ensure the effective enforcement of the Law of Georgia “On Soil Protection”, which, in turn, also requires the development and enforcement of existing legislation in the field of environmental protection in other areas related to soil protection (for example, in terms of climate change).

In order to assess the condition of air, water and soil, their quality should be constantly monitored, relevant information should be provided to the public in time, and more technological, financial and human resources should be allocated and available to achieve these goals.

(4) Waste management to create a safe environment for human life;

- **Refinement of the waste management code and its proper enforcement, including the introduction of the extended producer obligation system;**

An important achievement for the country in the field of waste management is the fulfillment of a number of obligations stipulated by the Association Agreement with the European Union, including the adoption of the Waste Management Code and the introduction of extended producer responsibility. The NEAP details the range of regulations adopted in this area, which set different rules for managing different types of waste.⁷³ Effective waste management affects the overall state of the environment, including improving air, water, and soil quality.

- Proper monitoring of waste pollution by relevant responsible bodies and enforcement of legislation.

It is important that the obligations stipulated by the Waste Management Code are effectively implemented at the national level, which requires the development of the waste management system, and appropriate material, technological, and human resources.

- **monitoring and control of landfills, including illegal landfills, use of appropriate enforcement mechanisms;**

According to NEAP, “environmental pollution caused by waste remains a problem, which is related to municipal waste management problems, as well as specific waste stream management problems. Old, official landfills for municipal waste in the country do not meet modern requirements and are a source of emissions of polluting substances into the environment. In addition, there are still uncontrolled dumps, unofficial landfills from which waste enters the environment. Both existing landfills and uncontrolled dumps are a potential source of soil and water pollution, and the methane produced by the decomposition of organic waste has a negative impact on climate change processes.” Also, improper management of specific

⁷² The Ministry of Environment Protection and Agriculture, “Fourth National Environmental Action Programme of Georgia (NEAP), 2022-2026 (2022)”, Chapter 2.5, available: <https://mepa.gov.ge/Ge/PublicInformation/34047>, last seen: 10.11.2023.

⁷³ The Ministry of Environment Protection and Agriculture, “Fourth National Environmental Action Programme of Georgia (NEAP), 2022-2026 (2022)”, Chapter 2.6, available: <https://mepa.gov.ge/Ge/PublicInformation/34047>, last seen: 10.11.2023.

wastes, such as burning of used oils and waste plastics, produces toxic gases that pose a threat to human health and the environment.

Accordingly, it is necessary to continue refining the existing legal framework in terms of waste management and to develop measures necessary to solve existing practical problems. In addition, it is necessary to effectively implement state control over waste pollution and use appropriate fines and other enforcement mechanisms.

Creation and improvement of the necessary infrastructure for proper waste management (collection, separation, processing, disposal); popularization and promotion of the circular economy; Raising public awareness about waste.

Refinement and improvement of the waste management system, in its essence, also implies the promotion of circular economy and awareness raising campaigns about waste management, which are carried out, for example, within the framework of projects implemented by the Environmental Information and Education Center or various non-governmental organizations. In addition, it is extremely important to develop the necessary infrastructure for waste separation and recycling.

(5) Ensuring access to justice in the environmental field in accordance with international legal standards;

The right of access to justice in the environmental field is guaranteed by the legislation of Georgia and the Aarhus Convention. However, in order for this right to be properly ensured, it is necessary that the legislation in the country in terms of environmental protection be in line with international standards of environmental protection, be in line with EU directives and the obligations assumed by Georgia under various UN treaties. A sound legal system, which is committed to protecting the rights of living in a healthy environment, is an important prerequisite for the proper enjoyment of the right of access to justice.

Accordingly, the legislative regulation should be improved in accordance with the objectives and goals defined above.

In addition, it is important to have relevant scientific knowledge and accumulated, processed information about the environment in the country in order to properly use this information as evidence when exercising the right to access to justice.

In terms of access to justice, it is necessary to have a proper judicial system in the country, which will be impartial and independent. It is necessary to increase the sensitivity of judges towards environmental issues and to equip them with the necessary skills and specific professional knowledge for dispute resolution.⁷⁴ For this, they need regular refresher training and training.

As the cases in the proceedings of various organizations show, often the judicial process is prolonged and fails to respond to environmental problems, which often require an immediate solution in order to avoid damage to the environment.⁷⁵ These cases are often related

⁷⁴ GYLA, Criminal regulation of environmental protection (2023), available: <https://shorturl.at/fzIRV>, last seen: 10.11.2023; UNDP, "Access to Environmental Justice in Georgia" (2023), 5, available: <https://www.undp.org/georgia/press-releases/environmental-justice>, last seen: 10.11.2023.

⁷⁵ UNDP, "Access to Environmental Justice in Georgia" (2023), 44, available: <https://www.undp.org/georgia/press-releases/environmental-justice>, last seen: 10.11.2023.

to large infrastructural and energy projects, where there is a great economic interest, which may sacrifice the interests of the community and the environment in the project area.

In addition to the courts, it is necessary to have well-established appeal mechanisms in the various state bodies that are empowered to make decisions related to environmental protection, for example, to issue environmental or construction permits.

