

Practical Guidance for NHRIs on Addressing Human Rights and Climate Change

Annex II: GANHRI Members' Activities related to Climate Change

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Introduction

This table includes information about the activities of GANHRI members in connection with climate change. This version draws of the activities described in the 2020 Handbook on *Climate Change and Human Rights: The Contributions of National Human Rights Institutions* published by the German Institute for Human Rights and the Center for International Environmental Law¹ and in responses to the questionnaire shared with GANHRI members in connection with the preparation of this Practical Guidance. Going forward this Annex would best be updated on the basis of contributions from GANHRI members describing their activities related to climate change, their achievements and good practices.

Asia

Bahrain [National Institution for Human Rights](#)

Bahrain's National Institution for Human Rights identified "Environmental Impacts on Human Rights" as a priority area in its strategic plan for 2019-2021. It intends to organise an international forum on human rights and climate change, with a clear educational function. More broadly, it intends to look into air pollution and target schools and universities to engage them in discussion of human rights and the environment.²

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Bangladesh [National Human Rights Commission](#)

The Bangladeshi National Human Rights Commission outlined the challenges climate change poses to human rights in its submission to Bangladesh's first UPR review in 2009. Following this submission, Bangladesh received two recommendations, to "continue and strengthen, with international support and cooperation, its efforts to mitigate the negative impact of climate change" and to "pursue its efforts within the Human Rights Council on the issue of climate change and human rights."³

The Commission is developing its analysis of human rights and climate change. It has formed a thematic committee on human rights, climate change, environment and disaster management, which is working to streamline the concept of human rights and climate change. The committee has taken steps to prepare study reports on the effect of climate change on human rights. It includes government officials, university teachers, climate experts and environmentalists, journalists and NGO representatives,

¹ <https://www.institut-fuer-menschenrechte.de/publikationen/detail/climate-change-and-human-rights#> or <https://www.ciel.org/reports/climate-change-and-human-rights-the-contributions-of-national-human-rights-institutions/>.

² German Institute for Human Rights and the Center for International Environmental Law, *Climate Change and Human Rights: The Contributions of National Human Rights Institutions*, 2020, pp. 41 and 47. Hereafter *The Contributions of National Human Rights Institutions*.

³ *Idem*, p. 30.

with representation of all classes of professions. Through this balance the committee is able to make specific recommendations to the government.

The Commissions partners in its work on climate change include the Ministry of Environment Forest and Climate Change - Disaster Management Bureau (DMB); the Palli Karma-Sahayak Foundation (PKSF); the Bangladesh Poribesh Andolon (BAPA); the Bangladesh Environmental Lawyers Association (BELA); the Bangladesh Centre for Advanced Studies; Prokriti O Jibon Foundation (Nature and Life Foundation); and United Nations Development Fund (UNDP) - Human Rights Programme (HRP).

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Mongolia [National Human Rights Commission](#)

In 2018, the Mongolian National Human Rights Commission submitted a report to parliament on the status of human rights in Mongolia focusing on "The right to a healthy and safe environment: Enforcement of Environmental Regulations and Public Participation".

The Commission, in collaboration with civil society organisations and environmental researchers, developed a draft law on environmental human rights defenders to clarify the legal status of such defenders, thereby contributing to the protection of their rights.

With support from the UNDP and the Swedish Environmental Protection Agency, the Commission conducted a human rights impact assessment to unveil the environmental human rights impacts of coal mining and transportation.

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Nepal [National Human Rights Commission](#)

The NHRCN has done work on climate change and environmental pollution monitoring and research on environment pollution. Its partners include civil society organisations, academic experts, development partners and researchers.

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New Zealand [Human Rights Commission](#)

In 2016, the New Zealand Human Rights Commission suggested to the UN Committee on the Rights of the Child that New Zealand should "develop a specific health impact assessment mechanism to inform climate change policies and corresponding health sector planning." Building on its dialogue with the state, the CRC echoed this suggestion in one of its concluding observations to New Zealand.⁴

⁴ *The Contributions of National Human Rights Institutions*, p. 32.

In 2018, the Commission addressed climate change in its submission on New Zealand's third Universal Periodic Review and made three recommendations, including that New Zealand take urgent steps to develop an overarching all-of-government climate change adaptation strategy that is informed by human rights principles and obligations.⁵ The Commission's submission was reflected in three recommendations made by Member States in the resulting UN Human Rights Council report.⁶

The Commission synthesised an academic article and a presentation by one of its authors on climate change impacts on the right to health of the Māori in New Zealand. It noted the interaction of climate change with pre-existing discrimination in access to the underlying determinants of health including nutrition, location of settlements, and economic opportunity.⁷

In 2019, the Commission made a submission on the Climate Change Response (Zero Carbon) Amendment Bill aimed at strengthening the Bill by incorporating a human-rights based approach to government's response to climate change in this Bill.⁸

In 2020 the Commission released a report following a series of community engagements to identify and understand human rights issues for Pacific peoples residing in Aotearoa New Zealand.⁹ Climate change was one of the major concerns highlighted and the Commission made recommendations to government to strengthen commitments towards climate change mitigation.

In March 2022, the Commission made a submission to the Auckland Council on the the Council's proposed Climate Action Targeted Rate (CATR), a levy designed to raise additional revenue to fund decarbonization initiatives such as electrified public transport, tree planting, cycle lanes and walkways, among other things. The Commission encouraged the Council to partner with mana whenua (Māori who have historic and territorial rights over the Auckland region) and to take a human rights and Te Tiriti o Waitangi¹⁰ based approach to the development and implementation of measures funded by the CATR.

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⁵ Human Rights Commission, Submission on New Zealand's Third Periodic review, 12 July 2018, see p 18 and 25 (recommendations 74-46)

⁶ Human Rights Council, Report of the Working Group on the Universal Periodic Review, A/HRC/41/4, 1 April 2019, p 14, 122.54-122.56

⁷ Idem, p. 37.

⁸ Submission regarding the Climate Change Response (Zero Carbon) Amendment Bill, 16 July 2019 at <https://www.hrc.co.nz/news/climate-change-human-rights-issue-human-right-commission/>. See also Paul Hunt, Climate change is a human rights issue, 16 August 2019 at <https://www.hrc.co.nz/news/paul-hunt-climate-change-human-rights-issue/>

⁹ Talanoa: Human rights issues for Pacific peoples in Aotearoa New Zealand

¹⁰ Te Tiriti o Waitangi is the founding document of Aotearoa New Zealand and is a unique statement of human rights. This document was signed in 1840 between representatives of the British Crown and Māori chiefs. Applying a Tiriti-based approach is to have the Government acknowledge the rights that the indigenous peoples hold, including the right to protect and preserve their lands, forests, waters and other treasures for future generations.

The Philippines [Commission on Human Rights](#)

In the context of the UPR in 2017, the Philippines' Commission on Human Rights expressed concern at statements from the Philippine government that it would not ratify the Paris Agreement and pointed to the carbon majors case it was undertaking. Following this, the Philippines received recommendations from three states that it implement the Paris Agreement, address challenges in implementing its climate policy, and pursue climate adaptation measures. The Philippines supported all these recommendations.¹¹

In 2015, a group of civil society organisations and citizens of the Philippines filed a petition with the Commission, asking it to investigate the responsibility of the largest global investor-owned fossil fuel companies for violations of human rights in the Philippines through the climate impacts of their products. The individual petitioners were survivors of Typhoon Yolanda, which killed more than 6,000 people and affected millions in 2013. The 47 investor-owned oil, gas, and coal companies identified in the complaint had been identified in a prior independent study as among the largest contributors to global greenhouse gas emissions since the industrial revolution.

The Commission proceeded with an inquiry Carbon Majors in December 2017. It conducted a series of hearings in the Philippines, New York, and London. Evidence was presented by victims of typhoons in the Philippines, experts on climate change and human rights, and the respondents' representatives. At COP23 in Bonn the Commission organised a meeting with legal experts, supported by the German Institute for Human Rights, to receive technical input on its Carbon Majors inquiry.¹² Amicus briefs, including one filed on behalf of the Asia-Pacific Forum of National Human Rights Institutions and GANHRI,¹³ presented arguments in support of the Commission's jurisdiction to hear the case, and provided evidence of when various companies knew about the impacts of their products on climate, as well as of how much storm damage and overall sea-level rise was attributable to climate change. At the 2019 UN Climate Change Conference (COP 25), the Commission presented its initial findings: 'Carbon Majors', it argued, had a moral responsibility for human rights impacts linked to climate change and could potentially face civil and criminal liability under national laws, including in the Philippines (ruling directly on liability was not within the Commission's mandate).¹⁴ The Commission published the report of the inquiry on 6 May 2022.¹⁵

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Qatar [National Human Rights Committee](#)

The National Human Rights Committee is focused on monitoring Qatar's implementation of development goals and the climate change agreement, and the

¹¹ Idem, p. 31.

¹² Idem, p. 35.

¹³ <https://www.asiapacificforum.net/resources/amicus-brief-human-rights-and-climate-change/>

¹⁴ *The Contributions of National Human Rights Institutions*, p. 33.

¹⁵ National Inquiry on Climate Change: Report, 2022 at <https://chr.gov.ph/wp-content/uploads/2022/05/CHRP-NICC-Report-2022.pdf>.

availability of legislative frameworks and effective environmental institutions to preserve the environmental heritage.

The committee has monitored all oil and gas companies with the aim of reducing emissions of gases rising from burning fuel, encouraging them to set their own goals, allocate investments and monitor annual changes. Among the most important results of the initiative are success in achieving a surplus in natural gas and reducing gas emissions.

Through its annual reports, the Committee has presented its recommendations to the government regarding the development of comprehensive climate policies for all sectors, with a special focus on industries with high energy consumption. The Committee suggested that the government and the private sector prepare a comprehensive roadmap and design a strategic framework within the broader climate policy framework, such as the "Greenhouse Gas Emissions Reduction Strategy". It also recommended that the framework should focus on potential structural changes in the global market, and pay more attention to technological changes, the use of modern technology, domestic institutional reforms and related policies that can help reduce greenhouse gas emissions.

The Committee recommended work on climate policies encouraging innovation and application of technology with low carbon emissions and related mechanisms, standards, rules and legislation, leading to the reduction of greenhouse gas emissions in the industrial sector by 2050 and the development of a local system that defines the social and environmental costs and taxes levied on emissions in that sector. The Committee encouraged the government to expedite the enactment of new regulations and establish a strong support system for large, small and medium industries while ensuring commitment to transparency and accountability. It also recommended to the Ministry of Energy to launch an initiative to monitor the volume of methane emissions, from the extraction stage to the production stage, and to develop a unified method for estimating and reporting the percentage of gas emitted from different sources.

The Committee recommended the preparation of an effective, high-performing and non-stereotypical support mechanism, compilation of private sector initiatives and development and analysis of relevant key performance indicators. It proposed to the Ministry of Municipality and Environment, in conjunction with the Ministry of Energy and Industry, to issue a decree to establish a framework that obliges companies to disclose data related to the process of monitoring pollution of greenhouse and non-greenhouse emissions.

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Samoa [Office of the Ombudsman](#)

The Samoan Office of the Ombudsman dedicated half of its 2017 State of Human Rights Report to climate change.¹⁶ The report covered likely and documented climate

¹⁶ Office of the Ombudsman, National Human Rights Institution of Samoa, State of Human Rights Report 2017, at: <https://ombudsman.gov.ws/state-of-human-rights-reports/>. See also the 2019 State of Human Rights Report, "How Far Have We Come, June 2019.

change impacts on a range of human rights in Samoa, including the right to housing and rights affected during internal relocation. It combined a human rights legal analysis with a synthesis of existing scientific and socio-scientific studies such as the IPCC's 5th Assessment Report and national level climate impact studies. Noting that, under CEDAW, Samoa is obliged to protect the rights of women from any form of discrimination, the report noted that women were disproportionately at risk of dying in climate-fueled megastorms and that gender-based domestic violence spiked after such disasters.¹⁷ The report also emphasized the particular risks that climate change poses to children as some of the most vulnerable members of society. The report addressed the intergenerational nature of climate change impacts and observed that as concern for future generations is already prioritized in Samoa, it is Samoa's responsibility to be a leading advocate internationally for the consideration of future generations in climate change and human rights law. The report recommended that the Government of Samoa consider an amendment to Article 15 of the Constitution of Samoa that proclaims a human right to a healthy environment and the rights of future generations.

