



GANHRI

Global Alliance of National Human Rights Institutions

PROMOTING AND PROTECTING HUMAN RIGHTS SINCE 1993

ENGAGING IN CLIMATE LITIGATION EXPERIENCES FROM NATIONAL HUMAN RIGHTS INSTITUTIONS

GANHRI CAUCUS ON HUMAN RIGHTS AND CLIMATE CHANGE PEER-LEARNING PROGRAMME
WEBINAR

26th May 2023, 13:00 – 15:00 CET

Concept Note

Background:

The escalating evidence of climate change's profound impact on fundamental human rights, including the right to life, liberty, civil, political, social, economic, and cultural rights, underscores the urgency of addressing this global challenge. In the eyes of human rights organizations worldwide, climate change is no longer a debatable concern but a pressing human rights issue that demands immediate attention.

Recognizing this emerging challenge, National Human Rights Institutions (NHRIs) have acknowledged the imperative to enhance their professional capacities, aiming for a more effective protection of human rights in their respective nations. Traditionally, environmental law or data related to climate change's impact did not form a standard part of NHRIs' professional portfolio. However, in the face of an evolving world, these have become increasingly pertinent.

In a bid to augment the expertise of NHRIs and bolster their capacity to enforce climate justice within their jurisdictions, the Global Alliance of National Human Rights Institutions (GANHRI) Caucus on Human Rights and Climate Change has initiated a peer-learning programme. This programme focuses on climate litigation, aiming to expand the skillsets of NHRIs already versed in leveraging existing legal mechanisms.

Strategic litigation tools such as **Third Party Interventions** play a critical role in this context. These interventions provide a platform for the Court to gain insights from States and entities that aren't directly involved in a case, offering perspectives and arguments that differ from or supplement those put forth by the parties involved. This approach is widely accepted across most domestic legal

systems, regional courts like the European and Inter-American Court of Human Rights, and UN treaty bodies.

Moreover, the NHRIs' mandate offers another unique approach: **conducting a national inquiry** which combines monitoring, data collection, investigation with public hearings and legal analysis. National inquiry might even reach beyond the national framework and respond to the cross-boundary factor of climate change impact.

Objective:

Through our peer-learning programme, we aspire to foster meaningful dialogue and collaboration among NHRIs, aiding them in discovering innovative ways to advocate for climate justice.

Format and Logistics:

Registration: Please register at this link

<https://uso2web.zoom.us/meeting/register/tZYtceyggTgrEtFHg5jbW18FMgdOVT-3hGAD>

until 24th of May

NHRI colleagues, including legal officers, advisors, data collection and monitoring specialists, as well as advocacy and education professionals are invited to participate.

The working language of this event will be **English**.

Programme

13:00 – 13:10 Welcoming words by GANHRI Head Office and GANHRI Caucus on Climate Change and Human Rights.

13:10 – 13:45 NHRI's as third-party interveners (*Hannah Brænden, legal advisor, Norwegian National Human Rights Institution*)

In this presentation, we will explore the crucial role and strategic design of Third Party Interventions within domestic, regional, and international courts or treaty bodies. Focusing on the specific context of climate cases, we will analyze successful intervention strategies, extracting valuable lessons and best practices. At the same time, we will highlight emerging opportunities in the field of climate litigation, empowering participants to identify and leverage new avenues for effective interventions.

13:45 – 14:20 Amicus brief in climate litigation to the Constitutional Court- The Hungarian experience (*Katalin Sulyok Chief Legal Advisor, Office of the Ombudsman for Future Generations, Hungary*)

This contribution will reflect on the experience of the Hungarian NHRI (the Office of the Ombudsman for Future Generations) with submitting an amicus brief to the Constitutional Court in the pending lawsuit challenging the Hungarian Climate Act. Specifically, the presentation will share lessons learned, overview critical questions in climate litigation, which courts usually struggle with and regarding which NHRIs may offer useful knowledge for the courts. Lastly, the talk will suggest ways in which NHRIs could engage in climate advocacy outside the courtroom.

14:20 – 14:50 National Inquiry on Climate Change Report – Experience from the Philippines
(Richard Palpal-latoc, Chairperson of the Commission on Human Rights of the Philippines)

This presentation will focus on the first national inquiry conducted by a national human rights institution. It provides a novel framework for integrating human rights analysis into climate change and business operations, showcasing the creative and boundary-pushing ways NHRIs can apply their mandates. The report also justifies the decision to investigate allegations of human rights violations against the Filipino people, even those occurring beyond Philippine borders, emphasizing the global nature of these issues.

14:50 – 15:00 Closing Remarks, GANHRI Caucus on Climate Change and Human Rights

Our speakers

Hannah Brænden is a legal advisor at the Norwegian National Human Rights Institution. She works mainly with climate issues and the rights of children. Hannah Cecilie Brænden holds a law degree from the University of Oslo. During her studies, Hannah was on exchange in Aix-en-Provence and interned in, among others, the Law Department and Kluge Law Firm. She was also a research assistant at the Department of Public and International Law at the University of Oslo, where she wrote her master's thesis on the European Convention on Human Rights and climate change. For this work she received UiO's sustainability award.

Dr. Katalin Sulyok is Chief Legal Advisor to the Hungarian Ombudsman for Future Generations since 2014. She holds a Bachelor's degree in Biology, a primary law degree from Hungary and an LL.M. degree from Harvard Law School. Since 2023, Katalin is the co-chair of the Climate Core Group of European Network of National Human Rights Institutions (ENNHRI). She served as an advisor to ENNHRI in preparing third-party interventions to the European Court of Human Rights in the pending climate cases. Katalin has been leading the drafting of amici briefs to the Hungarian Constitutional Court in the pending Hungarian climate case. She is also an academic, and works as an Assistant Professor in International Environmental Law and Climate Law at ELTE University, Budapest. Her research focuses on the role of science in international environmental adjudication and more recently on inter-generational equity and future generations litigation. Her PhD dissertation was published as a monograph by Cambridge University Press in 2021 entitled "Science and Judicial Reasoning – The Legitimacy of International Environmental Adjudication".

HON. Richard P. Palpal-Latoc, appointed chairperson of the Commission on Human Rights of the Republic of the Philippines. Prior to his appointment in CHR, served as Deputy Executive Secretary for Legal Affairs under the Office of the President. In 2020, he was appointed as Assistant City Prosecutor at the Office of the City Prosecutor in Quezon City. Rising from the ranks, he similarly served the government in the past in various capacities, including as a lawyer at the Department of Social Welfare and Development Field Office IV-A and several positions under the Office of the Ombudsman, particularly as Graft Investigation and Prosecution Officer as his last position in the said office. Chairperson Palpal-latoc also has a robust private practice career. He is a trial lawyer and partner at the Rodriguez Esquivel Palpal-latoc Law Firm. He is an alumnus of the University of Santo Tomas—Philosophy (1995) and Bachelor of Laws (2001)—and was accepted to the Bar in 2002.