

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 on 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 (B)

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

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/>.

schools and universities to engage them in discussion of human rights and the environment.²

Bangladesh National Human Rights Commission (B)

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, 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 (A)

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.

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. Here after. *The Contributions of National Human Rights Institutions*.

³ Idem, p. 30.

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.

Nepal National Human Rights Commission (A)

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 (A)

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

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 Maori 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.⁵

The Philippines Commission on Human Rights (A)

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.⁶

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

⁴ Idem, p. 32.

⁵ Idem, p. 37.

⁶ Idem, p. 31.

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.⁷ Amicus briefs, including one filed on behalf of the Asia-Pacific Forum of National Human Rights Institutions and GANHRI,⁸ 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).⁹

Qatar National Human Rights Committee (A)

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

⁷ Idem, p. 35.

⁸ <https://www.asiapacificforum.net/resources/amicus-brief-human-rights-and-climate-change/>

⁹ *The Contributions of National Human Rights Institutions*, p. 33.

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 (A)

The Samoan Office of the Ombudsman dedicated half of its 2017 State of Human Rights Report to climate change. The report covered likely and documented climate 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.¹⁰

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

¹⁰ *The Contributions of National Human Rights Institutions*, p. 37.

become uninhabitable and the rights of affected communities. The Ombudsman evaluated government implementation of its recommendations two years later in its 2019 annual report. On the specific issue of adopting a human rights-based approach to relocation, it gave the relevant ministries a “B” grade.¹¹

Thailand National Human Rights Commission (B)

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 government on protecting both substantive and procedural human rights in energy policy.¹²

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.¹³

Africa

Cameroon National Commission on Human Rights and Freedoms (A)

In line with the 2035 vision and the National Strategy on Development, the National Commission on Human Rights and Freedoms uses its promotion and protection mandate to undertake activities in relation with climate change. In the area of human rights promotion, the CHRC has undertaken protection and advocacy activities. In the area of human rights protection, the Commission handles complaints from complainants who are victims of violation of environmental rights. It has also undertaken investigations into some violations. For instance, the Commission conducted an investigation mission to the fire brigade by its Littoral branch office to get statistics on the impact of climate change in the regions. It found that the heavy rain fall experienced in 2020 and 2021 led to 6 deaths from flooding, 3 collapsed buildings, 7 cases of landslide and 9 cases of drowning. In connection with other environmental issues, it carried out investigation of the effects of gas emissions from the gas company at Ndogpassi in Douala in the Littoral region in 2019, and another into the effects of hazardous waste from the Dangote cement factory in Douala on the neighbouring inhabitants in 2020. The Commission organized a sensitization seminar in July 2021 on the respect of human rights by extractive industries.

Together with the Scottish Human Rights Commission, the Cameroon National Commission chaired the Commonwealth Forum of National Human Rights

¹¹ Idem, pp. 39 and 50-51.

¹² Idem, p. 39.

¹³ Idem, p. 42.

Institutions Working Group on Climate Justice, during the process resulting in the adoption of the St. Julian's Declaration on Climate Justice in 2015.¹⁴

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Kenya National Commission on Human Rights (A)

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 of observance of human rights primarily by state agencies about indigenous forest-dwelling communities at Mau, Embobut forest and 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; (ii) Supporting litigation on claims of ancestral lands by forest dwellers; (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) Independent fact-finding missions to Embobut;¹⁵ (vi) Dialogue with relevant government agencies on human rights-based approaches to forest conservation; (vii) Human rights training for government agencies involved in forest conservation; and (viii) Development of a training curriculum and manual on human rights-based approach to forest conservation.¹⁶ Strategic litigation in the Chepkitale case at Bungoma law courts where Commission was enjoined as amicus curiae stopped displacement of the Sabao forest dwellers at Mt. Elgon forest, who were in turn allowed to settle in glades and partnered with the Kenya Forest Service in the conservation of the forest.