The Office of the Ombudsman has delivered advice on the internal relocation policies of the Samoan government in response to climate change. Seventy percent of Samoans live within one kilometre of the coast. Typhoons and rising seas have destroyed whole villages and inundated land used to grow food or sources of drinking water. In response, the government piloted coastal hazard management plans at the village level and drafted a national strategy to guide this planning process and any necessary relocations. Noting a lack of provisions establishing sources of funding to cover the costs of relocation for individual households, a lack of dispute resolution provisions, and a stalemate among government agencies on who bore responsibility for providing services to families relocated inland, the Ombudsman's Office recommended that the relevant ministries adopt human rights safeguards to guide the process. More specifically, though not phrased as recommendations, the Ombudsman put forward several questions that it indicated needed to be answered to ensure that human rights were protected during relocation. These questions covered both the initial determination that an area had become uninhabitable and the rights of affected communities. The Ombudsman evaluated government implementation of its recommendations two years later in its 2019 annual state of human rights report. On the specific issue of adopting a human rights-based approach to relocation, it gave the relevant ministries a "B" grade.¹⁸

Since 2019 Staff of the Office of the Ombudsman has been engaged in various trainings and workshops on human rights and climate change.¹⁹ Currently two staff members are working with the Asia Pacific Forum on the project - *Building Collaboration and Strengthening Engagement between National Human Rights Institutions and Inter-Governmental Mechanisms on Human Rights Issues in South-*

¹⁷ *The Contributions of National Human Rights Institutions*, p. 37.

¹⁸ *Idem*, pp. 39 and 50-51.

¹⁹ These trainings and workshops include among others: Gender mainstreaming and specialisation in policy making and programming including a focus on climate action; NHRIs and advancing human rights in Humanitarian Action; Environmental Human Rights Defenders in the Pacific Region: Strengthening Environmental and Human Rights Protection; The Role of NHRIs in Monitoring SDG achievements in their national context covering SDG 13 on climate action; and Roundtable on the Human Right to a Clean, Healthy and Sustainable Environment: Implications for Business.

East Asia and the Pacific. The goal of the project is to assist NHRIs to share their expertise and contribute to human rights-based policymaking and to establish and entrench a process for regular dialogue and exchange on human rights issues between NHRIs and Inter-Governmental Mechanisms (IGM). An important component of the project is to strengthen the capacity of participating NHRIs to collaborate with their state's representative on the regional IGM with a focus on the right to a healthy environment. This ongoing work will be completed by the end of 2022.

The Office is also a member of the following national Government committees:

- a. Disaster Advisory Committee: the Office provides advice regarding human rights considerations during times of emergencies, including on the impact of climate change;
- b. National Mechanism for Implementation Reporting and Follow-up: the Office is an observer member and provides advice regarding the implementation of human rights obligations, including on issues related to climate change;
- c. National Human Rights Committee: the Office is an observer member and provides advice regarding the implementation of obligations under three United Nations human rights treaties – the Convention on the Rights of the Child, the Convention on the Elimination of Discrimination against Women and the Convention of the Rights of Persons with Disabilities. The advice covers various issues affecting these groups, including climate change.

In 2021 the Office raised the issue of climate change in its stakeholder submission for the consideration of Samoa under the Universal Periodic Review.²⁰ It recommended that Samoa: continuously strengthen policies and sustain existing programmes to ensure a healthy environment for all now and in the future; develop safeguards to guarantee the protection of rights of those potentially affected by mitigation and adaptation activities; and strengthen accountability, transparency and management mechanisms with regard to climate finance. The Office continues to refer to climate change in all its reports to UN mechanisms.

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Thailand [National Human Rights Commission](#)

The Thai National Human Rights Commission had to decline to hear an individual complaint concerning a transmission line bringing energy from a thermal coal power plant in Laos to Thailand, as the complaint was duplicative of ongoing court cases. Nevertheless, the NHRI used the opportunity to make recommendations to the

²⁰ https://ombudsman.gov.ws/wp-content/uploads/2022/02/Ombudsman-NHRI-Samoa_-Stakeholder-submission-FINAL-website-version.pdf, or on the UPR Info webpage at: https://www.upr-info.org/sites/default/files/document/samoa/session_39_-_may_2021/omb-nhri_samoa_upr39_wsm_e_main.pdf at paras. 14-16.

government on protecting both substantive and procedural human rights in energy policy.²¹

In August 2018, the National Human Rights Commission of Thailand, together with the Raoul Wallenberg Institute of Human Rights and Humanitarian Law, hosted a 'Consultative Workshop on Human Rights Violations and its Cross-Border Effects: Addressing the protection gap through extraterritorial obligations.' The workshop was attended by NHRIs from the South East Asia Region and was an opportunity to share experiences and build their knowledge of extraterritorial human rights obligations, including as they relate to climate change.²²

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Africa

Algeria [Conseil National des Droits de l'Homme](#)

The National Human Rights Council has worked on climate change in the areas of public awareness and advocacy with public authorities, businesses, local communities and the population on the importance of protecting the environment from major disruptions due to climate change, which adversely affect the enjoyment of human rights. Through its constitutional mandate, the Council has taken up complaints and other grievances related to climate change and its impact.

The Council works with a variety on UN human rights mechanisms, the African Commission of Human and Peoples Rights, the Network of African National Human Rights Institutions, The Network of Arab National Human Rights Institutions, Algerian government ministries, the Conseil National Economique, Social et Environnemental, the Office National des statistiques, university research institutions, national and international civil society organisations, businesses and local communities.

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Cameroon [National Commission on Human Rights and Freedoms](#)

A. Background

The general effects of climate change identified in Cameroon's National Adaptation Plan on Climate Change are temperature rise, heat waves, drought, floods, rise in sea level and landslides.

The country's engagement to tackle climate change is glaring as it is party to several international and regional instruments relating to climate change, notably:

- the United Nations Framework Convention on Climate Change adopted on 21 March 1994 and ratified by Cameroon on 19 October 1994, whereby states took the commitment to promote and cooperate in education, training and public

²¹ Idem, p. 39.

²² Idem, p. 42.

awareness related to climate change and encourage the widest participation in this process, including that of non-governmental organizations, and

- the Paris Agreement on climate change adopted at the 21st Conference of Parties (COP 21) on 12 December 2015 and ratified by Cameroon on 29 July 2016, which calls on parties to respect, promote and consider their respective obligations on human rights, when taking action to address climate change including in the areas of gender equality, empowerment of women and intergenerational equity.

At the national level, one of the strategic objectives of Cameroon's 2035 vision is to intensify adaptation and mitigation measures against the effects of climate change and environmental management so as to ensure economic growth as well as sustainable and inclusive development.

Climate change is closely linked with human rights because it threatens the effective enjoyment of a broad array of human rights including the rights to life, to water and sanitation, to food, to health, to housing, to self-determination, to culture and to development. To remedy this, human rights law places duties on states to provide protection to individual whose rights are affected by climate change.²³

The State of Cameroon established the Cameroon Human Rights Commission²⁴ as one of the mechanisms to address the effects of climate change on human rights. It has a broad mandate for the promotion and protection of human rights as well as the prevention of torture.

B. Human rights promotion in relation to climate change

1) Awareness raising

Raising awareness on climate change and its effect is important for climate change adaptation and mitigation. The impact of climate change is mostly felt by the poor and marginalized populations especially local communities, indigenous peoples, women, children and persons with disability, who depend on natural resources such as land and water most threatened by climate change. To raise awareness, the CHRC made a statement on the theme of the 37th edition of the International Women's Day which was "Equality between Women and Men Today for a Sustainable Tomorrow" celebrated on 8 March 2022. The document highlighted the implication of the theme, inequalities between women/girls and men/boys which stem from discrimination, the normative framework on climate change, the observations of the CHRC, government action as well as recommendations. It was published on media platforms, read out by the Chairperson during the celebration on 8 March and also transmitted to the public authorities concerned.

2) Dialogue and Consultation

Climate Change is a driver of conflict as communities struggle for dwindling natural resources. This is one of the causes of the frequent clashes amongst Choua Arabs and

²³ Article 4.1(i) of the United Nations Framework Convention on Climate Change adopted in 21 March 1994 and ratified by Cameroon on 19 October 1994.

²⁴ Law n° 2019/014 of 19th July 2019.

Mousgoum and Massa communities over land and water resources in the Logone Birni sub-division in the Logone and Chari Division of the Far North Region of Cameroon, with the latest being that of 5 December 2021. Losses were estimated at around 13 dead, 15 people missing, 72 injured, 52,174 houses burned, 40,000 homeless, 30,000 refugees in Chad, 15,000 displaced in localities south of Logone and Chari and 3,500 displaced in Diamaré. The conflict spread over three divisions of the Region, such as Mayo-Danay and Diamaré.

The Cameroon Human Rights Commission is mandated to carry out consultation, monitoring, evaluation, dialogue, conciliation and deliberation in the promotion and protection of human rights. As such, it undertook a mission to the Far North Region from the 5th to the 15th of March 2022 with the aim of consulting with the local authorities and the leaders of the communities to understand the root causes, actions that have been undertaken to appease the situation and to find a definite solution to the conflict.

This was an opportunity to visit, and carry out dialogue and also provide humanitarian assistance to persons who were arrested in places of detention and to visit refugee camps harbouring persons who have been internally displaced by the conflict.

The recommendations that ensued from the consultation, which could likely have an inroad into solving the human rights issues, are being transmitted to the competent high authorities.

C) Human rights protection in relation to climate change

Human rights protection activities undertaken by the CHRC include observation, investigation, alert, as well as complaint management.

1) Observation, investigation and alert

On 29 October 2020, the Commission carried out an investigation mission in the Division of Bafoussam III, following the landslide that killed two persons and displaced about 141 others. Some were temporarily lodged elsewhere while others were given pieces of land. The sum of two hundred million francs cfa was disbursed by Government to assist the victims.

Victims were asked to construct on the pieces of land given to them within one year, a decision which was difficult to implement because they had lost their property and livelihoods. The Commission held discussion with the Mayor of the town and other stakeholders, and this deadline was extended indefinitely. Construction is on-going till today 6 May 2022 and forty five houses have already been built.

The CHRC has programmed an activity in 2022, to further sensitize the population on climate change and conflict concerning pastoralist farmers and fishermen along the Nyong River precisely in the Nyong and Mfoumou Division of the East Region.

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Kenya [National Commission on Human Rights](#)

The Kenya National Commission on Human Rights (KNCHR) has done some work on climate change. In conjunction with its regional offices, the KNCHR's Complaints and Investigations Directorate has employed its function of monitoring, investigations, and reporting on observance of human rights primarily by state agencies about indigenous forest-dwelling communities at Mau and Embobut forests among other conservation areas in the Republic.

The Government of Kenya has embarked on a program of forest conservation and protection of the country's water towers. Efforts to reclaim, protect, and conserve forest lands and water towers have disproportionately affected forest dwelling communities with allegations of use of excessive force in some instances and claims that forest lands are ancestral lands and hence entitled to protection under community land regimes. The Commission has intervened in these cases by:

- (i) Receiving and investigating complaints of use of excessive force in eviction of forest dwellers from their lands including the conduct of an independent fact-finding missions to Embobut forest;²⁵
- (ii) Supporting litigation on claims of ancestral lands by forest dwellers;²⁶
- (iii) Engaging with civil society organizations and affected forest dwelling communities on their claims to ancestral lands;
- (iv) Monitoring and advising the Government on rights-based approaches to forest conservation;
- (v) Dialogue with relevant state agencies on human rights-based approaches to forest conservation;
- (vi) Human rights training for government agencies involved in forest conservation; and
- (vii) Development of a training curriculum and manual on human rights-based approach to forest conservation.²⁷

From its experience, the KNCHR appreciates climate action as a human rights matter which has become indispensable and urgent area of focus. Large-scale private entities continue to pose a significant threat to the climate. The Commission seeks to move from counteractive interventions such as responding to complaints to strategic programming in line with international mechanisms. Two Indigenous Communities (Endoroiis and Ogiek) have successfully challenged at the African Commission on Human and Peoples Rights and the African Court on Human and Peoples Rights their

²⁵ The Report of the High-Level Independent Fact-finding mission to Embobut Forest on Elgeyo Marakwet County which can be accessed at: <https://www.knchr.org/Publications/Thematic-Reports/Group-Rights/Indigenous-Peoples-Rights>

²⁶ For instance, the KNCHR has participated as amicus curiae in Bungoma High Court Constitutional Petition No. 1 of 2017 where the Ogiek of Chepkitale assert ancestral land ownership claims to the land in Chepkitale area of Mount Elgon Forest, Kenya and successfully sought an injunction against evictions pending the hearing and determination of the Petition.

²⁷ See also *The Contributions of National Human Rights Institutions* at pp. 34, 16 and 50.

evictions from their ancestral lands.²⁸ The Government of the Republic of Kenya appointed Taskforces to advise on implementation of the decisions in both the Endorois and Ogiek Cases. The KNCHR was appointed to the two task forces. The cases have a significant impact on balancing environmental conservation and indigenous peoples' rights.

