



REPUBLIKA HRVATSKA
PUČKI PRAVOBRANITELJ

No: P.P.R.-6-8-852/23-16-2
Zagreb, January 30, 2024

OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
PALAIS DES NATIONS
CH-1211 Geneva 10, Switzerland
E-mail: ohchr-registry@un.org, ohchr-right2environment@un.org

Subject: Questionnaire in relation to Human Rights Council resolution 53/6 on human rights and climate change

To whom it may concern,

Thank you for the invitation for contribution to the research and report that the Office of the High Commissioner for Human Rights (OHCHR) is preparing in accordance with Human Rights Council resolution 53/6 of 7 July 2023 entitled "Human rights and climate change".

The Ombudswoman of the Republic of Croatia is the National Human Rights Institution with the "A" status, member of the European Network of National Human Rights Institutions and member of the Global Alliance of National Human Rights Institutions. The Institution actively promotes the Right to a healthy, clean and sustainable environment and the constitutional right to the healthy life and healthy environment while supporting the work of Special Rapporteur on Human Rights and the Environment, as well as the work of the Special Rapporteur on Climate Change.

Below are the answers to you questions.

1. Please describe through concrete examples and stories the impacts of loss and damage from the adverse effects of climate change on the full enjoyment of human rights in your country. Please indicate whether the impact was exceptional or whether an example of many similarly situated cases. Please estimate the number of cases that may be similar in your country.

The Croatian Ombudswoman has applied the Human Rights Based Approach (HRBA) on two climate change related events: the catastrophic floods in Eastern Croatia in 2014 and the wildfires that affected the city of Split on the South Adriatic Coast in 2017. Both cases were investigated on our own initiative and reported to the Croatian Parliament as human rights cases. We presented both cases in replying to your questionnaire in 2021.



Savska cesta 41/3, 10 000 Zagreb tel +385 (0)1 4851 853, 4851 855 fax +385 (0)1 6431 628
e-mail info@ombudsman.hr www.ombudsman.hr twitter @OmbudsmanHR

Regarding the first case, the Ombudswoman submitted to the Croatian Parliament the *“Special Report on the Human Rights during the Catastrophe caused by the Floods in Eastern Croatia”* in 2014, in accordance with the national Ombudsperson Act, which gives the Ombudsperson the mandate to submit special reports on specific issues falling within her/his scope of work, especially in cases of more serious or extensive violations of the citizens’ constitutional or statutory rights. Climate change and its impacts on human rights most certainly has been an issue of special interest since 2014.

The Report was based on our monitoring of the impact of the floods on the affected population and based on the information collected through 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 of the news coverage. Although it referred to the areas hit by the floods, its recommendations were intended and are applicable for other future emergency situations as well, with the potential to affect the level of the exercise of human rights in the areas of protection and rescue provision, social welfare, health care, humanitarian aid, rehabilitation and reconstruction, information provision and free legal aid.

The Report featured the following recommendations: to further invest into long-term and sustainable firefighting and civic protection system, to improve social welfare system by standardizing human rights criteria for temporary accommodation and social housing, to introduce proactive access to psychological support not just to the affected population but to the volunteers and rescuers as well, to improve access to primary health care, to standardize human rights criteria for the distribution of humanitarian and financial aid, to standardize human rights criteria for reconstruction to organize the processes more efficiently and engage more resources in all phases of the renovation process in order to speed it up as well as to directly communicate with the citizens so that they would be timely provided with all relevant information about the renovation and about the manner in which they can exercise their rights.

We also pointed out to the necessity of carrying out continuous supervision of the companies in charge of the renovation of the affected homes as well as of improving the access to information, because citizens needed to be provided with the adequate information about what was happening to their homes and when, to whom and how they could address the problems related to the provision of social services and health care. We also recommended the improvement of the access to free legal aid in order for it to be timely and adequate, making it possible for the citizens to exercise their rights as well as write offs of utility costs (electricity, garbage collection, etc.) for the owners and the tenants of the houses destroyed in the floods. We also pointed out that it was necessary to resume with the collection of these costs only after the renewal has been completed.

Regarding the fire in the city of Split, the Ombudswoman reported on the event in her *2017 Annual Report to the Croatian Parliament*, in the Chapter titled: “*Climate change, Civil Protection System, Firefighting and Protection of Human Rights – the Fire in Split*”. The “*Special Report on the Human Rights Implications of the Flood-Related Catastrophe in the Vukovar-Srijem County*” was our institution’s model of reporting on human rights in emergencies. Although it referred to a specific situation, its recommendations were intended to become applicable to other future emergencies as well, that could affect the human rights of the citizens.

