

**Estados Unidos Mexicanos**

HUMAN RIGHTS AND CLIMATE CHANGE

**THE OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER OF THE HUMAN RIGHTS**

Mexico city, 29th January 2024

**Introduction**

In reference to the invitation of the Office of the United Nations High Commissioner for Human Rights (OHCHR) to submit contributions "on the impact of loss and damage arising from the adverse effects of climate change on the full enjoyment of human rights, exploring equity-based approaches and solutions to address this issue", in order to prepare a thematic report to be submitted to the Human Rights Council during its 57th session, the Mexican State submits the following information.

**1. Examples and stories of the effects of loss and damage caused by the adverse effects of climate change on the full enjoyment of human rights in Mexico.**

The Mexican State, due to its geographic location, is subject to a great variety of disturbing phenomena that have caused major disasters with negative effects on the population, infrastructure and ecosystems. Some states have been affected by these phenomena, for example: the municipalities of San Miguel del Puerto, Candelaria Loxicha, Santa María Tonameca, San Pedro El Alto and Santa Catarina Ixtepeji in the state of Oaxaca are highly vulnerable to climate change and also have a high degree of social marginalization. The hazards they face include tropical storms, hurricanes, torrential rains, floods, slope instability, sudden changes in temperature, fires, strong winds and droughts. In the municipality of Centla, Tabasco, after the affectations derived from the increase of the sea level and coastal erosion the community of El Bosque, in the municipality of Centla, Tabasco, has been seriously affected due to the increase of the sea level and coastal erosion, a situation that has been reported since 2017, and whose problem has been accentuated in the last weeks.

On May 28, 2022, Tropical Storm Agatha formed on the coast of Oaxaca, from Tropical Depression One-E in the Pacific Ocean, located 355 km south-southwest of Puerto Angel, with maximum sustained winds of 65 km/h, gusts of 85 km/h and a westward displacement of 6 km/h. This extreme weather event caused damage and losses in the aforementioned municipalities, where there were deaths and missing persons, damage to electricity supply, road sections affected by landslides and mudslides, and serious damage to homes, palapas, businesses, crops and livestock; approximately 38,000 people were affected in the state. The Copalita River in San Miguel del Puerto Huatulco overflowed its banks and swept away four people.

At the end of October of 2023, the highest category hurricane, "Otis", affected the city of Acapulco in the state of Guerrero, resulting in great destruction of the infrastructure of one of Mexico's tourist destinations par excellence. According to the Presidency of the Republic, 250 thousand families were left without housing, in addition to the death and disappearance of people.

**2. Quantitative and qualitative data, as well as mechanisms and tools to measure, monitor, report and assess the impact of loss and damage, including that caused by extreme and slow-onset weather events, on the full enjoyment of human rights.**

According to the 2022 report of the National Center for Disaster Prevention (CENAPRED), disasters of hydrometeorological origin are the ones that report the greatest amount of damages and losses. Damages and losses of around 13,509 million pesos and 123 deaths have been recorded. Among the most significant events is the tropical cyclone season, from May to November, which recorded 31 events: 17 in the Pacific Ocean and 14 in the Atlantic Ocean. Of these, six impacted the country: five in the Pacific (Agatha, Kay, Lester, Orlene and Roslyn) and Lisa in the Atlantic area. During Hurricane Agatha in Oaxaca, 19,362 homes were reported with some type of damage as a result of this phenomenon, and the estimated damages and losses were more than 5 billion pesos.

On the other hand, the National Meteorological Service, which operates under the National Water Commission (CONAGUA), is the agency in charge of providing information on the state of the weather at national and local levels. Its objectives are focused on the continuous monitoring of the atmosphere, in order to identify meteorological phenomena that may affect the different economic activities and, above all, cause the loss of human lives. It also collects national climatological information.

According to the National Women's Institute (INMUJERES), poverty and inequalities are factors that make women the population that experiences the most negative consequences of natural disasters, since existing gender relations limit their abilities and strategies to prepare for, resist and recover from a natural disaster. In particular, rural and indigenous women are the most affected by the effects of climate change, which often brings with it a greater scarcity or limited access to the natural resources necessary for daily life, such as water, energy sources and food, among others.