Strategic programming and enhanced involvement and capacity of NHRIs on climate change will buttress their role in climate change.

The Commission supported community activists in litigation against the development of a coal plant in Lamu that did not adhere to EIA requirements. It provided input into a "Strategic Environmental and Social Assessment" looking at the long-term and cumulative impacts of mining on the environment and human rights.

In a submission to the UN Committee on Economic, Social and Cultural Rights in connection with the Committee's preparation of general comment (No. 26) on land and economic, social and cultural rights, the KNCHR recommended that the general comment address the unique role that indigenous people play in environmental conservation and management, and how States parties can recognize and work with indigenous peoples in environmental conservation.²⁹

Appreciating the nexus between human rights and the environment with a particular focus on climate change; the Commission partnered with the Kenya Forest Service (KFS)³⁰ to infuse Human Rights Based Approach (HRBA) in programs and processes undertaken by KFS. This process was supported by the United Nations Development Programme (UNDP) under the Forest Carbon Partnership Facility - REDD+. As a result, a training Curriculum³¹ and Manual were developed with a key focus being enhancing the capacity of Forest Rangers and KFS staff on human rights principles and standards. The ultimate goal is to ensure a harmonious working relationship between members of the public and the KFS. This will enhance collaborative efforts geared towards forest conservation and management hence assist dealing with the climate change menace. Some of the partners who were involved in this noble process include Ministry of Environment and Forestry, National Land Commission, Kenya Forestry Research Institute, Forestry Training College, UNDP, Indigenous Communities, National Community Forest Association and Transparency International, among others.

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²⁸ Centre for Minority Rights Development (Kenya) and Minority Rights Group International on behalf of Endorois Welfare Council v Kenya Communication 276 of 2003, ACHPR and African Commission on Human and Peoples' Rights v. Republic of Kenya, ACtHPR, Application No. 006/2012 respectively.

²⁹ <https://www.ohchr.org/en/calls-for-input/calls-input/call-written-contributions-draft-general-comment-no-26-land-and> at point 61.

³⁰ The Kenya Forest service is the body charged with forest conservation, protection and management in the country. It is established under the Forest Conservation and Management Act,

³¹ <https://docs.google.com/document/d/1aEqnGNBU78L26Z-w96GH8RRBfmCZDBzl/edit?usp=sharing&oid=100301182224601322245&rtpof=true&sd=true>

Mauritius [Commission Nationale des Droits de l'Homme](#)

The Commission Nationale des Droits de l'Homme has carried out awareness raising campaigns in order to educate various sections of the population on human rights and climate change.

The Commission's annual report for 2020 includes an entry on the Climate Change Act 2020 (No.11 of 2020).³²

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Morocco [Conseil National des Droits de l'Homme](#)

The National Human Rights Council (Council/CNDH) has worked on climate change in the areas of public awareness and advocacy with public authorities, businesses, local communities and the population on the importance of protecting the environment from major disruptions due to climate change, which adversely affect the enjoyment of human rights. Through its constitutional mandate, the Council has taken up complaints and other grievances related to climate change and its impact.

The Council has held numerous public workshops around climate change since 2016, with one series focusing on gender, climate change, and sustainable development. Using a 'train the trainers' approach, the Council, in collaboration with the National Renewable Energy and Energy Efficiency Agency, trained civil society leaders to promote energy saving technology and behaviour in rural areas. Other training in the series included developing gender-responsive climate adaptation policies and accessing international financing.³³

In preparation for Morocco hosting the 22nd Conference of Parties to the UNFCCC (COP22) in December 2016, the Council hosted a series of workshops with key members of the public, particularly civil society, on climate change in Morocco and the region. Additionally, staff from Council met with civil society representatives from over 25 African countries ahead of COP22 to hear about local environmental challenges and prepare them to engage during the COP as part of a regional network. Simultaneously, the Council served on the COP presidency's Steering Committee for hosting the COP, with the President of the Council acting as head of the civil society pole for the COP. This institutional linkage enabled the Council to secure the so-called 'Green Zone' — an enhanced space for civil society — in which workshops and side events were conducted, giving civil society representatives the opportunity to meet with state delegates and push their messages. The Council also co-hosted a workshop at the COP on the role of NHRIs in monitoring the implementation of the SDGs and commitments under the Paris Agreement. The workshop addressed the potential for NHRIs to cooperate with strategic partners on climate change and to encourage their

³² National Human Rights Commission Mauritius Annual Report 2020, May 2021, P. 16 at <https://nhrc.govmu.org/Pages/ViewAllAnnualReports.aspx>.

³³ *The Contributions of National Human Rights Institutions*, p. 35.

home states to push for a human rights-based approach to action in climate negotiations.³⁴

The Council has also contributed to efforts for an African Union policy framework on business and human rights.³⁵ It has reported to the UN on their monitoring of the state's performance concerning the implementation of the SDGs and the Paris Agreement.

The CNDH works with a variety on UN human rights mechanisms, the African Commission of Human and Peoples Rights, the Network of African National Human Rights Institutions, The Network of Arab National Human Rights Institutions, Moroccan government ministries, the Conseil National Economique , Social et Environnemental,³⁶ the Office National des Statistiques, university research institutions, national and international civil society organisations, businesses and local communities.

In 2020, the Council welcomed the promulgation of Law No 49.17 relating to Environmental Assessment which aims to avoid the potential negative impacts on the environment.³⁷ This law closes some of the loopholes that occurred in the implementation of Law No 03.12 relating to Environmental Impact Studies, while acknowledging the environmental inspection stipulated in the framework law No 12.99 on the National Charter for the Environment and Sustainable Development.

The Council, however, reiterates its observation that some laws relating to the environment are lagging behind with regard to the developments pertaining to the protection of the environment.

The Council notes the increasing awareness of civil society with regard to the issues associated with the right to a healthy environment. In this regard, the Council received a complaint from group of associations in the province of Sidi Bennour about a decision to prepare a public landfill site on the territory of the Saniat Brik Commune, over a profitable agricultural area near residential complexes. The landfill site will harm their health and impact the residents' daily living conditions negatively, as the land on which the project will be located constitutes their main source of livelihood.

The Council also received a letter from the Mediterranean Forum for Youth in Morocco about its interaction with the Asilah Commune regarding problems associated with fires and the rise of smoke in the landfill located in the southern suburbs of the city. The organization relied on the law on the right of access to information.

In 2020, the Council continued its involvement in connection with the right to a healthy environment, climate change, and the related role of national human rights institutions. The Council contributed to preparing a guide on climate change and human rights, along with many national human rights institutions, experts and academics. The Council also participated in the annual conference of the Global Alliance of National

³⁴ Idem, p.35.

³⁵ Idem, p. 41.

³⁶ Economic, Social and Environmental Council

³⁷ Loi N°49-17 relatif à l'évaluation environnementale

Human Rights Institutions organized remotely in December 2020, which discussed climate change and the role of human rights institutions.

The Council has issued several recommendations in the field of environmental rights and climate change, namely: to expedite the adoption of a bill amending and supplementing Law No. 28.00 on waste management and disposal and a proposed framework law related to climate, taking into account the relevant sustainable development goals; to expand the competencies of the Conseil National de l'Environnement,³⁸ to ensure that it keeps pace with developments in the environmental field and expands its membership to include constitutional institutions concerned with environmental issues and human rights, particularly the Conseil National Economique, Social et Environnemental and the CNDH; to strengthen coordination between councils and bodies in charge of sustainable development in various sectors to ensure that they keep pace with all developments and challenges posed in the environmental field; and to present to the CNDH the related laws to give its opinion on them from a human rights perspective.

In 2021, the CNDH and its regional Commissions received 11 complaints requesting remedies for damage related to the violation of the environmental regulations in force, and another related to the violation of the right to live in a healthy environment after the designation of a patch of land near residents as a landfill site. The Council and its regional committees have also approached this issue from various aspects, especially according to the distinctive features of the regions, as well as issues that negatively affect the enjoyment of the right to a healthy, sound and balanced environment.

The Council notes positively the decision of the Human Rights Council to consider the right to a safe, clean, healthy and sustainable environment as a human right, given that this right is linked to other rights consistent with existing international law.

Concerning the right to water, the CNDH and its regional commissions analyze the effectiveness of this right according to a participatory proximity and field-based approach, based on the principles of non-discrimination, abundance, access to water, acceptability, quality, accountability and universality.

In this context, the Draa-Tafilalet Regional Commission organized a regional symposium on "The Right of Access to Water Resources in the Draa-Tafilalet Region" under the theme "The Effective Right of Access to Water Resources", on 27 May 2021 in Zagora. The Laâyoune-Sakia El Hamra Regional Commission participated in the awareness-raising days organized by the Talh Association for Water and the Environment under the slogan "Preserving Acacia Forests and Water, a Wager on Sustainable Development", on 24-28 March 2021 in Laâyoune.

Concerning the right to the environment and the fight against climate change, the CNDH recommended to: amend the law regulating major hazard facilities issued on August 25, 1914, to ensure that it keeps pace with developments in the field of environmental protection; expedite the adoption of a proposed law that changes and supplements Law No. 28.00 on waste management and disposal and a proposed framework law related to climate, taking into account the relevant sustainable

³⁸ National Council for the Environment

development goals; create conservation areas to protect rock art heritage sites in the region, and organize training for law enforcement officials and customs services on antiques trafficking and introducing them to the components of rock art heritage; create an agency specialized in the protection of the Gulf of Oued Eddahab in Dakhla; present laws related to the environment to the CDNH for its opinion on them from a human rights perspective; and open dialogue with the residents and listen to their demands and grievances, avoid partisan conflicts with regard to the opening a new waste dump, and decide on a new site for the project in the neighboring neutral, non-agricultural, state-owned lands.

Regarding the right to water, the CNDH recommends implementation of the commitments contained in the government program 2021-2026 that will promote the right to water; adopt the human rights approach to implementing the National Water Plan 2020-2050; reduce pressure on water resources by proposing alternatives to rationalize their use, especially in the areas of investment in agricultural and industrial projects; and enhance communication and awareness on how to rationally and sustainably use groundwater, especially by farmers.

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South Africa [Human Rights Commission](#)

Activities in connection with climate change carried out by the Human Rights Commission include the following:

- **Legislative:** the Commission provided comments on the State's draft legislation on South Africa's Climate Change Response.
- **Policy and decision-making:** the Commission sits on the advisory National Climate Change Committee, run by the Department of Environmental Affairs, which discusses South Africa's position on climate change, commitments, and strategy to achieve targets.
- Engagement with the Presidential Climate Change Coordinating Commission, which is tasked with advising on South Africa's climate change response. This includes mitigation and adaptation to climate change and its associated impacts.
- Research into the State's progress on diversification of power-generation (i.e., plans to move away from coal-based generation to renewables).
- **Monitoring:** implementation of mitigation and adaptation plans in the country and region.
- **Protection:** the Commission deals with complaints from individuals, communities and civil society groups on the impacts of coal mining (and other mining) on communities and the environment.
- Engagement with civil society organisations on strategies for adaptation and resilience building. A notable collaboration involved the development of model legislation on climate change.³⁹

³⁹ <https://www.safsc.org.za/wp-content/uploads/2019/11/Climate-Justice-Charter-Draft1-2019.pdf>

- Engagement with the Special Rapporteur on human rights and the environment on matters relating to climate change and the right to a healthy environment.
- Hosting a stakeholder event with the Moroccan National Human Rights Council and other external stakeholders to engage on climate change issues in preparation for the Conference of Parties 22.
- The Commission presented on a panel at a side-event on the role for NHRIs in the process of monitoring the Sustainable Development Goals and commitments under the Paris Agreement on Climate Change at COP22.
- Commenting on climate change strategies and policy to State departments and Parliament to ensure that interventions are human rights-based.
- The Commission has worked with climate change task teams to ensure that the human rights elements and impacts of climate change are constantly on the agenda.
- The Commission lobbied for the diversification of South Africa's power supply to reduce reliance on coal and move to sustainable sources of energy to meet climate targets.

As per Section 184(3) of the Constitution of the Republic of South Africa, the Commission is required to annually request information from the State, on steps that it has taken towards the realisation of economic and social rights, including inter alia the right to environment. In fulfilment of this constitutional mandate, the Commission regularly requests information from the Department of Environmental Affairs on steps that they have taken towards the realisation of the right to environment. The Commission reports on this and provides recommendations to the State on improvements that can be made in realising the right.

The Commission works nationally with civil society organisations, government departments, the South African Presidency, community-based organisations and Parliament. It has collaborated regularly with the UN Special Rapporteur on human rights and the environment.