Since then, we monitor climate change related events that affect human rights, however, fortunately in recent time there were no such a strong impact events on human rights. We specifically monitored fire season in 2022 due to wild fires at the Adriatic coast during which year the Croatian Fire Brigade recorded 7,764 vegetation fires (the majority of all fires) and 5 fatalities. The number of outdoor fire was 50% higher than the previous year, and the Adriatic coast with islands is the most threatened due to easily flammable vegetation that favors the occurrence and spread of fires in long-term dry periods and high temperatures. According to the Ministry of Interior's data, fire protection inspectors filed 652 misdemeanor reports, most often due to unmaintained agricultural areas, forest and evacuation routes, and wild landfills.

2. Please describe any relevant quantitative and qualitative data as well as mechanisms and tools to measure, monitor, report on, and evaluate the impacts of loss and damage, including from extreme weather and slow-onset events, on the full enjoyment of human rights. Please take into account, inter alia, the disproportionate effects on women and girls, children, youth, older persons, persons with disabilities, Indigenous Peoples, migrants, persons living in poverty and others in vulnerable situations.

The tools that the Croatian Ombudswoman used for monitoring the impacts of climate change included the handling of citizens’ complaints, field visits, interviews with numerous stakeholders and the affected citizens, collection of other available data, analysis of the regulations and news coverage and finally, submission of special Reports and the accompanying recommendations to the Parliament. Besides in special reports, the impacts of climate change on human rights were also presented in the annual reports to the Parliament.

For more information on qualitative data, mechanisms and tools for monitoring which could be found in our reports, please visit our website. Annual and special reports that are available in English language are available here: <https://www.ombudsman.hr/en/reports/>. We recommend to read the “Special Report: The Right to A Healthy Life and Climate Change in the Republic of Croatia (2013-2020)” which has all-important information at a glance for the tenth year period.

Other annual and special reports are only available in Croatian language (Annual report for 2017 - "Izvešće pučke pravobraniteljice za 2017. godinu" and "Special Report on the Human Rights during the Catastrophe caused by the Floods in Eastern Croatia"- „Izvešće Pučke pravobraniteljice o ljudskim pravima u kontekstu katastrofe uzrokovane poplavom u Vukovarsko-srijemskoj županiji u 2014. godini“): <https://www.ombudsman.hr/hr/izvjesca-puckog-pravobranitelja/#1655718196191-c8de4feb-8fb8>.

Furthermore, the disproportionate effects on human rights and equality not only cause social poverty but also result in energy poverty, which is part of the global climate crisis. Recommendations that Croatian ombudswoman gave to relevant national bodies point that the energy transition should also help to combat energy poverty, while the measures implemented should also take into account the needs of people who are in energy poverty. Very often, energy poverty is also connected with the health condition of citizens, given that inadequately heated or cooled rooms, heating only the room where the one stays most of the time (to save heating costs), rooms with excessive humidity, in which mold forms, also have a negative effect on the health of people living in such spaces. When we talk about energy poverty, certain groups are in a particularly vulnerable position. The potential of the energy transition and the reduction of energy poverty should be, amongst other, exercised through the constitutional right to a healthy life and healthy environment and the right to clean, healthy and sustainable environment.

According to official data of the Croatian Bureau of the Statistics, the highest at-risk-of-poverty rate are for the older persons living alone, who are most often women. The poverty risk rate for those over 65 was 32.4 % with significant gender differences (26.6% of men over 65 are at risk of poverty, 36.5% of women). What is particularly worrisome is the growth of poverty for older people in a single-member household, in 2021, it was 55.3% of the older persons compared to 52.1% in 2020 in a single-member household, and this upward trend continued in 2022 and now amounts to 55.6%.

According to data from associations (such as DOOR - Society for the Design of Sustainable Development), which have conducted several studies related to energy poverty, in the second half of 2021 in one coastal Croatian county (Zadar County), a sample of 200 households shows that households of single mothers, mothers of multiple families and single households are particularly vulnerable. Those were mostly respondents with completed elementary school and health problems, who use wood stoves for heating, and heat only one room in order to save money. Therefore, with the energy transition, it is necessary to take into account the social aspect of vulnerable groups in society and enable the transition to include all social groups, respecting the right to equality.

3. Please describe any specific measures, including public policies, legislation, practices, strategies, or institutional arrangements that your Government has undertaken or plans to undertake at a national, sectoral or sub-national level, in compliance with applicable international human rights law, to avert, minimize and address loss and damage, including equity-based approaches and solutions. Please also identify any relevant mechanisms for ensuring accountability, including means of implementation.