In the light of its experience, it has become clear to the KNCHR that climate action as a human rights matter is becoming an 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. The president of Kenya appointed the KNCHR to two task forces to implement decisions of the African Court and African Commission on Human and Peoples Rights in Ogiek and Endorois land cases, respectively. The cases have a significant impact on

¹⁴ Idem, p. 42.

¹⁵ 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>

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

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 KNHRC recommended that the general comment address the unique role that indigenous peoples play in environmental conservation and management, and how States parties can recognize and work with indigenous peoples in environmental conservation.¹⁷

The Commission has established partnerships with the government agencies that have a role in climate action, which has enabled the Commission to: (i) Dialogue on actions of the Kenya Forestry Service that have caused or are likely to cause human rights violations in the context of evictions of forest dwelling communities from their ancestral lands; (ii) Develop a curriculum and training guide to facilitate human rights training for officials within the Kenya Forestry Services; and (iii) Dialogue with the National Land Commission with a view to resolving historical land injustices and ancestral land claims by the forest dwelling communities. Partners include: (i) Ministry of Environment and Forestry Service, the Ministry in charge of implementing climate policy in Kenya including management of forests; (ii) Kenya Forestry Services, a Government agency created to manage and conserve forests in Kenya; (iii) National Land Commission, an independent commission established by law to oversee matters concerning land in Kenya; (iv) forest-dwelling communities; (v) civil society organization, such as the Katiba Institute; and (vi) development partners, such as the European Union and UNDP, who have supported the Commission's work to audit actions of the government in forest conservation efforts and training of government officials on human rights-based approaches to forest conservation.

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Mauritius Commission Nationale des Droits de l'Homme (A)

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.

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¹⁷ <https://www.ohchr.org/en/calls-for-input/calls-input/call-written-contributions-draft-general-comment-no-26-land-and> at point 61.

Morocco Conseil National des Droits de l'Homme (A)

The Conseil National des Droits de l'Homme 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 Conseil has taken up complaints and other grievances related to climate change and its impact.

The Conseil 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 Conseil, 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.¹⁸

In preparation for Morocco hosting the 22nd Conference of Parties to the UNFCCC (COP22) in December 2016, the Conseil 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 Conseil met with civil society 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 Conseil served on the COP presidency's Steering Committee for the hosting of the COP, with the President of Conseil acting as head of the civil society pole for the COP. This institutional linkage enabled the Conseil 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 Conseil 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 states to push for a human rights-based approach to action in climate negotiations.¹⁹

The Conseil has also contributed to efforts for an African Union policy framework on business and human rights.²⁰ 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 Conseil 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, the Office National des statistiques, university research

¹⁸ *The Contributions of National Human Rights Institutions*, p. 35.

¹⁹ *Idem*, p.35.

²⁰ *Idem*, p. 41.

institutions, national and international civil society organisations, businesses and local communities.

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South Africa Human Rights Commission (A)

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.²¹
- 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.

²¹ <https://www.safsc.org.za/wp-content/uploads/2019/11/Climate-Justice-Charter-Draft1-2019.pdf>

- 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](#) (A)

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.²²

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.²³

²² *The Contributions of National Human Rights Institutions*, p.29.

²³ *Idem*, pp. 32 and 49.

Chile [Instituto Nacional de Derechos Humanos](#) (A)

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.²⁴

Colombia [Defensoria del Pueblo](#) (A)

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.

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 regards 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.²⁵

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

²⁴ Idem, p. 36.

²⁵ Idem, p. 34.

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 listening to local communities, thereby encouraging them to be part of the efforts conservation 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](#) (A)

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.²⁶

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 recommended greater public participation in climate policy and access to information on positions taken by Costa Rica at the UNFCCC.²⁷

In 2016, the Office made a submission informing the CDESCR 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 CDESCR 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, new housing was being built in areas highly prone to flooding made worse by climate change.²⁸

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.²⁹

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

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Ecuador [Defensor del Pueblo](#) (A)

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.

²⁶ Idem, p. 35.

²⁷ *The Contributions of National Human Rights Institutions*, p.29.

²⁸ Idem, p. 32.