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Americas

Argentina [Defensoria del Pueblo](#)

Argentina's Defensoria del Pueblo de la Nación has an "Environment and Sustainable Development" programme focused on upholding the right to a healthy environment, which includes safe water, adequate sanitation, hazardous waste and free access to environmental information. It monitors SDG implementation in Argentina. The Defensoria's 2017 report critiqued both the lack of an overarching climate policy at the national level and Argentina's policies that support the further development of fossil

fuels in contravention with SDG Goal 13. The report also recommended concrete policy measures to improve Argentina's SDG progress.⁴⁰

Argentina's Defensoria del Pueblo de la Nación has regularly engaged with the UPR on the status of the right to a healthy environment. In 2012, the Defensoria submitted a report expressing concern about various environmental issues in Argentina. It underlined that policies on access to information, citizen participation, and environmental impact assessment were insufficient and environmental damage was not mapped correctly. In 2017, the Defensoria submitted a second report. Concerning climate change specifically, it noted that Argentina should 1) include measures related to climate change in national policies and plans and 2) improve education, awareness, and human and institutional capacity concerning climate change mitigation. Argentina ultimately received a recommendation to strengthen measures to combat the negative effect of companies' economic activities on the environment and on biodiversity.⁴¹

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Chile [Instituto Nacional de Derechos Humanos](#)

Chile's Instituto Nacional de Derechos Humanos (INDH) published blog posts emphasising how livelihoods in both countries depend on water and describing how climate induced droughts heavily impact those livelihoods. In some cases in Chile, drought and hydroelectric energy projects have been associated with conflict, and INDH has logged some of these conflicts along with others in a mapping tool. The tool has been useful for researchers and visually demonstrates the impacts of climate change in a novel way for the public.⁴²

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Colombia [Defensoria del Pueblo](#)

The Ombudsman's Office has a Delegate for Collective and Environmental Rights tasked with undertaking evaluations of collective and environmental rights, designing strategies to address violations and submitting them to the Ombudsman for consideration and to present legislative proposals. Through the Delegate for Collective and Environmental Rights, the Office addresses all aspects of the close relationship between climate change and human rights. The guarantee and full enjoyment of human rights depends on addressing the causes, mitigating and adapting to the effects of climate change. The Delegate for Collective and Environmental Rights has addressed the relationship between human rights and climate change in numerous studies and evaluations aimed at illustrating the effects of climate on the sustainable exercise of rights and the need for competent authorities to develop plans and actions that mitigate these effects.

⁴⁰ *The Contributions of National Human Rights Institutions*, p.29.

⁴¹ *Idem*, pp. 32 and 49.

⁴² *Idem*, p. 36.

The El Quimbo Hydropower Energy Project, constructed from 2010 to 2015, was billed as a means of moving towards energy with fewer greenhouse gas emissions. However, it caused repeated controversy, as its construction resulted in more than 1500 people being forcibly displaced without adequate compensation — including resettlement in conditions without access to water or electricity. A report by the International Commission of Jurists concluded that with regards to El Quimbo, rights under both international and national law — such as the rights to participation, housing, food, water, work, a decent salary, and education — were violated. Moreover, the environmental human rights defenders protecting their rights and lands have faced threats and retaliatory criminal charges. The Defensoria del Pueblo (Ombudsman) has been active in regard to El Quimbo and other hydroelectric projects. The Ombudsman's Delegate for Collective and Environmental Rights prepared a study that assessed eight hydroelectric projects, including El Quimbo, and concluded that frequent changes to and violations of their environmental operating permits violated participation rights.⁴³

The Ombudsman's Office has sought to give visibility to the consequences of the processes of deforestation present in the Amazon region (departments of Amazonas, Guaviare, Putumayo and Caquetá) and parts of the Colombian Caribbean Coast (Bolívar, Sucre and Córdoba), where mining, expansion of the agricultural frontier and monocultures, logging and construction of illegal infrastructure such as highways and roads, compromise the structure of forests and increase the effects associated with climate change. This work has been carried out through reports and the promotion of working agreements with international organizations such as the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ).

Likewise, the Ombudsman's Office has sought to promote and strengthen regular dialogue with the competent authorities with the intention that a rights-based approach is taken and the effective realization of human rights from an environmental perspective is pursued in the development of policies and projects implemented to address change climate. In this regard the Ombudsman's Office, through the Delegate for Collective and Environmental Rights, has participated in the preliminary formulation stages of the Plans for Comprehensive Climate Change Management (PIGCC) promoted by the National Environmental System (SINA).

The Delegate for Collective and Environmental Rights has also examined the relationship between climate change and out-of-control mining. It has shown that due to logging, deforestation and the subsequent rate of atmospheric emissions, mining generates negative effects on soils, water and basins, as well as increasing risks of natural disasters, thereby increasing the vulnerability of ecosystems and communities in the face of climate variability and climate change.

Finally, the Ombudsman's Office has generated outputs and communications aimed at making known the current conservation situation faced by strategic ecosystems such as mangroves and páramos, as well as the importance of forests and a healthy environment, for the satisfaction of the basic needs of the communities and persons. The Office promotes agreements, alliances and joint actions with regional and local actors, which give visibility to the socio-environmental situation through dialogue and

⁴³ Idem, p. 34.

listening to local communities, thereby encouraging them to be part of the conservation efforts in an active way.

The Ombudsman's Office works with the Ministry of the Environment, national natural parks, regional autonomous corporations, regional natural parks, secretariats of municipal and regional environment bodies, the GIZ, the UN, the Inter-American Court of Human Rights and the German Institute for Human Rights.

In connection with trans-jurisdictional environmental human rights impacts, the Ombudsman's Office and the German Institute for Human Rights collaborated to promote the effective implementation of the UN Guiding Principles on Business and Human Rights, focusing on the mining of coal in Colombia for export to Germany, where it is used in the energy sector, resulting in negative environmental human rights impacts in both countries.

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Costa Rica [Defensoria de Los Habitantes](#)

Costa Rica's Ombudsman's Office has drafted an environmental policy that aims for carbon neutrality. The Office aims to satisfy international standards for carbon neutrality and deliver on these goals through its Environmental Management Program. It sees this policy as consistent with its core value of solidarity.

In 2013, the Ombudsman's Office hosted a workshop with civil servants, scientists, and interested members of the public in 2013, which produced a number of recommendations.⁴⁴

The Office's 2015 annual report outlined where existing Costa Rican policies supported achievement of the SDGs and where there was room for improvement. The section on Goal 13 assessed the national climate strategy and the specific approaches being followed to achieve its targets, and it recommended greater public participation in climate policy and access to information on positions taken by Costa Rica at the UNFCCC.⁴⁵

In 2016, the Office made a submission informing the CESCR about the impacts of climate change on the rights to water and housing in Costa Rica. The submission contained two main recommendations on the right to water: first, ensuring citizen participation in the development of policies and instruments related to water use, and second, guaranteeing respect for the rights of indigenous people to provide free, prior, and informed consent to developments that may impact their water resources. The CESCR recommended that Costa Rica increase its efforts to guarantee access to safe drinking water and sanitation services for the most disadvantaged and marginalised groups. On housing, the Office noted that due to inadequate planning procedures,

⁴⁴ Idem, p. 35.

⁴⁵ *The Contributions of National Human Rights Institutions*, p.29.

new housing was being built in areas highly prone to flooding made worse by climate change.⁴⁶

The Office responded to the questionnaire of the UN Special Rapporteur on human rights and the environment for his 2016 report on biodiversity, highlighting adaptation to climate change — specifically on the need to adopt better policies on infrastructure development in critical water recharge areas — as a key factor influencing biodiversity protection in Costa Rica.⁴⁷

Partners of the Office include the Ministry of Environment, universities and NGOs.

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Ecuador [Defensor del Pueblo](#)

One of the Ombudsman's directorates appears to focus on “Collective Rights, Nature and Environment”. This directorate is responsible for issuing guidelines in cases related to the violation of nature and the environment. Strategies used to protect nature and the environment include defensive investigations, due process surveillance, the filing of jurisdictional guarantees and the reporting of rights within jurisdictional actions.

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Guatemala [Procuraduría para la Defensa de los Derechos Humanos](#)

In 2016, Guatemala’s Office for the Defense of Human Rights hosted a series of workshops on climate change with civil society representatives, local communities, community leaders, students and city authorities.⁴⁸

In accordance with the constitutional and legal mandate of the Office, it has carried out supervision of compliance with the Framework Law to Regulate the Reduction of Vulnerability, the Mandatory Adaptation to the Effects of Climate Change and the Mitigation of Greenhouse Gases, Decree No. 7-2013 in 2020. Further to this it issued a series of recommendations to the Ministry of Environment and Natural Resources. In 2021, it monitored the follow-up of the recommendations and issued a series of new recommendations for compliance with the Framework Law. Also in 2020, the Office carried out an assessment of the compliance of the National Policy on Climate Change to verify the degree of progress, the existence of an action plan and compliance with it. The Office issued related recommendations to the Ministry of Environment and Natural Resources and will follow-up on them in due course.

Further to its legal mandate, the Office prepares a detailed annual report on the human rights situation in Guatemala, which has a specific section on the human right to a healthy environment, which includes the issue of climate change and compliance with the objectives of sustainable development.

⁴⁶ Idem, p. 32.

⁴⁷ Idem, p. 37.

⁴⁸ Idem, p. 35.

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Mexico [Comision Nacional de los Derechos Humanos](#)

In relation to climate change, the main activity of the National Commission for Human Rights of Mexico (CNDH) has focused on public awareness raising about this issue through promotional activities and the development of pedagogical materials, such as blog posts, press releases, and videos — including one designed for children.⁴⁹ In 2017, the Brochure "Climate change and human rights" was generated with the objective of providing a first approach to the general knowledge of the phenomenon, its scientific basis, the international responses to address it, its main effects on the protection of rights human rights and the actions of Mexico in this regard.⁵⁰ In 2020, this brochure was updated and has been made available for consultation on the Commission's web portal.⁵¹ Additionally, the problem of climate change has also been incorporated into other studies on *Sustainable Cities and Human Rights* and *Civil Protection and Human Rights*. In relation to promotional activities, since 2018, the Commission has promoted the holding of the International DESCA Forum⁵² and Agenda 2030.⁵³ It has promoted reflection in this space of the impact of climate impact on the enjoyment and exercise of rights, the achievement of the Sustainable Development, and related challenges. Additionally, a round table on Comprehensive Disaster Risk Management (GIRD) and its link with human rights was held in 2020.⁵⁴

The Commission is mandated to issue Specific or General Recommendations, in the first case to repair human rights violations caused by acts or omissions attributable to federal authorities, and in the second case, to promote legislative modifications or changes in administrative practices that affect people's rights. The impact of climate change has been considered in the Commission's General Recommendation 32/2018,⁵⁵ on violations of human rights to health, an adequate standard of living, a healthy environment, and information caused by urban air pollution. The Commission focused on both the immediate local effects of fossil fuel combustion on human rights and its related contribution to climate change. The recommendation provided a detailed analysis of how the lack of effective regulation was a violation of Mexico's human rights obligations and other international treaty obligations (such as those under the UNFCCC), It included policy proposals addressed to different actors in Mexico's three levels of government. Government actors have largely been receptive

⁴⁹ *The Contributions of National Human Rights Institutions*, p. 36.

⁵⁰ <https://www.cndh.org.mx/sites/default/files/documentos/2019-05/folleto-Cambio-Climatico-DH.pdf> See also <https://www.cndh.org.mx/palabras-clave/2093/cambio-climatico>

⁵¹ <https://testwebqa.cndh.org.mx/documento/cambio-climatico-y-derechos-humanos-0>

⁵² DESCA: Derechos Económicos, Sociales, Culturales y Ambientales (Economic, Social, Cultural and Environmental Rights) |

⁵³ <https://cartadenovedades.cndh.org.mx/vol335/en/2021/01/virtual-forum-ombudsperson-desca-and-agenda-2030/> The reports are available at: <https://forodesca2030.cndh.org.mx/Main/Documentos>. The third edition of the Forum was held in October 2020. The report of the event and audiovisual material can be consulted at: <https://www.cndh.org.mx/eventos/4497/foro-internacional-desca-y-la-agenda-2030-para-el-desarrollo-sostenible-edition-2020>.

⁵⁴ The report of the event can be consulted at: <https://www.cndh.org.mx/index.php/documento/relatoria-mesa-redonda-la-gestion-integral-de-riesgos-de-desastres-y-su-vinculo-con-los>

⁵⁵ <https://www.cndh.org.mx/documento/recomendacion-general-322018>

to the recommendations — one state invited the Commission to review its efforts to create criteria for monitoring air pollution.⁵⁶

Climate change was also addressed in General Recommendation 26/2016 on Federal Natural Protected Areas Management Programs and their relationship with the enjoyment of various human rights.⁵⁷

Recommendation 68/2018,⁵⁸ covering the right to life and climate change, was addressed to a public utility company in charge of electricity distribution. It addressed lack of due diligence in the maintenance of the company's infrastructure. The case involved the death of a person riding his motorcycle when he was hit by an energized cable that according to the authority broke by chance due to an electrical storm with strong winds and large amounts of rain.

