



REPUBLIC OF CROATIA
OMBUDSMAN

P.P.R.-29-8-434/21-16-2
Zagreb, November 30, 2021

OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
Mr. Ayush Bat-Erdene, Chief, Right to Development Section
PALAIS DES NATIONS
1211 GENEVA 10, SWITZERLAND
E-MAIL: registry@ohchr.org, tarnesen@ohchr.org

Subject: **Resolution 47/24 –Human Rights and Climate Change - Questionnaire in relation to Human Rights Council resolution 47/24 on human rights and climate change**

Dear Mr. Ayush,

The Ombudswoman of the Republic of Croatia, as the National Human Rights Institution with the status “A” and an active member of the European Coordinating Committee of the European Network of National Human Rights Institutions and the Bureau of the Global Alliance of National Human Rights Institutions, hereby submits the answers to Your Questionnaire, as follows.

1. *Please describe the impacts of the adverse effects of climate change on the full and effective enjoyment of the human rights of people in vulnerable situations. Where possible, please share specific examples and stories.*

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, lastly in our *“Special Report on 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”* which was accepted by the Croatian Parliament in June 2021.

Firstly, the Ombudswoman drafted and 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 is an issue of special interest.

The Report is based on our monitoring of the impact of the floods on the affected population and on the information collected through complaints submitted to the Office, field visits, interviews with numerous stakeholders and affected citizens, as well as other available data, analysis of the



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regulations and of the news coverage. Although it referred to the areas hit by the floods, its recommendations were intended and are applicable for all other future emergency situations 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 affected population but to volunteers and rescuers as well, to improve access to primary health care, to standardize human rights criteria for 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 renovation process in order to speed it up as well as to directly communicate with citizens so that they would be provided with all relevant information about 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 companies in charge of renovation of affected homes as well as of improving the access to information, because citizens needed to be provided with adequate information about what was happening to their homes and when, to whom and how they could address 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 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.

The *“Special Report on the Human Rights during the Catastrophe caused by the Floods in Eastern Croatia”* 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 all other future emergency situations that could affect the human rights of citizens. Following the fire in the city of Split, the Ombudswoman reported on the event in her *2017 Annual Report to the Croatian Parliament*, in the form of a Chapter titled: *“Climate change, Civil Protection System, Firefighting and Protection of Human Rights – the Fire in Split”*.

- 2. Please describe any specific policy, legislation, practice or strategy that your Government has undertaken, in compliance with applicable international human rights law, to promote an approach to climate change mitigation and adaptation, as well as loss and damage that ensures the full and effective enjoyment of the human rights of people in vulnerable situations. Please also note and identify any relevant mechanisms for ensuring accountability for these commitments including their means of implementation.*

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 emergencies that require the rescuing and protection of people, health, the environment, nature, cultural wealth and property. The

Ombudswoman participated in this legislative process with concrete 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 and also during the current COVID-19 pandemic, as it is not primarily related to the events caused by climate change, but also 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, certain parts of the City of 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 are becoming more common and require our preparedness. For that reason, it is important to continue our institution's work in preventing them in order to be able to efficiently protect the values and rights enshrined in our Constitution and international documents, such as the right to a healthy life, and to ensure the necessary conditions for a healthy environment.

In 2018 The Government of the Republic of Croatia submitted its *Seventh National Climate Change Report* and the *Third Biannual Report under the UN Framework Convention on Climate Change (UNFCCC)*. 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*, which defines the most vulnerable sectors: water sources, agriculture, forestry, fishery, biodiversity, the energy sector, tourism, health and two intersectional thematic areas – physical planning and risk management.

3. *Please share a summary of any relevant data that captures how the adverse effects of climate change have affected people in vulnerable situations, taking into account multiple and intersecting forms of discrimination (i.e. discrimination based on a combination of multiple grounds, including disability, gender, race, colour, sex, language, religion, nationality and migration status).*

Our field visits did not reveal cases of discrimination against certain groups of citizens caused by adverse effects of climate change related events that are described in previous answers. As the national equality body, during our field visits we monitored whether certain groups of citizens were placed in a disadvantaged position, taking into account the fact that the area of the flooded villages housed a substantial number of the Muslim minority population and some of them complained of discrimination on the grounds of their faith citing that none of the local government representatives visited them, that they were not given enough food and the food that was provided was not halal. However, soon after this complaint the mayor of the municipality visited them and the situation with the food turned out to be a simple mistake. Despite the fact that we did not reveal cases of discrimination it should be emphasized that significant proportion of citizens living in some of these areas were of poorer socio-economic status and impaired

health, whereas the catastrophic event exacerbated their adverse living circumstances. Therefore, these persons should have been approached with particular care and provided with adequate legal, social and psychological assistance which we pointed out in our recommendations.