Also, according to the report "The climate crisis is a children's rights crisis" by the United Nations Children's Fund (UNICEF), almost half of the child population is at risk of suffering health problems, lack of access to education and deadly diseases due to climate change. Mexico's children are ranked 54th in the Child Climate Risk Index, which means that in the country there is exposure of children to water scarcity, floods, cyclones, deadly diseases, heat waves, air, soil and water pollution. In addition, children are expected to be vulnerable in terms of access to health, nutrition, education, drinking water, and lack of communication and social protection assets.

**3. Specific measures, including public policies, legislation, practices, strategies or institutional arrangements that your government has adopted or plans to adopt at the national, sectoral or subnational level, in accordance with applicable international human rights law, to prevent, minimize and address loss and damage in Mexico.**

The Mexican State has a Nationally Determined Contribution (NDC) updated to 2022, in accordance with the General Law on Climate Change (LGCC) and Article 4 of the Paris Agreement, and in accordance with decisions 1/CP.21 and 4/CMA.1 and Article 4 of the Paris Agreement.

In this document, the Government of Mexico ratifies its commitment to implement the NDC with respect for human rights, integrating a gender equality approach, prioritizing the needs of groups in vulnerable conditions and promoting the inclusion and recognition of scientific knowledge and its application in conjunction with the knowledge of indigenous peoples under the principle of intergenerational equity.

Progress has been made regarding knowledge building in relation to national and municipal vulnerabilities to climate change, resulting in a better treatment of the information used in the design and implementation of different aproaches, measures and actions.

The interaction of factors such as geographic position, environmental and socioeconomic conditions and high social backwardness, in combination with socio-cultural aspects, result in a country highly vulnerable to potential impacts of climate change, confirming that adaptation – defined as vulnerability reduction and increase of resilience capacity – is a task that government and society must tackle immediately.

Progress is also being made in the construction of the National Adaptation Policy, contemplated in the LGCC, which aims to guide the implementation of this component (adaptation) through collaborative, multi-sectoral processes that recognize the broad, complex and urgent nature of adaptation. This component broadens its scope by integrating cross-cutting elements such as Nature-based Solutions (NBS) and the approaches of Community-based Adaptation (CBA), Ecosystem-based Adaptation (EbA), as well as Adaptation based on Disaster Risk Reduction (AbRRD).

The Transversality Progress Information System (SIAT) was implemented, in order to follow up on actions. The system will compile and present specific data and information in subsystems, which will show the degree of progress and compliance with Mexico's goals under the Paris Agreement. The collected data will be or adapted in order to comply with national and international standards of Measurement, Reporting and Verification (MRV) as well as Monitoring and Evaluation (M&E).

As stated above, the Mexican State published the LGCC which follows the definition of the United Nations Framework Convention on Climate Change and which has been harmonized with the Paris Agreement. Its main objective is to protect the human right to a safe and healthy environment.

This law also created the National Institute of Ecology and Climate Change (INECC), which is responsible for coordinating and developing studies and research projects on the subject, to conduct and evaluate national policy on ecological balance and environmental protection. In addition, the Institute evaluates the achievement of adaptation and mitigation objectives and issues recommendations on climate change.

In terms of accountability, in Mexico there is a national human rights institution - the National Human Rights Commission (CNDH) -, which files complaints on human rights violations, including those related to a safe and healthy environment; the CNDH evaluates the arguments of the complaint, requests the authorities to submit a report on the matter, investigates the reported violations and, if necessary, issues a recommendation to those responsible for the violation. Likewise, the CNDH has the power to file an action of unconstitutionality before the Supreme Court of Justice of the Nation on laws that may involve human rights violations.

**4. Examples of promising practices and critical challenges in promoting, protecting and realizing the full enjoyment of human rights in the context of loss and damage, including examples highlighting multilateral, global and regional cooperation and approaches, including equity-based approaches and solutions in Mexico**

In 2022, the National Institute of Ecology and Climate Change (INECC) held several regional adaptation forums and a national forum in order collect information on local experiences and perceptions on the impacts of climate change in the territory, as well as adaptation practices and responses that have been implemented at the community level. The objective of these exercises was to gather information on social aspects that may contribute to the design of public policies on climate change adaptation in an inclusive manner.

It has also carried out projects with international cooperation. With the support and assistance of the German Government and the United Kingdom, through the NAP Global Network and its Secretariat, the First Communication on Mexico's Adaptation to the United Nations Framework Convention on Climate Change (ADCOM) was held between 2021 and 2022.