Recommendation 68/2018 recalls that it is a strategic priority for Mexico to promote adaptation to climate change, given the vulnerability of its population and ecosystems. Responsibility for the violation of the right to life derived, among other causes, from non-compliance with the provisions of the General Law on Climate Change, as well as various provisions of the National Strategy and the National Climate Change Program, which include commitments to adopt climate change criteria in the planning, construction and operation of electrical infrastructure. As part of the remedy, the company was required to consider the fluctuations in rainfall and the possible effects of climate change in its preventive maintenance program for overhead electricity distribution lines and other equipment in the area where the events occurred.

Recommendation 47/2018,⁵⁹ which address the right to a healthy environment and climate change, dealt with the inadequate disposal of urban solid waste and special waste handling in a community in Guerrero. The decomposition of the waste was a source of greenhouse gases, primarily methane gas, which in addition to its effects on human health, affects ecosystems and is a cause of climate change.

Recommendation 12/2019,⁶⁰ which also addresses the right to a healthy environment and climate change, deals with the *Cañón del Sumidero* National Park in Chiapas that is affected by the industrial activity of a company dedicated to the extraction and processing of lime, with impacts terrestrial ecosystems, air quality and the health of persons living in its vicinity. The company's operations generate emissions, including dust and combustion gases, as a result of the handling and processing of limestone and the use of fuel oil and petroleum coke, which are pollutants that contribute to climate change. The development of climate change adaptation measures was included as part of the actions proposed for the restoration of the integrity and ecological connectivity of the National Park. These included the establishment of

⁵⁶ *The Contributions of National Human Rights Institutions*, p. 38.

⁵⁷ <https://www.cndh.org.mx/documento/recomendacion-general-262016>

⁵⁸ Sobre El Incumplimiento De La Conciliación Respecto A La Violación Al Derecho Humano A Una Vivienda Adecuada, En Agravio De Las Personas Damnificadas Del Huracán "Ingrid" Y La Tormenta Tropical "Manuel", En La Colonia "El Patenco" En El Municipio De Coyuca De Benítez, Guerrero, 16 December 2020 at <https://www.cndh.org.mx/documento/recomendacion-892020>

⁵⁹ <https://www.cndh.org.mx/documento/recomendacion-472018>

⁶⁰ <https://www.cndh.org.mx/documento/recomendacion-122019>

biological corridors and other conservation modalities favouring natural adaptation through the maintenance and increase of native plant cover on the site.

In 2015, regional offices of Mexico's National Commission for Human Rights received multiple complaints regarding a proposed coastal resort development in the state of Quintana Roo. Mangrove forests had been cut down with the permission of local authorities to build the resort, and there were reports of harassment of human rights defenders. The Commission initially issued a protective order to cease this harassment. It subsequently issued Recommendation 67/2017 to the authorities involved, in which the Commission emphasised that cutting down the mangroves would increase the vulnerability of the local community to storm surges and violated the right to a healthy environment under the Mexican constitution and the San Salvador Protocol to the American Convention.⁶¹ The Commission made recommendations to the relevant federal ministries and local municipality, most importantly to restore the mangrove forest and to improve oversight of permit approval processes to ensure similar events would not recur. These recommendations were accepted in full, making them binding for the authorities who accepted them. The project was halted, and the ecological restoration planning process was carried out with the Commission monitoring to ensure implementation of the recommendations.⁶²

Recommendation 89/2020,⁶³ which address the right to housing and climate change, dealt with a problem dating back to the simultaneous impact of category 1 hurricane "Ingrid" in the Gulf of Mexico and tropical storm "Manuel", on the Pacific coast, which during mid-September 2013 generated severe flooding and damage in various parts of the Mexican Republic. The most significant effects were reported in 56 municipalities in the state of Guerrero. In response the Federal Government authorized various actions to address the situation through the Natural Disaster Fund.

In this case the Federal Government approved the execution of 71 homes. Seven years after they were built, a civil protection opinion of the local authority found that the homes had been built on a site with a high risk of flooding, thereby placing the inhabitants at a risk of prohibited re-victimization. To mitigate the adverse effects of climate change, among other considerations, the Commission recommended the construction of 71 new homes in a non-flood-prone area in an urban area, with the significant participation of the victims in the decision-making processes, decisions for the location of the land, and the orientation, design, construction and finishing of the houses.

In 2017, the Commission submitted an amicus curiae brief to the Inter-American Court of Human Rights in connection with Colombia's request for an advisory opinion on state environmental obligations in the context of the protection of the rights to life and to personal integrity in the American Convention on Human Rights.⁶⁴

⁶¹ Recomendación No. 67/2017 (in Spanish) available at http://www.cndh.org.mx/sites/all/doc/Recomendaciones/2017/Rec_2017_067.pdf

⁶² *The Contributions of National Human Rights Institutions*, p. 32.

⁶³ <https://www.cndh.org.mx/documento/recomendacion-892020>

⁶⁴ https://www.cndh.org.mx/sites/default/files/doc/OtrosDocumentos/Doc_2017_028.pdf. Also see above at page 67.

The Commission participated in a workshop *Climate Change and Human Rights: A Challenge for COP 21*, in which governmental authorities, academia and civil society developed opinions and ideas that were presented during the 2015 United Nations Climate Change Conference (COP 21). In 2016 it participated in COP22 with a focus on follow-up to the various implementation mechanisms of the Paris Agreement. In 2021, the Commission contributed to GANHRI's NHRI COP 26 Symposium on the role of national human rights institutions in bridging the accountability gap in the climate emergency.

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Panama [Defensoria del Pueblo](#)

Panama's Ombudsman has reopened the National Directorate of Ecological Affairs, aimed at ensuring that conservation and good environmental practices assure Panamanians a healthy environment. Investigations authorized by Law 7 of 5 February 1997 are carried out through its offices in connection with any type of institution or council.⁶⁵ It has filed complaints with the Public Ministry against state concessions that carry out environmental actions that affect the issue of climate change.

Since 2017, the Ombudsman has conducted an environmental education program specifically for government officials. Its topics have included climate change and management of related natural disasters. The Ombudsman is planning, together with the Ministry of the Environment, community training projects regarding good practices against climate change, including in connection with the issue of gender. The Ombudsman participated in the United Nations Conference on Climate Change COP26 in Glasgow in 2021.⁶⁶

A principal partner of the Ombudsman is the Ministry of Environment.

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Peru [Defensoria del Pueblo](#)

The Ombudsman's Office addresses a variety of thematic issues that directly affect climate change, notably attention to deforestation, which is one of the main causes of greenhouse gas emissions in Peru. 51% of GHG emissions in the country come from deforestation. In response to the deficient management of the Amazonian forests, the Office has been monitoring compliance with its recommendations to the three levels of government regarding actions aimed at preventing changes in land use. Within the framework of the Paris Agreement, Peru committed to reduce its emissions by [30][40]% by 2030. The Ombudsman's Office carries out supervision of the reform process of the forest and wildlife sector within the framework of the Trade Promotion

⁶⁵ *The Contributions of National Human Rights Institutions*, p. 35.

⁶⁶ <https://www.defensoria.gob.pa/defensoria-del-pueblo-participara-en-conferencia-de-las-naciones-unidas-sobre-el-cambio-climatico-cop26-en-glasgow-reino-unido/> and <https://www.defensoria.gob.pa/defensoria-advierte-efectos-de-la-migracion-sobre-darien-en-conferencia-del-cambio-climatico/>

Agreement between Peru and the United States of America.⁶⁷ Along the same lines, the Ombudsman's Office addressed issues related to the conservation and management of forests from a rights perspective, evaluating national policies and regulations on the matter, the process of transferring forest functions to regional governments, and the role of transparency and access to public information in forest management.⁶⁸ Likewise, the Office evaluated the actions of the State in the face of deforestation caused by agro-industrial crops of oil palm and cocoa in the Amazonian forests, with emphasis on the regions of Loreto and Ucayali.⁶⁹ In response to the Ombudsman Office's recommendations, the Office of the Comptroller General of the Republic conducted a compliance audit, which alleged criminal and administrative responsibility of eleven officials and former officials of the Ministry of Agrarian Development and Irrigation (Midagri) regarding to the deforestation of more than 8 thousand hectares of primary forests caused by agro-industrial companies located in the two Amazon regions.

Recently the Multisectoral Commission for the Fight against Illegal Logging updated the "National Multisectoral Strategy for the Fight against Illegal Logging", an issue on which the Office has been insisting for several years, while the National Forest and Wildlife Service (Serfor) approved the "Guidelines for the implementation of the procedure for resizing permanent production forests"; and in the same way, the Ministry of the Environment (Minam) approved the "Procedure for the issuance of a prior binding opinion in the authorization of change of current use in lands of public domain".

Despite the progress made, the main challenge of the Ombudsman's Office is to continue influencing both compliance with the recommendations it has made and monitoring compliance with the obligations of the competent authorities in forestry and wildlife matters.

The Ombudsman's Office has also published blog posts emphasising how livelihoods in Peru depend on water and describing how climate induced droughts heavily impact those livelihoods.⁷⁰

The Office has played a key role in the implementation of free, prior and informed consent, an important procedural dimension of the right to a healthy environment.

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⁶⁷ Adjunct Report No. 030-2009-DP / AMASPPI-MA, "The Peruvian State and the Sustainable Use of Natural Forests. Follow-up of Annex 18.3.4 on the Management of the Forest Sector of the Protocol of Amendment to the Trade Promotion Agreement between Peru and the United States of North America", available at: <https://www.defensoria.gob.pe/wp-content/uploads/2018/05/Informe-030-2009-DP-AMASPPI-MA.pdf>

⁶⁸ Report No. 151, "Forest Policy and the Peruvian Amazon: progress and obstacles on the way to sustainability", available at: <https://www.defensoria.gob.pe/wp-content/uploads/2018/05/informe-151.pdf>.

⁶⁹ Adjunct Report No. 001- 2017-DP / AMASPPI-MA, "Deforestation by agro-industrial crops of oil palm and cocoa. Between the illegality and the ineffectiveness of the State", available at: <https://www.defensoria.gob.pe/wp-content/uploads/2018/05/Informe-de-Adjuntia-001-2017-DP-AMASPPI-MA-1.pdf>

⁷⁰ *The Contributions of National Human Rights Institutions*, p.36.

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Europe

Albania [People's Advocate](#)

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Belgium [The Interfederal Centre for Equal Opportunity and Fight against Racism and Discrimination](#)

The Combat Poverty, Insecurity and Social Exclusion Service⁷¹ dedicated its 2018-19 biennial report to uncovering the links between issues of sustainability, including climate change, and poverty in Belgium.⁷² The Service undertook an extensive series of consultations with anti-poverty organisations and their members on this theme. As a result of the consultations, the Service was able to highlight how some existing national and regional policies intended to promote sustainability, for example in the form of taxes and subsidies, reinforced inequality, as subsidies were often for goods that remained unaffordable to those in poverty, who were also least able to change their behaviour to avoid the taxes.

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Croatia [Ombudsman](#)

Parts of the Republic of Croatia were hit by floods in 2014 and fire in 2017 which the Croatian Ombudswoman's Office recognized and monitored as case studies of climate change related events that impact human rights. The Office submitted to the Croatian Parliament a Special Report on the Human Rights Implications of the Flood-Related Catastrophe in the Vukovar-Srijem County in 2014.⁷³ The report was based on the complaints submitted to the Office, field visits, interviews with numerous stakeholders and the affected citizens, as well as other available data, analysis of the regulations and news coverage. Although the report referred to the areas hit by the floods, its recommendations were intended for all other future emergency situations with the potential to affect the enjoyment of human rights in the areas of provision for protection and rescue, social welfare, health care, humanitarian aid, rehabilitation and

⁷¹ <https://ennhri.org/rule-of-law-report-2021/belgium-combat-poverty-service/>

⁷² Combat Poverty Service, Biennial Report 2018-2019 'Sustainability and Poverty', <https://www.combatpoverty.be/wp-content/uploads/sites/3/2020/05/200430-Summary-Sustainability-and-poverty.pdf> (Summary). Full text available in French and Dutch.