²⁹ Idem, p. 37.

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

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.³⁰

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.

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

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.³¹ 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.³² In 2020, this brochure was updated and has been made available for consultation on the Commission's web portal.³³ 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*.

³⁰ Idem, p. 35.

³¹ Idem, p. 36.

³² <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>

³³ <https://testwebqa.cndh.org.mx/documento/cambio-climatico-y-derechos-humanos-0>

In relation to promotional activities, since 2018, the Commission has promoted the holding of the International DESCA³⁴ Forum and Agenda 2030.³⁵ It has promoted reflection in this space of the impact of climate change on the enjoyment and exercise of rights, the achievement of the Sustainable Development Goals and related challenges. Additionally, a round table on Comprehensive Disaster Risk Management (GIRD) and its link with human rights was held.³⁶

The Commission is mandated to issue Specific or General Recommendations, in the first case to repair human rights violations derived from 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, issued in 2018, 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 to the recommendations — one state invited the Commission to review its efforts to create criteria for monitoring air pollution.³⁷

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

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 a specific recommendation 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.³⁸ The Commission made recommendations to the relevant federal ministries and local municipality, most

³⁴ DESCA: Derechos Económicos, Sociales, Culturales y Ambientales (Economic, Social, Cultural and Environmental Rights) |

³⁵ <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>.

³⁶ The report of the event and related audiovisual material can be consulted at: <https://www.cndh.org.mx/eventos/4474/mesa-redonda-la-gestion-integral-de-riesgos-de-desastres-y-su-link-with-rights>.

³⁷ Idem, p. 38.

³⁸ Recomendación No. 67/2017 (in Spanish) available at http://www.cndh.org.mx/sites/all/doc/Recomendaciones/2017/Rec_2017_067.pdf

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 carried out with the Commission monitoring to ensure implementation of the recommendations.³⁹

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.⁴⁰

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 COP22 with a focus on follow-up to the various implementation mechanisms of the Paris Agreement.

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Panama [Defensoria del Pueblo](#) (B)

Panama's Ombudsman has reopened the National Directorate of Ecological Affairs, aimed at ensuring that conservation and good environmental practices assures Panamanians a healthy environment. Investigations authorized by Law 7 of February 5, 1997 are carried out through its offices in connection with any type of institution or council. 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. A principal partner of the Ombudsman is the Ministry of Environment

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Peru [Defensoria del Pueblo](#) (A)

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

³⁹ Idem, p. 32.

⁴⁰ https://www.cndh.org.mx/sites/default/files/doc/OtrosDocumentos/Doc_2017_028.pdf Also see above at page 67.

Promotion Agreement between Peru and the United States of America.⁴¹ 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.⁴² 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.⁴³ 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.⁴⁴

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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⁴¹ 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>.

⁴² 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>.

⁴³ 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>.

⁴⁴ *The Contributions of National Human Rights Institutions*, p.36.

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Europe

Albania [People's Advocate](#) (A)

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

The Combat Poverty, Insecurity and Social Exclusion Service⁴⁵ dedicated its 2018-19 biennial report to uncovering the links between issues of sustainability, including climate change, and poverty in Belgium.⁴⁶ 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.

Bosnia and Herzegovina [Institute of Human Rights Ombudsman](#) (A)

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Croatia [Ombudsman](#) (A)

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 2014.⁴⁷ 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 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

⁴⁵ <https://ennhri.org/rule-of-law-report-2021/belgium-combat-poverty-service/>

⁴⁶ 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.

⁴⁷ <https://www.ombudsman.hr/en/download/summary-of-the-annual-report-of-the-ombudsman-2014/>

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.⁴⁸

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 2013.⁴⁹ 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.⁵⁰

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](#) (A)

The Danish Institute for Human Rights (DIHR) has declared work on the energy transition a high priority and is undertaking a number of projects related to approaching the energy transition through a human rights lens. This includes work with individual corporate actors in the energy sector on integrating human rights considerations into their transition to renewable energy, 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.⁵¹

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 mechanisms. The Institute has analysed difficulties that may arise when the European Court of Human Rights must consider a case explicitly addressing climate

⁴⁸ <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.