After the catastrophic 2014 floods, the adoption of the new Civil Protection System Act took place in 2015. This Act has provided the framework for action in emergencies that require the rescuing and protection of people, health, environment, nature, cultural wealth and property. The Ombudswoman participated in this legislative process with recommendations that were accepted, such as: the importance of providing timely and accessible public information and aligning the quality of the system at the local, regional and state levels, taking into account the financial capabilities of the local and regional self-government units and respecting the anti-discrimination legislation in force in the Republic of Croatia.

This Act was activated during the Split fire as well as and during the COVID-19 pandemic, as it related to all emergencies that could endanger human rights, people's lives, health and safety. It was also implemented during the 2020 earthquakes affecting the Sisak-Moslavina County and certain parts of the Zagreb and the Krapina-Zagorje County, following which the Government pronounced the state of catastrophe for the second time in the country's history.

Regardless of whether emergencies are caused by natural phenomena, climate change induced by harmful human activity or by pandemics, they require our preparedness. Croatian Ombudswoman recognizes the importance of her work in the times of events as those above described, with the goal to efficiently protect the values enshrined in our Constitution, such as the right to a healthy life and healthy environment and to ensure the necessary conditions for a healthy environment.

The Act on Civil Protection regulates the civil protection system and defines the obligation to draft disaster risk assessment plans at national, regional and local levels (<https://civilnazastita.gov.hr/>, https://civil-protection-humanitarian-aid.ec.europa.eu/what/civil-protection/national-disaster-management-system/republic-croatia_en).

The main participants of the civil protection system are the Government of the Republic of Croatia, the Ministry of the Interior - Civil Protection Directorate as the central state body competent for civil protection activities, state administration bodies and other government authorities, armed forces of the Republic of Croatia and the police and units of local and county (regional) self-government.

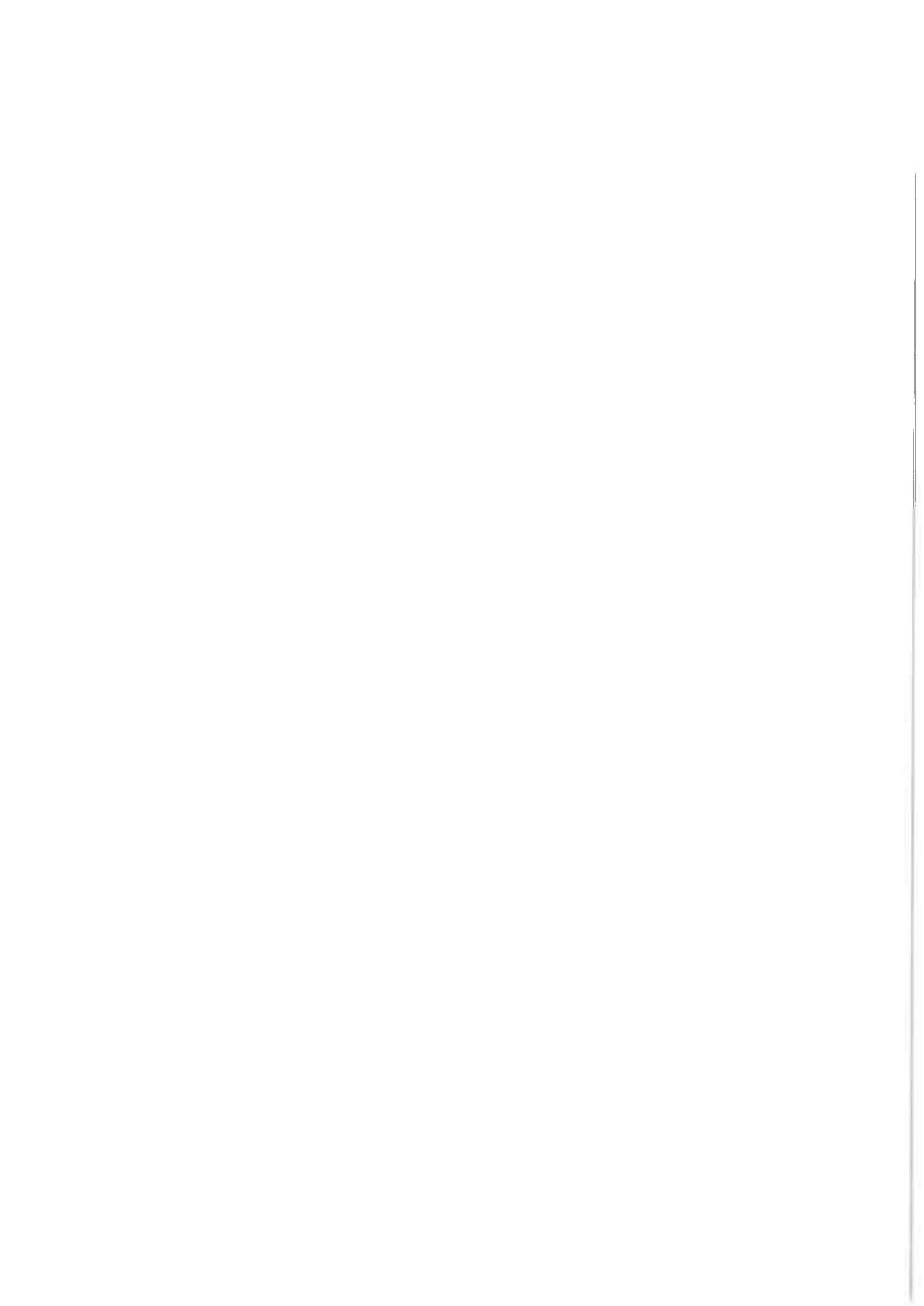
The Croatian Disaster Risk Reduction Platform was established in 2009, as an umbrella body under the chairmanship of the Croatian vice prime minister from the Ministry of Interior. It includes members from all ministries and other state administration bodies, representatives of the Croatian Academy of Sciences and Arts, large economic entities, public companies, non-governmental organizations that deal with protection and rescue, especially Croatian Red Cross, Croatian Mountain Rescue Service, Croatian Firefighting Organization, as well as representatives of religious communities registered in the Republic of Croatia. The Platform participates in the European Forum for Disaster Risk Reduction raising it to the international level where Croatia exchanges experiences with other members on a yearly basis (<https://www.preventionweb.net/national-platform/croatia-national-platform>, <https://civilnazastita.gov.hr/>). The National Risk Assessment has identified 15 threats, while earthquakes, floods and wildfires are identified as the first three priorities.