⁷³ <https://www.ombudsman.hr/en/download/summary-of-the-annual-report-of-the-ombudsman-2014/>

reconstruction, provision of information and free legal aid. The catastrophic 2014 floods were followed by the adoption of the new Civil Protection System Act in 2015, which provided the framework for action in emergency situations that require rescue and protection of people, health, the environment, nature, cultural wealth and property. The Act was activated during the Split fire in 2017 and, most importantly, during the current COVID-19 pandemic. The response to the wildfires that spread through parts of Split and the surrounding areas that summer was presented in a specific chapter of the Ombudsman Office's annual report for 2017, which the Ombudswoman submitted to the Croatian Parliament in 2018. In February 2020, the Ombudswoman submitted to the Croatian Parliament a special report, *The Right to a Healthy Life and Climate Change in the Republic of Croatia in the Period 2013-2020* in the context of the global climate movement and the COVID-19 pandemic.⁷⁴

The Ombudswoman monitors the implementation of the Civil Protection System Act. Her Office has carried out continuous reporting on environmental protection, including climate change, in annual reports on the Status of Human Rights to the Croatian Parliament since 2013.⁷⁵ The Office has received many complaints about the negative health effects of air pollution, and since 2013 it has developed expertise in handling complaints related to environment protection and the right to healthy life.⁷⁶

The Office's partners include civil society, academic experts, state authorities (mainly the Croatian Parliament, Committee for Protection of Environment and Nature) at the national level and ENNHRI, GANHRI, UN OHCHR and the Center for International Environmental Law at the international and regional levels.

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Denmark [Danish Institute for Human Rights](#)

The Danish Institute for Human Rights (DIHR) has declared work on the energy transition a priority in relation to its human rights and business work and is undertaking a number of projects related to approaching the energy transition through a human rights lens. This includes work to encourage corporate actors in the renewable energy sector on integrating human rights considerations, as well as engagement and collaboration with various stakeholder groups, including the Business and Human Rights Resource Centre (BHRRC) on their Renewables Atlas and Renewables Benchmarking. The Institute is also undertaking a project on Responsible Business Conduct in Sub-Saharan Africa which includes a component focusing on the energy transition in the region.⁷⁷

The Institute has especially been monitoring the increase in the use of human rights arguments in climate litigation before national and regional bodies as well as the greater focus on the issue from international human rights institutions and

⁷⁴ <https://www.ombudsman.hr/en/>, <https://www.ombudsman.hr/en/ombudswomans-special-report-on-the-right-to-a-healthy-life/>. See also, *The Contributions of National Human Rights Institutions*, pp. 36 and 39-40.

⁷⁵ <https://www.ombudsman.hr/en/?s=annual+report>

⁷⁶ *The Contributions of National Human Rights Institutions*, p. 32

⁷⁷ *The Contributions of National Human Rights Institutions*, p.41.

mechanisms. The Institute has analysed difficulties that may arise when the European Court of Human Rights must consider a case explicitly addressing climate change and made an overview of the cases before national courts in Europe. The analysis and overview were released to the public through the Institute's website in September 2021.⁷⁸

When it comes to the nexus between environment and human rights more broadly, the Institute has worked on a human rights based approach to environmental impact assessment. In particular the Institute has collaborated with the Kenya National Commission on Human Rights in connection with the Commission's engagement with the Kenyan government to integrate human rights into environmental impact assessment.

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France [Commission Nationale Consultative des Droits de l'Homme](#)

The French National Consultative Commission on Human Rights (CNCDH) has been dealing with the impacts of climate change on human rights for many years. In its opinion on "Development, the environment and human rights" adopted in 2015, the issue was addressed from the perspective of the broader issue of environmental protection, where the Commission highlighted the threats caused by climate change on the rights of future and current generations⁷⁹.

The Commission had also criticized the signing of the Canada-European Trade Agreement (CETA). It highlighted that CETA was likely to substantially boost the development of polluting 'tar sands' petroleum in Canada, which, combined with the undemocratic protections offered to foreign investors by the treaty, would negatively impact European renewable energy development and the ability to meet emissions targets⁸⁰.

In 2020 the Commission decided to include the issue of climate change in its priorities given the emergency of the situation and the threat it poses to all human rights in France and around the world.

1 - An opinion⁸¹ on "Climate emergency and human rights" was unanimously adopted by the Plenary Assembly of the CNCDH in May 2021. This opinion (translated into English) has 31 recommendations addressed mainly to French public authorities and aimed at placing human rights at the heart of France's climate action at the national and international levels.

⁷⁸ <https://www.humanrights.dk/publications/climate-change-human-rights-assessments-national-courts-europe> (In Danish.)

⁷⁹ CNCDH, *Avis sur le développement, l'environnement et les droits de l'homme*, Plenary Assembly of 16 April 2015 at: <https://www.cncdh.fr/fr/publications/avis-sur-le-developpement-lenvironnement-et-les-droits-de-lhomme>.

⁸⁰ *The Contributions of National Human Rights Institutions*, p.39.

⁸¹ *Avis "Urgence climatique et droits de l'Homme"* (A- 2021 - 6), Assemblée plénière du 27 May 2021 <https://www.cncdh.fr/fr/publications/avis-urgence-climatique-et-droits-de-lhomme-2021-6>. English version at: <https://www.cncdh.fr/fr/publications/opinion-climate-emergency-and-human-rights>

One of the main recommendations that the authorities lead the fight against climatic and environmental upheavals which "jeopardise the very existence of humanity and other living species, and consequently affect all human rights at the same time as they reinforce social inequalities in all countries worldwide". With regard to the international component, several recommendations related to the role that France should pursue within the framework of universal international forums (Human Rights Council and UNFCCC/COP) and regional forums (Council of Europe and European Union). The CNCDH considers in this respect that diplomatic action must be carried out according to a human rights-based approach in which the cooperation must be in accordance with the objectives and principles of the United Nations Framework Convention on Climate Change (UNFCCC) of 1992 and the 2015 Paris Agreement and the principle of common but differentiated responsibility. In addition, the CNCDH addresses the issue of the right to a healthy environment that should be recognized at the international and European levels in order to deal with the climate crisis and to encourage States to adopt more ambitious policies in this field. The Commission recommends ways to improve and strengthen the legal framework at national level so that it can promote the mitigation of and adaptation to the effects of climate change with a view to achieving carbon neutrality by 2050. Finally, the opinion makes concrete recommendations that can be mobilized effectively in the face of climate change with regard more precisely to procedural rights (information, education, participation, effective remedy) and the role of actors other than states in the environmental field (human rights defenders, local authorities and businesses).

2 - Following this opinion, in November 2021 the Commission adopted unanimously a "Declaration on climate, environment and human rights"⁸². There the Commission regretted that COP26 did not result in ambitious measures to limit global warming to 1.5°C by 2030 and did not allow certain civil society actors, including youth representatives and indigenous peoples, to attend the negotiations as observers. The Commission also deplored the absence of reference to human rights, "largely ignored" during the COP negotiations. It also called on France to show leadership on human rights and environmental protection in the Council of Europe and in its European Union Presidency in the first six months of 2022.

3 - Since the adoption of the 2021 opinion, the CNCDH has been working on the issue of climate change as part of its mission and in its interactions with GANHRI and European Network of National Human Rights Institutions (ENNHRI). With regard to its mission of control, the CNCDH is attentive to climate issues when it interacts with international human rights protection bodies such as United Nations committees or the Human Rights Council. As part of its written contribution sent in June 2021 for the establishment of the List of Issues Prior to Reporting (LOIPR) by the Human Rights Committee for its consideration of France's sixth periodic report under the ICCPR, the Commission underlined the insufficiency of the legislative framework and the measures taken by the public authorities to combat climate change.

During the 48th session of the Human Rights Council, the CNCDH made an oral intervention to support the adoption of two resolutions related to the protection of the environment and climate change (resolution 48/13 recognizing "the human right to a

⁸² Déclaration "Climat, environnement et droits de l'Homme", Plenary Assembly of 25 November 2021, <https://www.cncdh.fr/fr/publications/declaration-climat-environnement-et-droits-de-lhomme-d-2021-8>

clean, healthy and sustainable environment" and resolution 48/14 creating a new special rapporteur "on the promotion and protection of human rights in the context of climate change") and called on States to vote in favor of these texts to deal with the climate crisis, which affects all human rights.

4 - Within the framework of the Council of Europe, the CNCDH follows closely the various works related to the protection of the environment and respect for human rights, in particular through the work of the Drafting Group on Human Rights and Environment (CDDH-ENV) which is preparing a "draft recommendation on human rights and the environment".

5 - Finally, the CNCDH regularly addresses the issue of climate change in the context of its human rights education work. A book, *Les droits de l'Homme : 13 idées reçues à déconstruire*,⁸³ aimed at deconstructing preconceived ideas on human rights published in November 2021 addresses the question of the link between ecology and climate by highlighting the increase of climate lawsuits in the world. In addition, the CNCDH established an exchange with young schoolchildren where it was able to discuss with them specifically the effects of climate change on human rights and the means to deal with it in a concrete way.

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Georgia [Public Defender's Office](#)

The implementation of the right to a healthy environment is one of the top priorities of the Georgian Public Defender's work. While the Office of the Public Defender does not monitor or report exclusively on climate change, the Office focuses on the most pressing environmental challenges affecting Georgia, which are closely linked to climate change. This includes gaps in the legislation and flaws in the enforcement of the environmental impact assessment (EIA) system, ambient air pollution, maintenance of green spaces and lack of a uniform standard for determining or evaluating the indicator of green area per capita, problems related to hazardous waste management, and other matters.⁸⁴

In 2021, the Public Defender published a special report, *Environmental Impact Assessment System - Policy, Legislation and Enforcement Challenges*. The special report discusses challenges identified in terms of state policy and legislative regulations relating to environmental impact assessment and major energy infrastructure projects, including public awareness and involvement, quality of EIA reporting, and problems with screening procedures and EIA-related activities.⁸⁵

The Public Defender issued a special report on ambient air pollution in 2019. The Office studied national legislation, its effectiveness and compliance with international

⁸³ <https://www.cncdh.fr/fr/actualite/ouvrage-les-droits-de-lhomme-13-idees-recues-deconstruire>

⁸⁴ See. 2018 Annual Parliamentary Report of the Public Defender of Georgia, pp. 145-155, available at: <https://bit.ly/3t675Ci>; 2019 Annual Parliamentary Report of the Public Defender of Georgia, pp. 196-206, available at: <https://bit.ly/3zJfApg>; 2020 Annual Parliamentary Report of the Public Defender of Georgia, pp. 205-2015, available at: <https://bit.ly/2YfmLYx>.

⁸⁵ Additional information regarding the Special Report is available at: <https://bit.ly/3DEbZLG>.

standards, identified the major harmful substances (sulphur dioxide (SO₂), nitrogen dioxide (NO₂), nitrogen oxides (NO_x), carbon monoxide (CO) and, dust particulates (PM₁₀, PM_{2.5})) that constitute air pollution and their sources (transport and fuel combustion from motor vehicles, construction activities, stationary sources (e.g. industrial facilities and agriculture), and evaluated air pollution monitoring systems as well as response mechanisms.⁸⁶

In 2019, the Public Defender also presented a special report on the right to water and sanitation, the importance of its implementation and related challenges in the country. For the purpose of preparing a report, the Public Defender's Office monitored the situation of the right to safe water and sanitation in 2018. In particular, the institution checked the national and international standards, monitored 108 public schools, organized focus groups for students, studied the internal regulations of schools, and analyzed the obtained information with relevant experts.⁸⁷

On May 31, 2021, the Public Defender of Georgia submitted her first alternative report on the *Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters*, the Aarhus Convention, to the United Nations Economic Commission for Europe.⁸⁸

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Germany [German Institute for Human Rights](#)

Climate change is one of the core topics in the 2019-2023 strategic plan of the German Institute for Human Rights. Key aims include building up cooperation between the human rights and the climate and environmental communities in Germany to achieve mutual learning and continuing to provide policy advice on applying a human rights-based approach in climate policies within Germany's internal and external affairs.⁸⁹ It has advised the German government on how environmental due diligence should be incorporated in the text of the UN Treaty on Business and Human Rights. It has also compiled a background paper for policymakers on the right to a healthy environment which is used to approach relevant ministries that are responsible for environmental issues.

The Institute has directed policy advice to German climate negotiators. In the run-up to COP24 in 2018, it held talks with ministries in charge of international climate negotiations on how human rights principles and standards could be anchored in the implementation guidelines of the Paris Agreement. As a follow-up, the Institute published a brief for German policymakers on key elements of a human rights-based

⁸⁶ Additional information on the Special Report *Right to Clean Air (Ambient Air Quality in Georgia)* is available at: <https://bit.ly/2SIB3dF>.

⁸⁷ The Public Defender's Special Report, *Access to Water and Sanitation in Public Schools of Georgia* is available at: <https://bit.ly/2uGdtq7>.