⁴⁹ <https://www.ombudsman.hr/en/?s=annual+report>

⁵⁰ *The Contributions of National Human Rights Institutions*, p. 32

⁵¹ *The Contributions of National Human Rights Institutions*, p.41.

change and made an overview of the cases before national courts in Europe. The analysis and overview was been released to the public through the Institute's website in September 2021.⁵²

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. It has developed educational material for environmental assessment practitioners on how a human rights-based approach can be applied to environmental impact assessment.

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

France's National Advisory Commission on Human Rights 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 targets.⁵³

Georgia [Public Defender's Office](#) (A)

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.⁵⁴

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.⁵⁵

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

⁵² <https://www.humanrights.dk/publications/climate-change-human-rights-assessments-national-courts-europe> (In Danish.)

⁵³ *The Contributions of National Human Rights Institutions*, p.39.

⁵⁴ 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. 205-215, available at: <https://bit.ly/2YfmLYx>.

⁵⁵ 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.⁵⁶

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.⁵⁷

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.⁵⁸

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Germany [German Institute for Human Rights](#) (A)

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.⁵⁹ 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

⁵⁶ Additional information on the Special Report *Right to Clean Air (Ambient Air Quality in Georgia)* is available at: <https://bit.ly/2SIB3dF>.

⁵⁷ The Public Defender's Special Report, *Access to Water and Sanitation in Public Schools of Georgia* is available at: <https://bit.ly/2uGdtq7>.

⁵⁸ <https://www.ombudsman.ge/eng/190821112029siakhleebi/sakartvelos-sakhalkho-damtsvelma-orhushis-konventsiisshesrulebis-alternatiuli-angarishi-tsaradgina>.

⁵⁹ *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.⁶⁰

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.⁶¹

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.⁶²

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.

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.

Hungary [Commissioner for Fundamental Rights](#) (A)

The Office of the Commissioner for Fundamental Rights has advised the Hungarian government about the most important steps to be taken with respect to the national SDG implementation: In that context it has identified measures necessary for Goals 7 and 13 and has also suggested related national indicators in collaboration with the National Statistical Office. The Office has provided an opinion to the government on the National Energy and Climate Strategy and its implementation action plans. It has responded to individual queries on climate change from local governments looking for advice on its possible local actions related to climate change. The Office is part of the expert group of the Hungarian Panel on Climate Change.

The Office has recommended that renewable energy technology be exempted from a proposed fee for certain products to fund environmental protection efforts. The Commissioner has criticised the signing of the Canada-European Trade Agreement. She highlighted that the Agreement was likely to substantially boost the development of polluting 'tar sands' petroleum in Canada, which, combined with the undemocratic

⁶⁰ Idem, p. 40.

⁶¹ Idem, p. 36.

⁶² Idem, p. 35.

protections offered to foreign investors by the treaty, would negatively impact European renewable energy development and the ability to meet emissions targets.⁶³

In 2016, the Office of the Commissioner 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 will participate by competing against other public sector workplaces to save the most energy.⁶⁴

The Office's partners include the ministries responsible for policy making, local government (for local policy making), 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, and the Hungarian National Bank (for green monetary policy).

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

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 Minister of Economic Affairs and Climate Policy, the Dutch Parliament and the Dutch Safety Board in 2018, 2015 and 2014.⁶⁵

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Norway [Norwegian National Human Rights Institution](#) (A)

Recent projects of the Norwegian National Human Rights Institution in connection with human rights and climate change include publishing a detailed report on climate change and human rights (also in English)⁶⁶ and intervening as an amicus curiae in a climate case before the Supreme Court of Norway on exploration licenses for oil and gas in the Arctic.⁶⁷

⁶³ Idem, p. 38.

⁶⁴ Idem, p. 43.

⁶⁵ <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/>.

