



REPUBLIC OF CROATIA
OMBUDSMAN

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Zagreb, October 30, 2015

United Nations Office of the High Commissioner for Human Rights
Benjamin Schachter, Human Rights Officer
Right to Development Section
Research and Right to Development Division
48 Avenue Giuseppe Motta, Room 1-34
Palais des Nations
Geneva, Switzerland

Subject: Study on Climate Change and the Right to Health

Dear Mr. Schachter,

Thank you for the invitation to take part in the study of the United Nations Office of the High Commissioner for Human Rights on climate change and the right to health. It is our pleasure and responsibility to provide you with information and contribute to the further advancement of human rights standards in this particular human rights field – environmental protection/climate change/right to health.

Because of the paucity of specific information related to climate change, due to, in our opinion, its' underrepresentation within environmental issues in general and the lack of significant experience and consequences of climate change in Croatia, we shall make our contribution in the form of an essay, referring to those questions from your questionnaire on which we have answers. However, we believe that in the near future this particular environmental aspect (climate change) will become more present, recognized and monitored in our country.

Firstly, we would like to introduce you with our status and mandate. Ombudsman of the Republic of Croatia, in its core Ombudsman role, protects and promotes human rights while at the same time acting as the National Equality Body, National Preventive Mechanism for the Prevention of Torture and the National Human Rights Institution with the A status in Croatia. All information about our work can be found in our annual reports, which we regularly

deliver to the Croatian Parliament and which includes all competences of the institution of the Ombudsman under the Ombudsman Act, the Anti-Discrimination Act and the Act on the National Preventive Mechanism.

Our work is based on conducting procedures on the grounds of citizens' complaints or on the initiative of the Ombudsman's Office, and on the responses received from state bodies, non-governmental organizations, social partners, religious communities and others, as well as on other sources of information, such as reports and other available materials from different actors, media reports, expert articles and research studies. We continuously receive citizens' complaints in cases when they feel discriminated against or believe that their human rights were violated or restricted. These cases pertain to the protection of human rights in a more general sense, to restrictions of the citizens' freedom of movement or procedures before the public law bodies.

Regarding the issue of environmental protection, we have recognized it as human rights issue that is gaining in importance due to several reasons; a growing awareness and active participation of citizens in their local communities; the growth of knowledge and experience among environmental NGOs; over-bureaucratized and ineffective national legislation that does not correspond to the actual situation on the ground; economic interests taking precedence over the interest of the preservation of nature/environment; corruption cases etc. Our focus is on monitoring and addressing this issue as a relevant human rights issue, and it has been introduced as such in the form of a specific chapter into our Annual Report for the year 2013 and 2014, and will continue to be included in our annual reports in the years to come.

As we described before, our work is mainly related to handling individual complaints, which in the field of environmental pollution are to a great extent interrelated with the right to health.

From the year 2013 we started to receive a higher number of complaints about pollution from industrial plants and suspicious waste operations. These are most frequently related to the access to information and the participation of the public in environmental matters and reflect health concerns. There is a large gap in environmental damages that the citizens report and the replies of the competent bodies regarding the said damages, and it is important to prescribe the protection of whistleblowers who report environment-related illegal actions.

Therefore we decided to monitor the development of health ecology - a relatively new aspect of public health introduced at the national policy level in 2013. Although planned under the Strategic Plan for Public Health Development 2013 - 2015, health ecology was not regulated and neither was the mandatory health impact assessment (HIA) introduced and developed prior to the construction of industrial plants, which is particularly important for the areas with several industries using fossil fuel for longer periods of time. The approach and the method of regulating protection from electromagnetic radiation are also non-transparent [in Croatia]. We recommended to the Ministry of Environmental and Nature Protection to introduce the procedure of health impact assessment (HIA) prior to the construction of industrial plants in cooperation with the Ministry of Health, by using appropriate regulations. We recommended to the Ministry of Health to ensure all requirements for monitoring environmental factors and

their impact on health in accordance with the Strategic Plan for Public Health Development 2013 – 2015. These recommendations we continuously monitor.

Access to remedy for those who suffer violations of their human rights as a result of environmental pollution is underdeveloped.

Following the Merida Declaration, we are ready to take an active role in the monitoring of the implementation of the 2030 Agenda, according to the identified functions and actions that the NHRIs and the ICC will undertake to move the 2030 Agenda forward, for which regional action plans will be developed in order to identify and address the NHRI capacity needs.

Sincerely,



DEPUTY OMBUDSMAN

Lidija Lukina Kezić
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