⁸⁸ <https://www.ombudsman.ge/eng/190821112029siakhleebi/sakartvelos-sakhalkho-damtsvelma-orhushis-konventsiisshesrulebis-alternatiuli-angarishi-tsaradgina>

⁸⁹ *The Contributions of National Human Rights Institutions*, p.41.

approach to climate policy, highlighting the human rights principles and standards incorporated in the Paris Agreement's implementation guidelines. In addition, the Institute regularly advises the German Ministry for Economic Cooperation and Development on the implementation of a human rights-based approach in climate mitigation and adaptation projects supported by German development cooperation.⁹⁰

The German Institute has provided its expertise on the nexus of climate change and human rights as well as the Paris Agreement's implementation guidelines in several webinars targeting different audiences, including civil society and businesses.⁹¹

The German Institute supported a meeting with legal experts organized by the Philippines' Commission on Human Rights at COP23 in Bonn to receive technical input on its Carbon Majors inquiry. At COP24 in Katowice (2018), the Institute and GANHRI co-organised a panel discussion with the UNFCCC Paris Committee on Capacity Building that addressed the capacity needs of NHRIs and climate experts in order to address and integrate human rights in climate policies.⁹²

The Institute has published a series of educational guidelines and conducted webinars, workshops and panel discussions, about the interlinkages between human rights, climate change and the environment to increase awareness between state and non-state actors at the national level. Recently, it published a detailed study of numerous cases where measures for climate mitigation and adaptation had negative human rights impacts. The study examines the reasons for the negative impacts and makes recommendations to policy makers and those who design measures for climate mitigation and adaptation on how to avoid those impacts.⁹³

In connection with trans-jurisdictional environmental human rights impacts, the German Institute and the Colombian Ombudsman's Office collaborated to promote the effective implementation of the UN Guiding Principles on Business and Human Rights, focusing on the mining of coal in Colombia for export to Germany, where it is used in the energy sector, resulting in negative environmental human rights impacts in both countries.

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Greece [National Commission for Human Rights](#)

The Greek National Commission for Human Rights (GNCHR) has a broad mandate, in accordance with the Paris Principles, to promote and protect human rights, covering the whole range of human rights, including the right to environment. The pluralistic and polyphonic composition of the GNCHR ensures the representation of a broad range of social forces involved in its Plenary, including two environmental non-governmental

⁹⁰ Idem, p. 40.

⁹¹ Idem, p. 36.

⁹² Idem, p. 35.

⁹³ German Institute for Human Rights, The Human Rights Impacts of Climate Change Mitigation and Adaptation Measures, April 2022 at: https://www.institut-fuer-menschenrechte.de/fileadmin/Redaktion/Publikationen/Weitere_Publikationen/Climate_Change_Mitigation_and_Adaptation_Measures.pdf.

organisations (NGOs) very active in the country. In particular, Law 4780/2021 (on "National Accessibility Authority, National Commission for Human Rights and National Bioethics and Technoethics Committee"), the new GNCHR legal framework, upgraded the GNCHR, introducing in the GNCHR Plenary WWF Greece and Greenpeace.

Bearing in mind the multifaceted connection between the climate change and human rights, and the immediate need for action, the GNCHR conducted an urgent consultation on 6 May 2020. In fact, in view of the adoption of the bill on "Modernisation of environmental legislation, integration in the Greek legislation of the Directives 2018/844 and 2019/692 of the European Parliament and of the Council and other provisions", later on voted Law 4685/2020 and taking into consideration the special conditions deriving from the COVID-19 pandemic, the Members of the GNCHR had the opportunity to discuss with the environmental organisations as well as the Secretary-General and the Legal Counsel of the Ministry of Environment and Energy important issues regarding the impact of climate change on human rights. Indeed, during the hearing, the main issues addressed were, among others, the practice so far in the light of the environmental policy, the challenges derived from climate change with regard to human rights, the national policymaking procedure, and the cooperation between the public bodies and environmental organisations.

Furthermore, the GNCHR conducted a survey following a request submitted by the Council of Europe Commissioner for Human Rights, concerning environmental organisations and activists and the challenges that they are facing. In this context, specific issues were addressed, such as the lack of consultation with regard to new legislative proposals and the adoption/implementation of administrative measures which have an impact on the environment, the lack of efficient economic resources, and the difficulties in the implementation of the environmental legislative framework derived from the absence of an efficient and solid mechanism for the management of complaints lodged for environmental infringements.

In addition, the GNCHR, following a request of the UN, contributed to the questionnaire with regard to the Climate Change and Cultural Rights. In this regard, the GNCHR stressed, among other matters, the impact of the climate change on the operation of cultural institutions which might limit public access and localisations due to climate change. Lastly, every year the GNCHR conducts open seminars on a wide range of critical issues related to human rights protection, including the right to environment in general and the impact of climate change on human rights.

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Hungary [Commissioner for Fundamental Rights](#)

The Ombudsman for Future Generations has advised the Hungarian government about the most important steps to be taken with respect to the national Sustainable Development Goal implementation: in that context it has identified measures necessary for certain Goals with a heavy environmental sustainability focus and has also suggested related national indicators in collaboration with the National Statistical Office.

The Ombudsman has provided an opinion to the government on the National Energy and Climate Strategy and its implementation action plans, and his Office continues to monitor the evolution of legislative steps and strategic policy making in this area. The Ombudsman and other colleagues are part of the expert group of the Hungarian Panel on Climate Change.

The Ombudsman's Office has responded to individual queries on climate change from local governments looking for advice on its possible local actions related to climate change

It has recommended that renewable energy technology be exempted from a proposed fee for certain products to fund environmental protection efforts. The Ombudsman has issued a public statement for a holistic approach and the need to protect valuable natural resources, such as fertile soil when installing solar energy panels and to prioritise brownfield development, the use of already built environment and agro-photovoltaic systems.

The Ombudsman criticised the signing of the Canada-European Trade Agreement. He highlighted a number of problematic points in the Agreement, which, combined with the undemocratic protections offered to foreign investors by the treaty, would negatively impact on - among other issues - European renewable energy development and the ability to meet emissions targets.⁹⁴

In 2016, the Office of the Commissioner for Fundamental Rights joined the 'Save@Work – Energy Neighbourhoods at Work' programme, an EU-wide scheme that aims to cut carbon emissions in the public sector by changing behaviours at work. As part of this programme, the Hungarian NHRI participated by competing against other public sector workplaces to save the most energy.⁹⁵

The Ombudsman's partners include the ministries responsible for policy making, local government (for local policy making), national and international green and energy-efficiency focused NGOs, the Central Statistical Office (for SDG indicators), the National Adaptation Center, and expert bodies, such as the Hungarian National Academy of Sciences, the National Council for Sustainable Development, the National Environmental Council, the Competition Authority (on sustainability topics) and the Hungarian National Bank (for green monetary policy).

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The Netherlands [Netherlands Institute for Human Rights](#)

The Netherlands Institute for Human Rights provided input on climate change and human rights to the European Network of National Human Rights Institutions in August 2021. It has sent letters about the human right impact of the extraction of natural gas in the Province of Groningen to the Dutch Minister for Legal Protection, the Dutch

⁹⁴ *The Contributions of National Human Rights Institutions*, p. 38.

⁹⁵ *Idem*, p. 43.

Minister of Economic Affairs and Climate Policy, the Dutch Parliament and the Dutch Safety Board in 2018, 2015 and 2014.⁹⁶

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Norway [Norwegian National Human Rights Institution](#)

Recent projects of the Norwegian National Human Rights Institution (NIM) in connection with human rights and climate change include publishing a detailed report on climate change and human rights (also in English)⁹⁷ and intervening as an amicus curiae in climate cases before the Supreme Court of Norway and the European Court of Human Rights concerning exploration licenses for oil and gas in the Arctic.⁹⁸

NIM was also one of the main authors of ENNHRI's recent Paper, *Climate Change and Human Rights in the European Context*, which includes analysis of States' obligations under the European Convention on Human Rights as they relate to climate change and analysis of national climate policies and practices in selected European countries.⁹⁹ In addition, the Norwegian Institution has submitted third party interventions to the European Court on Human Rights on behalf of ENNHRI in the cases of *Verein Klimasenioren Schweiz et Autres c. Suisse* (application no. 53600/20) and *Greenpeace Nordic and Others v. Norway* (application no. 34068/21).¹⁰⁰ It is an active member of ENNHRI's Core Group on the Climate Crisis and Human Rights, alongside member national institutions from France, Scotland, Croatia, Ireland, Finland and Germany. NIM has hosted several webinars and other events on the climate change and human rights, for both international and domestic audiences.¹⁰¹

In March 2022, NIM made a submission to the UN Committee on the Rights of the Child in connection with the Committee's development of a general comment on children's rights and the environment.¹⁰²

NIM has also recently advised the Norwegian government on oil licensing, following up on the Norwegian Supreme Court's judgment in *Greenpeace Nordic v. Norway*.¹⁰³ Based on the Supreme Court case, the Institution has taken the position that if new oil licenses are not compatible with the 1.5° C Paris Agreement target, the State has a constitutional duty under the right to a healthy environment (article 112 of the

⁹⁶ <https://mensenrechten.nl/nl/publicatie/5b46fce1748c2212a54517e8>;

<https://mensenrechten.nl/nl/publicatie/5b46fcf8748c2212a5451877>;

<https://mensenrechten.nl/nl/publicatie/5b46fcff748c2212a54518a1>. See for a news article in English:

<https://www.dutchnews.nl/news/2015/02/human-rights-a-serious-issue-in-groningen-gas-debate/>.

⁹⁷ <https://www.nhri.no/en/report/climate-and-human-rights/?showall=true&print=true>

⁹⁸ <https://www.nhri.no/2020/skriftlig-innlegg-til-hoyesterett-i-forbindelse-med-klimasoksmalet/amicus-curiae-from-the-norwegian-national-human-rights-institution/>

⁹⁹ <https://ennhri.org/news-and-blog/ennhri-publishes-paper-on-climate-change-and-human-rights-in-the-european-context/>

¹⁰⁰ <https://en.klimasenioren.ch/>

¹⁰¹ <https://www.nhri.no/en/2021/webinar-on-states-human-rights-obligations-to-mitigate-climate-change/>

¹⁰² https://www.nhri.no/2022/nims-innspill-til-fns-barnekomite-om-barns-rettigheter-miljo-og-klima-etter-barnekonvensjonen/nim_submission-to-crc-general-comment-no-26/

¹⁰³ <http://climatecasechart.com/climate-change-litigation/non-us-case/greenpeace-nordic-assn-and-nature-youth-v-norway-ministry-of-petroleum-and-energy/>

Norwegian Constitution) to deny new oil licenses. In light of the recent Intergovernmental Panel on Climate Change reports, NIM maintains that this duty has been triggered. It highlights that the authorities also have a duty to carry out environmental impact assessment of combustion emissions based on European Economic Area directives and article 112 of the Constitution.¹⁰⁴

In October 2021, the Supreme Court of Norway ruled that a decision to approve and build wind power developments on the Fosen Peninsula was invalid on the basis that the wind park encroached on the indigenous Sámi people's traditional reindeer grazing lands.¹⁰⁵ The cultural rights of indigenous peoples under Article 27 of the International Covenant on Civil and Political Rights (ICCPR) were central to the Court's decision. The Norwegian Supreme Court did not consider the separate and distinct question of whether failure to mitigate the effects of climate change may amount to a violation of indigenous peoples' rights under ICCPR Art. 27 because that question was not before the court.¹⁰⁶ NIM has published a report on human rights protection against interference in traditional Sámi areas (also in English).¹⁰⁷

Partners of the Norwegian Institution at the national level include NGOs, such as Amnesty International and the Rainforest Foundation; government departments, such as the Ministry of Climate and the Environment and the Norwegian Environment Agency; and researchers, such as those at the University of Oslo and Norway's climate science institute CICERO. Regional partners include ENNHRI and the Council of Europe. The Norwegian Institution has cooperated internationally with GANHRI and individual organisations working on climate litigation internationally, such as the Urgenda Foundation.