⁶⁶ <https://www.nhri.no/en/report/climate-and-human-rights/?showall=true&print=true>

⁶⁷ <https://www.nhri.no/2020/skriftlig-innlegg-til-hoyesterett-i-forbindelse-med-klimasokksmalet/amicus-curiae-from-the-norwegian-national-human-rights-institution/>

The Norwegian Institution 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.⁶⁸ In addition, the Norwegian Institution has submitted a third party intervention request to the European Court on Human Rights on behalf of ENNHRI in the case of Verein Klimaseniorinnen Schweiz et Autres c. Suisse (application no. 53600/20). 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. The Norwegian Institution has hosted several webinars and other events on the climate change and human rights, for both international and domestic audiences.⁶⁹

In March 2022, the Norwegian Institution 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.⁷⁰

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 Urgenda.

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Portugal [Provedor de Justicia](#) (A)

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 of the victims. It established a non-judicial mechanism to determine and pay the compensation in a prompt and swift manner.⁷¹ The determination of the amount of compensation to be paid to the families and heirs of deceased victims was delegated in the Portuguese Ombudsman.

⁶⁸ <https://ennhri.org/news-and-blog/ennhri-publishes-paper-on-climate-change-and-human-rights-in-the-european-context/>

⁶⁹ <https://www.nhri.no/en/2021/webinar-on-states-human-rights-obligations-to-mitigate-climate-change/>

⁷⁰ 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/

⁷¹ Resolution 157-C/2017 of the Council of Ministers, 28 October 2017.

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 compensations 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.⁷² 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](#) (A)

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 country's regulations as well as of the implementation of recommendations the Protector had made to its government on environmental and climate change matters.⁷³

⁷² Council of Ministers Resolution 179/2017, 28 November 2017.

⁷³ *The Contributions of National Human Rights Institutions*, p. 36.

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

In 2020, the Slovak National Centre for Human Rights 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 output of this collaboration was 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 Centre 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 2020.⁷⁴ 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 is for elementary school pupils who can submit their pieces of visual art as individuals or as a collective.⁷⁵

The Centre works with the Slovak Ministry of Environment, the Slovak Environment Agency (analytic department), Greenpeace, the SK Slovak Hydrometeorological Institute, the [National protection of environment] and independent experts. It is a member of ENNHRI Core Group on Human Rights and Climate Change and collaborated on outputs and tasks of the group.⁷⁶

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Northern Ireland [Human Rights Commission](#) (A)

The Northern Ireland human Rights Commission launched an animation project with Queen's University.⁷⁷ It supported a film focussed on the issue of climate change, which raises important questions about its impact on our human rights.⁷⁸ 'It Seems'

⁷⁴ Annual Report on Human Rights Including Right to Equal Treatment in 2019) <http://www.snslp.sk/nasa-cinnost/monitoringa-reporting/sprava-o-dodrziavani-ludskych-prav/>

⁷⁵ <http://www.snslp.sk/nasa-cinnost/vzdelavanie/sutaze-2/moje-ludske-prava/>

⁷⁶ <http://www.snslp.sk/nasa-cinnost/vyskumna-cinnost/indikatory-dodrziavania-ludskych-prav/>

⁷⁷ <https://nihrc.org/news/detail/queens-university-launch-animation-project-with-humanrights-commission>

[broken link]

⁷⁸ <https://nihrc.org/education/resources/climate-human-rights-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 Bill⁷⁹ It carried out school visits to help students learn about the impact of climate change on human rights.⁸⁰ It celebrated Culture Night Belfast with a climate change theme.⁸¹

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Scotland [Scottish Human Rights Commission](#) (A)

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 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.⁸²

⁷⁹ <https://nihrc.org/publication/detail/response-to-consultation-on-a-northern-ireland-climate-change-bill>

⁸⁰ <https://nihrc.org/news/detail/loreto-students-learn-about-impact-of-climate-change-and-human-rights>

[broken link]

⁸¹ <https://nihrc.org/news/detail/humanrights-commission-celebrates-culture-night-belfast> [broken link]

⁸² *The Contributions of National Human Rights Institutions*, p. 41.