In cooperation with the French Development Agency (AFD), the following studies were prepared between 2021 and 2023 under the *Facilité 2050* program "Building resilience pathways for vulnerable municipalities in Mexico":

* Economic evaluation of two adaptation measures of the water component of the NDC.
* Training in economic evaluation approaches for ecosystem services and ecosystem-based adaptation.
* Design an adaptation of a strategy that contributes to the reduction of inequality gaps and vulnerabilities to climate change in vulnerable municipalities of Oaxaca.

There has been positive progress regarding the project "Capacity building and guidelines for access to climate finance for small community implementers of climate change adaptation measures" (FinAdapt), developed within the Euroclima Program, through the AFD. In this regard, there are held workshops aimed at indentigying challenges and funding opportunities for climate change adaptation for small Civil Society Organizations.

Another Project called "Network of Communities for Environmental Justice", was developed under the auspices of the North American Commission for Environmental Cooperation (CEC), which has the purpose of creating a network of vulnerable, disadvantaged or neglected indigenous and local communities in Mexico, Canada and the United States, that share concerns about environmental justice. The objective is to increase local capacity through the transmission and circulation of community experiences and knowledge, lessons learned and guidance in the context of climate change.

With respect to the Kyoto Protocol, The Mexican State has submitted to the United Nations Framework Convention on Climate Change a National Greenhouse Gas Inventory, prepared by INECC, which contains the achievements at the national level in the fight against climate change. Likewise, in 2013 the National Strategy on Climate Change was created, defining the bases of the national policy on this matter and a year later, the Special Program on Climate Change was published, designed with the participation of civil society, the private sector and academic research centers. With these documents, the Mexican State has been able to define clear environmental policies, designate assign responsibilities to the authorities and establish ways to measure the progress of climate change goals.

**5. Recommendations on how to address the critical challenges that have been identified, including actions to be taken at the national, regional and global levels, as well as by the various stakeholder groups, governments, development agencies, financial institutions and others.**

1. Regulatory framework. It is important that national and subnational climate change legislation incorporates human rights obligations, particularly for the protection of the interests of future generations. From this perspective, the legislative framework should address poverty, inequality and limitations in the access and enjoyment of Economic, Social, Cultural and Environmental Rights (ESCR). This will provide guidance to governments, the civil society and other relevant actors in the adoption of measures and public policies focused on addressing the causes and impacts of climate change and encourage coordinated, timely and effective responses in the interest of security for broader population.
2. Participation and organization. It is also important to facilitate peer-to-peer learning and resource sharing aimed at addressing social, cultural, economic and gender inequalities in communities through the adoption of a framework for environmental and climate justice.
3. Financing. It is necessary to design, develop and implement financing mechanisms for local adaptation through investment sources and financial instruments of the country and with international cooperation, which are accessible to people, communities and local organizations that face the impacts of climate change with greater severity and recurrence.
4. Displacement and Inclusion. Give attention to displaced persons who, in the face of a natural disaster or catastrophe, face greater protection risks and encounter more barriers to inclusion. Particularly women and girls.

In 2011, the Mexican Constitution underwent an important reform, whereby every person in the country was guaranteed the full respect of their human rights, both those cointained in the Constitution itself, as well as those recognized in the international treaties to which the Mexican State is a party. These rights include the right to a life with dignity, health, water and a healthy environment; therefore, all authorities are obliged to act in accordance with this reform and do everything within their reach and responsibilities to respect, protect and fulfill all human rights, including those related to a healthy environment and the fight against climate change.

**6. Additional information that you consider useful to support climate action and justice that promotes the full enjoyment of human rights in the context of loss and damage.**

Axis A. Prevention and Attention to Negative Impacts on the Human Population and the Territory of the NDC of the Mexican State 2022, have as its main objective to move towards the implementation of actions in the territory. It takes into account the gaps of social inequalities and aims to reduce the impacts associated with climate change through raising awareness, facilitating access to information and the development of tools and instruments for decision making. It considers a preventive approach and a long-term vision. Likewise, it is meant to contribute to the fulfillment of strategic issues related to 15 SDGs and 45 of its goals, including: cities and human settlements that adopt and implement integrated policies and plans for adaptation; resilience of people in vulnerable situations and reduction of their exposure and climate vulnerability; and preventive health measures, with an approach of gender equality, intersectionality and human rights, among other criteria.