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Portugal [Provedor de Justicia](#)

Scientific data indicates therefore that climate change has been one of the main factors in increasing the risk and extent of wildfires. Portugal has been consistently affected by wildfires, which occur typically in the summer, from July to September and affecting mostly rural areas. In June and October 2017, wildfires of unknown proportion broke out in mainland Portugal, affecting several counties located in the interior of the country. Between 17 and 24 June and 15 and 16 October 2017, devastating forest fires broke out in the districts of Leiria, Coimbra, Viseu and Aveiro, located in the centre and north of Portugal. 115 people lost their lives in these fires (65 in June and 50 in October) On 27 October 2017, the Portuguese Government assumed responsibility for these tragedies and decided to pay damages to the families

¹⁰⁴ NIM's advice is available in Norwegian at: <https://www.nhri.no/2022/utredning-om-grunnloven-%c2%a7-112-og-plan-for-utbygging-og-drift-av-petroleumsforekomster/>

¹⁰⁵ The Fosen judgement is available (in English) here:

<https://www.domstol.no/globalassets/upload/hret/decisions-in-english-translation/hr-2021-1975-s.pdf>

¹⁰⁶ A case concerning this has been communicated to the UN Human Rights Committee by indigenous peoples from the Torres Strait Islands in Australia. *Billy et al. v Australia*, Communication No. 3624/2019 (pending). For a summary of the case, see: <http://climatecasechart.com/climate-change-litigation/non-us-case/petition-of-torres-strait-islanders-to-the-united-nations-human-rights-committee-alleging-violations-stemming-from-australias-inaction-on-climate-change/>

¹⁰⁷ <https://www.nhri.no/en/report/human-rights-protection-against-interference-in-traditional-sami-areas/>

of the victims. It established a non-judicial mechanism to determine and pay the compensation in a prompt and swift manner.¹⁰⁸ The determination of the amount of compensation to be paid to the families and heirs of deceased victims was delegated in the Portuguese Ombudsman.

By law, the Ombudsman was granted an unprecedented and extraordinary competence. It was extraordinary first, because it would not normally come within the Ombudsman's legal and statutory functions; and secondly, because it was delegated in the context of truly tragic circumstances. The execution of this highly demanding task mostly dominated the work of the Ombudsman during 2018. Overall, the Ombudsman received 309 requests and only 9 were dismissed. The remaining 300 resulted in compensation. Of these, only 46 proposals concerned material damage. The remaining 254 cases concerned exclusively non-material damages. The requests concerned 115 fatal victims, and the global amount of compensation reached €31.000.000 (thirty one million euros). In parallel with the mechanism for compensation for loss of life, the Portuguese Government also assumed responsibility for damages to persons who suffered serious injuries in the wildfires.¹⁰⁹ Of the 195 requests received, 8 were dismissed, 187 were admitted and forwarded to the National Institute of Forensic Medicine and Forensic Science. Of these, 75 victims were classified as seriously injured. The Ombudsman determined compensation to be paid to all 75 cases considered to be of serious injuries, in a total amount of €10.767.243.

Following the wildfire tragedies, the Ombudsman faced an increase in the number of complaints submitted to it with regard to the grant of public subsidies, notably to support agricultural activities as a consequence of the fires. In this regard, 40 complaints were submitted to the Ombudsman, a majority of them by individuals. The majority of these complaints focused mostly on procedural difficulties faced by individuals applying for financial support, notably due to short deadlines to submit online applications requiring extensive information on damages incurred. In this respect, available data suggested that the older population has been particularly affected by the situation, which might be explained by lack of appropriate resources (e.g., computers, internet access) and the considerable degree of digital illiteracy as well as of social isolation in the rural parts of the country, mostly inhabited by ageing people.

The Ombudsman works with the Federacion Iberoamericana de Ombudsman and the International Ombudsman Institute, and it engages in bilateral cooperation with Portuguese speaking countries.

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Serbia [Protector of Citizens](#)

The Protector of Citizens addressed climate change and environmental protection in its annual reports of 2014 and 2015. Both reports contained an analysis of the

¹⁰⁸ Resolution 157-C/2017 of the Council of Ministers, 28 October 2017.

¹⁰⁹ Council of Ministers Resolution 179/2017, 28 November 2017.

country's regulations as well as of the implementation of recommendations the Protector had made to its government on environmental and climate change matters.¹¹⁰

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Slovakia [Slovak National Centre for Human Rights](#)

In 2020, the Slovak National Centre for Human Rights (SNHCR) organized several round tables of key stakeholders to discuss and develop a monitoring tool – *Human Rights Indicators of Environmental Rights* – focused on climate change and right to protection of the environment. Several public and non-governmental actors participated in the discussion about the available data, negative practices which should be monitored, various known and presumed impacts of climate change on natural resources, economics, health and nutrition of people living in Slovak Republic. There was a specific focus on people living in poverty or with low income. The outputs of this collaboration were sets of indicators (structural, process, impact) in five separate areas: 1) Right to Information and Participation (Aarhus Agreement); 2) Right to a healthy environment/protection of the environment; 3) Climate Change Impact on Human Rights; 4) Sustainable management of natural resources; and 5) Mitigation and Adaptation to Climate Change.

The SNCHR has regularly reported about the violations of the right to healthy environment and protection of the environment in its annual reports on the state of human rights and right to equal treatment. Violations reported address mostly the low standard of protection of environment in Roma settlements (e.g., disposal of waste, water sanitation, clean water). The latest annual report in which environmental rights were addressed was issued in 2020.¹¹¹ In 2021, the Centre selected the environmental rights topic, "Is change always a good thing? Climate change and human rights" for an annual art competition with the theme "My Human Rights". The competition was for elementary school pupils who could submit their pieces of visual art as individuals or as a collective.¹¹²

"In 2021, the SNCHR has carried out research focused on the experience of threats and bullying and other restrictions of rights of human rights defenders working in the field of environmental rights. The aim of the mapping was to obtain basic information on whether such cases occur, in what form and whether human rights defenders and civil society organizations turn to public authorities to stop such actions. The mapping included collection of data through a questionnaire with the aim of exploring detailed characteristics of the experience of threats or bullying, e.g., threatening subjects, method of threat or bullying, strategies for solution and protection against such conduct. Within this activity, the SNCHR received information about 11 cases that the respondents considered as a threat or bullying. The most common involved various forms of slander of individuals or their families, experienced together with different forms of harassment (online or offline), threats and the use of various administrative

¹¹⁰ *The Contributions of National Human Rights Institutions*, p. 36.

¹¹¹ Annual Report on Human Rights Including Right to Equal Treatment in 2019) <http://www.snslp.sk/nasa-cinnost/monitoringa-reporting/sprava-o-dodrzivani-ludskych-prav/>

¹¹² <http://www.snslp.sk/nasa-cinnost/vzdelavanie/sutaze-2/moje-ludske-prava/>

acts as a form of harassment (complaints, criminal reports). Such negative action came mostly from entities whose interests might have been affected by the work of defenders. As reported, in most cases human rights defenders seek to defend themselves by legal means and address various public authorities. However, according to the findings, opportunities to defend their rights were perceived rather negatively. According to the findings of the research, the civil society organizations have confirmed that they have some experience with various forms of restrictions on the exercise of their rights under the Aarhus Convention¹¹³.

The SNHCR cooperates with the Slovak Ministry of Environment, the Slovak Environment Agency (analytic department), Greenpeace, the SK Slovak Hydrometeorological Institute, the National Agency for Protection of the Environment and independent experts. It is a member of ENNHRI Core Group on Human Rights and Climate Change and has collaborated on outputs and tasks of the group.¹¹⁴

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Northern Ireland [Human Rights Commission](#)

The Northern Ireland human Rights Commission launched an animation project with Queen's University.¹¹⁵ It supported a film focussed on the issue of climate change, which raises important questions about its impact on our human rights.¹¹⁶ 'It Seems' was developed by the Commission in partnership with Amnesty, Sustainability Northern Ireland and Climate Northern Ireland. The Commission responded to a consultation on the Northern Ireland Climate Change Bill¹¹⁷ It carried out school visits to help students learn about the impact of climate change on human rights.¹¹⁸ It celebrated Culture Night Belfast with a climate change theme.¹¹⁹

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Scotland [Scottish Human Rights Commission](#)

The Scottish Human Rights Commission has regularly engaged with the Scottish Parliament on climate change through briefings and submissions. Since 2009, the Commission has provided briefings on climate justice to the Scottish government, ministers, and Parliament. This helped lay the groundwork for a 2012 resolution by the

¹¹³ Full report is available at (in SK): https://www.snslp.sk/wp-content/uploads/Enviro_MVO.pdf

¹¹⁴ <http://www.snslp.sk/nasa-cinnost/vyskumna-cinnost/indikatory-dodrzivania-ludskych-prav/>

¹¹⁵ <https://nihrc.org/news/detail/queens-university-launch-animation-project-with-human-rights-commission>

¹¹⁶ <https://nihrc.org/education/resources/climate-human-rights-it-seems>

¹¹⁷ <https://nihrc.org/publication/detail/response-to-consultation-ona-northern-ireland-climate-change-bill>

¹¹⁸ <https://nihrc.org/news/detail/loreto-students-learn-about-impact-of-climate-change-and-human-rights>

¹¹⁹ <https://nihrc.org/news/detail/human-rights-commission-puts-climate-at-centre-of-culture-night-celebrations>

Parliament to place respect for human rights at the heart of the government's efforts to combat climate change.

In a submission to Parliament in 2017 regarding the 2017 Climate Change Bill to enhance ambition in the country's climate mitigation policies, the Commission provided an analysis of the links between human rights and climate change. It emphasized that the Bill should follow a human rights-based approach, including the human rights principles of participation, accountability, non-discrimination, empowerment, and legality, and should support the achievement of the Sustainable Development Goals within Scotland.

Although the law adopted by Parliament in the end did not explicitly reference human rights, lawmakers argued in the accompanying policy memorandum that it was compliant with human rights. Indeed, the law included several elements of a human rights-based approach: it establishes a national citizens' committee to participate in climate policymaking, enshrines the principles of a just transition, and makes compatibility with the SDGs a criterion for approving emissions reduction targets.

In 2012, at a thematic conference hosted by GANHRI, the Scottish Human Rights Commission presented Scotland's approach to climate change. It highlighted the climate justice approach and policies and measures taken by the Scottish government.¹²⁰

Together with the Cameroon National Commission on Human Rights and Freedoms, the Scottish Commission chaired the Commonwealth Forum of National Human Rights Institutions Working Group on Climate Justice, during the process resulting in the adoption of the St. Julian's Declaration on Climate Justice in 2015.¹²¹

In September 2021, the Commission and its counterpart the Equality and Human Rights Commission made a written submission to the 48th session of the United Nations Human Rights Council to highlight particular challenges related to peaceful protest and climate change in view to the United Kingdom hosting the 26th Conference of Parties of the UN Framework Convention on Climate Change (UNFCCC).¹²²

In November 2021, the Commission also worked in partnership with the Global Alliance of National Human Rights Institutions (GANHRI), the European Network of Human Rights Institutions (GANHRI), the University of Stirling and others to plan and coordinate a [3-day virtual symposium](#), which took place on the sidelines of COP26.

¹²⁰ *The Contributions of National Human Rights Institutions*, p. 41.

¹²¹ *The Contributions of National Human Rights Institutions*, p. 42.

¹²² Written submission by the Scotland: Scottish Human Rights Commission, Great Britain: Equality and Human Rights Commission, A/HRC/48/NI/2, 8 September 2021, Panel discussion on the promotion and protection of human rights in the context of peaceful protests, with a particular focus on achievements and contemporary challenges, at <https://www.scottishhumanrights.com/our-law-and-policy-work/environment-and-climate/#the-role-of-rights-to-freedom-of-peaceful-assembly-and-association-26831> and at <https://documents.un.org>

The symposium focused on the role of National Human Rights Institutions in bridging the accountability gap in the climate emergency, and covered areas such as the role of human rights in the climate negotiations, influencing policy, inter-NHRI inquiries, judicial and non-judicial remedies and the launch of a Practical Guidance Tool for Monitoring and Reporting.

The event was interactive, enabling participants to share their experiences and good practices. Seven different sessions were held over a three-day period, with contributions made from a range of NHRIs already active in this field, as well as other international experts.

Following the Symposium, the Commission joined with more than 100 of its GANHRI allies to call on governments to take rights based action on climate change. The Commission is also part of GANHRI's Caucus to coordinate NHRI global action on climate change.

During recent years, the Commission has been active in promoting the incorporation of the right to a healthy environment into Scots Law. The Commission was a member of the First Minister's Advisory Group, which was established in January 2018 to prioritise actions to progress human rights and equality in Scotland. One of the group's key recommendations was that there should be a new Act of the Scottish Parliament, which would include not only those rights already provided by law, but additional rights drawn from UN treaties, including economic, social, cultural and environmental rights.

The Commission subsequently participated in the [National Taskforce for Human Rights Leadership](#), which was established in early 2019 to take forward these recommendations. A key [recommendation of the Taskforce](#) is that the right to a healthy environment (both substantive and procedural elements) be included within the new statutory framework. The Commission now looks forward to the pre-legislative consultation on the new Bill, which the Scottish Government will publish later this year.

The Commission [submitted a statement](#) to the Human Rights Council in 2020 on the right to a healthy environment, and [welcomed the landmark resolution](#) by the Human Rights Council in 2021 recognising the universal human right to a safe, clean, healthy and sustainable environment.

For more information on the Commission's activity in relation to the environment, please see the Commission's website: <https://www.scottishhumanrights.com/our-law-and-policy-work/environment-and-climate/>.

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