In 2020 *the Act on Climate Change and the Protection of the Ozone Layer* came into force, as well as the *2040 Climate Change Adaptation Strategy of the Republic of Croatia with a View to 2070*. The most vulnerable sectors are: water sources, agriculture, forestry, fishery, biodiversity, the energy sector, tourism, health and two intersectional thematic areas – physical planning and risk management.

4. Please identify and share examples of promising practices and critical challenges in the promotion, protection, and fulfilment of the full enjoyment of human rights in the context of loss and damage, including examples that highlight multilateral cooperation and approaches, at global and regional levels, including equity-based approaches and solutions.

As the example of promising practice in the case of critical events, we recognize the case of floods in 2014, which was the event of regional emergency. At the same time, the floods were taking place in the Republic of Croatia, Bosnia and Herzegovina and in Serbia but we do not have the information on how the multilateral cooperation and assistance was achieved. Therefore, it would be beneficial to learn more about other multilateral cooperation and approaches that already exist at the global and regional levels, including equity-based approaches and solutions. It is a cross-sectoral and cross boundaries human rights theme of one of the greatest concern nowadays.

5. Please provide specific recommendations, if possible, on how to address the critical challenges that have been identified, including actions to be taken at country, regional, and global levels, as well as by different groups of stakeholders, Governments, development agencies, financing institutions, and others.



The most adequate mechanism that would collect, measure and monitor the impacts of loss and damage from the adverse effects of climate change on the full enjoyment of human rights nationally, regionally and globally is still missing and/or is under construction. It seems that DRR is insufficiently recognized and implemented within the human rights and equity perspective, but also the loss and damage data. There should be more concrete and accurate information about activities and results of the Disaster Risk Reduction.

Furthermore, there is an emerging issue of energy poverty, which cannot be determined by one indicator. Among others, it reflects unpaid energy bills with consequences to people's health such as physical and mental illnesses exacerbated by cold or high temperatures as well as stress. People live in insufficiently heated or cooled rooms which affects the health of people who stay in such rooms.

Energy poverty affects numerous policy areas such as health care and employment rates. An end to energy poverty would see an increase in well-being and physical health, less money spent by governments on healthcare, reduction in air pollution, improved household budgets and increased economic activity. Dealing with energy poverty is vital for social justice and fighting the climate crisis. Access to energy affects the quality of life and health and is a condition for living a dignified life.

The interrelatedness of DRR, lost and damage, human rights, equity and energy poverty should be precisely written in guidelines and joint strategy in order to have common standards implemented in all relevant sectors at national, regional and global level.

6. Please provide any additional information you believe would be useful to support climate action and justice that promotes the full enjoyment of human rights in the context of loss and damage.

We have provided all information that we find appropriate for the topic of the questionnaire.

Respectfully,

DEPUTY OMBUDSWOMAN OF THE REPUBLIC OF CROATIA



Mrs. Dijana Kesonja