|  |  |  |
| --- | --- | --- |
| OHCHR - Office of the United Nations High Commissioner for Human RightsPalais des Nations CH-1211 Geneva 10E-mail: ohchr-registry@un.org with copy to ohchr-right2environment@un.org  |  | Wilders Plads 8KDK-1403 COPENHAGEN KPhone + 45 3269 8888Mobil anar@humanrights.dkmenneskeret.dkDok. nr. 23/02423-231 january 2024 |

submission to call for questionnaire on climate change and human rights

The Danish Institute for Human Rights (DIHR) welcomes the call for questionnaire in relation to Human Rights Council resolution 53/6 on human rights and climate change as communicated by e-mail on 24 October 2023 by the United Nations Office of the High Commissioner for Human Rights (OHCHR).

Pursuant to the call, the DIHR would like to draw attention to the following points:

**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.**

In 2023, the UN Special Rapporteur on the rights of Indigenous Peoples visited Denmark and Greenland. Following the visit, a report was released on 3 August 2023.[[1]](#footnote-1) Among other subjects, the rapporteur focused on the adverse effects of climate change on the population of Greenland. Overall, the effects of climate change in Greenland threaten the culture, lifestyle, health, etc. of Inuit people. Several specific issues were identified, such as the thawing of permafrost and its effect on livelihoods and housing, the loss of biodiversity and its effect on Inuit hunting and fishing practices of which they are dependent.

In terms of concrete examples of how the climate has altered conditions in Denmark, there has been an increased emphasis on weather phenomena and storm surges in particular. Calculations from the Danish Metrological Institute show that water levels continue to rise every year and the number of storm surges will increase in the future.[[2]](#footnote-2) Storm surges hit Denmark approximately every 20 years. The most recent storm surge occurred in October 2023, however storm surges have been happening more frequently with incidents in January 2022, March 2020, January 2019 etc. However, these phenomena have not been recorded to have compromised the full enjoyment of human rights.

**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.**

Statistics Denmark (*Danmarks Statistik*) is the central authority on Danish statistics and their mission is to collect, compile and publish statistics on the Danish society in general, including statistics on climate conditions and natural phenomena etc. In relation to collecting statistics on the goal to strengthen resilience and adaptive capacity to climate related disasters (UN Sustainable Development Goal 13.1), Statistics Denmark estimates that very few people die or go missing due to climate related disasters.[[3]](#footnote-3) As a result, no official statistics are kept on these matters, which limits the possibility to evaluate the impact of loss and damages in this regard.

As for another tool of monitoring, the Danish Counsel on Climate Change (*Klimarådet*) advises the Government in its efforts to achieve the carbon reduction targets set out in the Danish Climate Act (*Klimaloven*).[[4]](#footnote-4) The Council is an independent body of experts established in accordance with the Climate Act and their role is limited to advising on and analysing how the aims and objectives of the Climate Act can be met most effectively. However, neither the Climate Act nor its preparatory works explicitly refer to the compliance with or promotion of human rights. Therefore, the Council does not measure or monitor the impacts of loss and damage on the full enjoyment of human rights.

In 2021, the Committee on the Elimination of Discrimination against Women (CEDAW) recommended that Denmark and Greenland conduct a study on the gender-specific consequences of climate change, particularly in relation to women in Greenland.[[5]](#footnote-5) The recommendation was a result of an increased focus on the gender-specific impact of the climate crisis potentially affecting the indigenous population, including women, in Greenland.

Further, as mentioned above under question 1, the UN Special Rapporteur on the rights of Indigenous Peoples pays visits to Denmark and Greenland where among other subjects, the adverse effects of climate change on the population of Greenland are reported on.[[6]](#footnote-6)

**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.**

Access to compensation for damage to real estate and movable property in connection with storm surges, flooding or other natural phenomena, including windfalls and drought etc. is regulated by Consolidation Act no. 1184 of August 15, 2022. Assessment of requests for compensation is made by the Danish Natural Hazards Council (*Naturskaderådet*).[[7]](#footnote-7) However, the assessment by the Council of the eligibility for compensation does not consider the existence of human rights obligations.

In October 2023, the government launched its Climate Action Plan initiative (*Klimatilpasningsplan 1*), aiming to take preventive measures to combat possible damage as a result of climate change. Currently, each individual homeowner is responsible for the risk and potential costs associated with securing their home against rising groundwater levels. During 2024, the government will allocate funds and propose new legislation to enable wastewater companies at municipal level to implement collective solutions to high groundwater levels in areas where it is socio-economically appropriate. The initiative is intended to ensure a more equal distribution of the economic burden in areas that are particularly vulnerable to rising groundwater levels.[[8]](#footnote-8)

On 14 November 2023, the Greenlandic parliament (*Inatsisartut*) decided to join the Paris Agreement, and it was announced that the Greenlandic authorities will begin working on a climate strategy.[[9]](#footnote-9)

In December 2023, the Greenlandic government (*Naalakkersuisut*) together with the Greenlandic parliament also allocated 1 million DKK to Inuit hunters in need due to climate change. Accordingly, Inuit hunters can apply for compensation for loss and damages such as loss in income due to effects of climate change. The initiative follows a winter in which especially hunters in Northern Greenland have been severely affected by the lack of winter ice.[[10]](#footnote-10)

**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.**

In 2022 the Danish Government announced an ambition to ensure that 60 pct. of future Danish climate aid would be dedicated to adaptation to climate change for people in poor countries.[[11]](#footnote-11) According to the latest plan for the Danish Government’s political priorities for development aid 2024-2027, Denmark will approximately contribute a total of 6 billion DKK in climate aid in 2024.[[12]](#footnote-12)

As a part of the above ambitions to strengthen climate adaptation aid, the Danish Government announced on 30 November 2023 that Denmark would be donating 175 million DKK to the UN Loss and Damages Fund. At the same time, it was announced that a further 175 million DKK would be donated to other projects involving loss and damages due to the adverse effects of climate change.[[13]](#footnote-13) The donations of a total of 350 million DKK follow earlier Danish investments in such global initiatives.