(6) Raising public awareness on environmental issues

An information campaign about environmental issues is underway in the country, which should be evaluated positively. Specifically, from the letter of the LEPL Environmental Information and Education Center and from their website, it is clear that the work is carried out both with children, schoolchildren, students and the general public, as well as special training (for example, the professional training program - "Environmental manager") and training is conducted for various employees of the state agency (for example, professional training program - "Forest inventory and taxation").⁷⁶ Various brochures, training modules, manuals, and e-courses have been developed to raise awareness. Also, there are various educational programs, which directly are intended for school students and children of preschool age, and the so-called Green scholarships also have been also established.

However, until this stage, the environmental curriculum has not been fully integrated in schools and universities, which prevents the country from developing and having specialists in this field. Therefore, it is necessary to take specific steps in the educational direction and carry out the relevant reform.

Based on all above, we can assume that the activities and their relevant indicators defined by the working version of the Action Plan need to be significantly improved in content. It is also necessary to add some other activates. On the one hand, it is important to effectively achieve the objectives set by the strategy and, on the other hand, this will make it possible to also cover the important environmental issues currently not directly covered by the strategy.

⁷⁶ LEPL Environmental Information and Education Center, Letter N 01/1/2596 (09.10.2023).

V. CONCLUSION AND RECOMMENDATIONS

Based on the evaluation of the development process of the National Strategy for Human Rights, the objectives of the strategy in the direction of labor and environmental rights and the analysis of their implementation, we can conclude that the development process of the National Strategy for Human Rights was not open and inclusive, which had a negative impact on the complete representation of the problems in the field of human rights in the country in the strategy document. It is important that similar problems are not identified in the process of developing the Action Plan of the National Strategy for Human Rights and that the maximum participation of external stakeholders is ensured.

Based on all of the above, GYLA presents the following recommendations:

Administration of the Government of Georgia:

- The administration of the Government of Georgia should publish the document of the situational analysis of the human rights situation, which was the basis of the document of the National Strategy for Human Rights;
- The administration of the Government of Georgia should ensure the revision of the National Strategy for Human Rights document, taking into account the issues and the rights of vulnerable groups that are not reflected in the strategy document;
- The administration of the Government of Georgia should ensure the involvement of all interested parties in the development of the Action Plan of the human rights strategy, the public review of the working version of the Action Plan and maximum consideration of the opinions presented by civil society organizations;
- The administration of the Government of Georgia should ensure that the human rights strategy Action Plan contains clear and predictable activities with reference to measurable indicators.

LEPL Labor Inspection Service:

- Gender and social inclusion perspectives should be considered in the objectives and activities defined in the direction of labor rights in the National Strategy for Human Rights;
- In order to strengthen the existing supervisory mechanisms on labor legislation, to continue bringing Georgia's legislation into compliance with the relevant directives stipulated by the Association Agreement with the European Union, as well as to ensure compliance of labor rights regulating norms with the standards established by the International Labor Organization;
- Ensure the identification of areas where the number of certified occupational safety specialists is small and promote the development of relevant programs, as well as increase the number of certified specialists in specific areas;
- hold thematic workshops and discussions with occupational safety specialists to identify problems in practice and share experience, in order to establish uniform standards in the field of occupational safety;

- Fully utilize the staff units designated for it and select labor inspectors for vacant positions in the departments of Occupational Safety and Labor Rights Supervision;
- The LEPL Labor Inspection Service should ensure a permanent increase in the number of staff units designated for labor inspectors, so that the number of labor inspectors responds to the challenges in the country in the field of labor rights and occupational safety supervision;
- The LEPL Labor Inspection Service should carry out a survey of the professional development needs of employees employed in the service, develop annual plans for the professional development of employees and continue to meet the existing needs in the direction of professional development, both with its own resources and with the support of international donor organizations;
- LEPL Labor Inspection Service should ensure to perfect performance and effective implementation of the objectives and activities provided by the strategy and Action Plan for improving the integrity of the service;
- In order to raise public awareness of occupational safety and labor rights, LEPL Labor Inspection Service should continue an active information campaign and pay special attention to the population living in the regions and representatives of vulnerable groups, such as: national and sexual minorities, women, children and the elderly, persons employed in the informal sector;
- The Labor Inspection Service should evaluate the vulnerable areas in the direction of occupational safety and labor rights supervision, promote the increase of the number of planned inspections to be carried out in the mentioned areas and ensure the raising of the awareness of employed persons regarding the submission of individual complaints to the Labor Inspection Service;

The parliament of Georgia

- The Parliament of Georgia should ensure the convergence of environmental legislation with EU legislation; Specifically, to ensure the fulfillment of obligations under the Association Agreement with the European Union and the timely implementation of relevant directives and regulations at the national level;

Government of Georgia

- The Government of Georgia should take all measures to ensure effective enforcement of existing legislation in the field of environmental protection in practice, which, in turn, implies improvement of legislation enforcement mechanisms, constant monitoring of the environment, effective control of various activities, use of appropriate enforcement mechanisms, etc.;
- The Government of Georgia should take all measures to implement all measures defined by NEAP;
- The Government of Georgia should take all measures to fulfill all obligations under the UN Framework Convention on Climate Change and the Paris Agreement - in accordance with the updated nationally determined contribution;

- The Government of Georgia should take all measures so that executive state bodies are provided with the necessary material, technological, and human resources to fulfill their authorities and obligations;
- The Government of Georgia should take all measures so that individuals can effectively enjoy their environmental procedural rights;
- The Government of Georgia should take all measures to raise public awareness regarding environmental issues.

High Council of Justice of Georgia

- The High Council of Justice of Georgia should take all measures so that the judges are equipped with the necessary skills and specialized knowledge to consider disputes related to environmental protection issues.