**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.**

It is crucial that human rights law frameworks provide guidelines for dealing with climate change in order to ensure a just transition. Decisions on how to address climate change must involve the people who are affected the most by the changes. Moreover, it is important that new problems are not created, while already existing challenges are addressed.[[14]](#footnote-14)

The new Loss and Damages fund must cover loss and damages caused by climate change in accordance with a human rights approach, meaning that those who are affected the most by climate changes are the ones who have the most access to compensation.[[15]](#footnote-15)

Kind regards,

Anne Arvidsen

Advisor, LEgal Department

1. See Report of the Special Rapporteur on the rights of Indigenous Peoples (2023) UN Doc A/HRC/54/31/Add.1, para. 51-61. [↑](#footnote-ref-1)
2. Ibid, pages 9-13. [↑](#footnote-ref-2)
3. Statistics Denmark, Target 13.1: Strengthen resilience and adaptive capacity to climate related disasters, 27 January 2022. Available in English at: [Sustainable development goals Indicator: 13.1.1 - Disasters - Statistics Denmark (dst.dk)](https://www.dst.dk/en/Statistik/temaer/SDG/globale-verdensmaal/13-klimaindsats/delmaal-01/indikator-1#istart) [↑](#footnote-ref-3)
4. Denmark, Consolidated Climate Act, 13 December 2021, section 3. Available in Danish at: <https://www.retsinformation.dk/eli/lta/2021/2580> [↑](#footnote-ref-4)
5. UN Committee on the Elimination of Discrimination against Women, Concluding observations on the ninth periodic report of Denmark, 9. March 2021, CEDAW/C/DNK/CO/9, para. 38‐39. Available in English at: <https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2FDNK%2FCO%2F9&Lang=en> [↑](#footnote-ref-5)
6. Report of the Special Rapporteur on the rights of Indigenous Peoples (2023) UN Doc A/HRC/54/31/Add.1, para. 51-61. [↑](#footnote-ref-6)
7. The Danish Natural Hazards Council’s annual report from 2022 (*Naturskaderådets årsrapport 2022*), July 2023, pages 6-7. Available in Danish at: <https://www.naturskaderaadet.dk/media/5ifmcjho/aarsrapport-2022.pdf> [↑](#footnote-ref-7)
8. Ministry of Environment, Report from fast track project on high groundwater in urban areas (Afrapportering fra fast track-projekt om højtstående grundvand i byområder) June 2021, page 4-5 and 26, Available in Danish at: <https://www.klimatilpasning.dk/media/1840098/afrapportering-af-arbejdsgruppe-om-hoejtstaaende-grundvand-juni-2021.pdf> [↑](#footnote-ref-8)
9. See press release from the Greenlandic Government (*Naalakkersuisut*) of 14 November 2023, Available in Danish at: [Parisaftalen skaber muligheder for Grønland (naalakkersuisut.gl)](https://naalakkersuisut.gl/Nyheder/2023/11/1411_Parisaftalen?sc_lang=da). [↑](#footnote-ref-9)
10. See article from *Sermitsiaq* of 18 December 2023, Available in Danish at: [Hjælp til fangere: Ansøgning om akut hjælp åbnes | Sermitsiaq.AG](https://sermitsiaq.ag/node/248431) [↑](#footnote-ref-10)
11. Released by the Danish Foreign Ministry (*Udenrigsministeriet*), the Danish Government’s Political Priorities for Development Aid in 2022 (*Regeringens udviklingspolitiske prioriteter 2022*),Available at: [Prioritetsplaner (um.dk)](https://um.dk/danida/strategi-og-prioriteter/prioritetsplaner) [↑](#footnote-ref-11)
12. All plans are available at: [Prioritetsplaner (um.dk)](https://um.dk/danida/strategi-og-prioriteter/prioritetsplaner) [↑](#footnote-ref-12)
13. Press release of 30 November 2023 from the Danish Foreign Ministry (*Udenrigsministeriet*), available at: [COP28: Danmark støtter de mest klimasårbare lande med 350 mio. kr. | Udenrigsministeriet (ritzau.dk)](https://via.ritzau.dk/embedded/release/13757122/cop28-danmark-stotter-de-mest-klimasarbare-lande-med-350-mio-kr?publisherId=2012662&lang=da&widget=true) [↑](#footnote-ref-13)
14. Danish Institute for Human Rights, [Human Rights as Guidance for the Climate Crisis](https://menneskeret.dk/nyheder/menneskeretten-klimakrisens-rettesnor) (*Menneskeretten er klimakrisens rettesnor*), 13 December 2023. [↑](#footnote-ref-14)
15. Ibid. [↑](#footnote-ref-15)