Namely, municipalities that were hit by the 2014 floods belong to areas of special state concern in Croatia, in which majority of the population was dependent on social welfare system because of unemployment. Two weeks after the floods, we undertook our first field visit to the affected areas to obtain information on the impact of the floods on human rights and to provide the citizens with the necessary help within our institution' mandates. Visits were conducted every month over a six-month period, and this was our model of on-site monitoring of the impact of the floods on the human rights of the affected population. The evacuated population was temporarily housed in reception centers, private accommodation and a container settlement, but container settlement was not suitable for bigger families, especially those with children and elderly members, due to the inability to achieve adequate heating during the low temperatures as well as due to toilets located outside containers, which we pointed out in our recommendations as well.

In addition to housing and social assistance, these people also needed psychological help, which, was provided immediately after the flood by the experts from the local community, the Croatian Red Cross, UNICEF and others. The analysis found that this population was at an increased risk of developing difficulties related to traumatic stress whereby the most vulnerable were children, women, the elderly and those with the existing PTSP developed because of the war that took place in this area in the 1990s. We also urged that the elderly and those with impaired health be approached with special care when providing psychological assistance.

After the floods many children showed signs of stress and behavioral changes, had nightmares, were in fear in general, as well as in fear of being separated from parents. Psychological help was not provided to volunteers and rescuers who took care of the evacuated people and participated in the reconstruction after the floods. Health facilities were destroyed, so medical attention to affected citizens was provided in several other locations.

During our field visits we noticed that people were affected by fear and uncertainty about the future, they complained about the lack of information and slowness of the renovation of their houses, which was particularly difficult for families with children. Although 50% of houses renovated by the state were ready for moving in before Christmas 2014, the restoration lasted until September 2015.

4. Please describe any mechanisms and tools that are in place to measure and monitor the impacts of climate change on the full and effective enjoyment of the human rights of people in vulnerable situations.

The answer can be found in previous questions, but to reiterate briefly, the tools that we used for monitoring the impacts of climate change included the handling of citizens' complaints, field visits, interviews with numerous stakeholders and affected citizens, collection of other available data, analysis of regulations and of the news coverage and finally, the drafting and the submission of special Reports and the accompanying recommendations to the Croatian Parliament.

5. *Please identify and share examples of good practices and challenges in the promotion, protection, and fulfilment of the human rights of people in vulnerable situations in the context of the adverse effects of climate change.*

In addition to all the activities described in the answers to previous questions, we organized a round table discussion in the Croatian Parliament entitled *Human Rights, Firefighting and Civil Protection – Lessons Learned in the 2017 Fire Season* and brought together the heads of the Ministry of Defense, the Ministry of Interior, the Croatian Firefighting Association, firefighters' and other NGOs, the Croatian Red Cross and many others. The participants concluded that the normative frameworks regulating firefighting and civil protection activities warranted amending and stressed the importance of further financial investments, the stepping-up of preventive activities, the systematic education of citizens, especially children, on protection and rescue activities and, especially, co-operation between institutions and citizens with the aim of restoring citizens' trust in institutions.

6. *Please include examples and good practices that highlight international and multilateral cooperation and approaches that are implemented through close consultation with and active involvement of people in vulnerable situations.*

International cooperation actively started this year, within the European Coordinating Committee of the European Network of National Human Rights Institutions and the Bureau of the Global Alliance of National Human Rights Institutions. Our cases of floods and wildfire were presented at the NHRI Symposium during the COP26, November 3-5, 2021.

7. *Please provide any additional information you believe would be useful to support climate action that promotes the full and effective enjoyment of the human rights of people in vulnerable situations.*

Since 2013, our Institution investigates complaints submitted by citizens and carries out investigations on own initiative based on information from media, pertaining to issues such as environmental protection, nature conservation, protection of public health, waste management, natural disasters such as floods and fires, climate change, protection from noise and light pollution and non-ionizing radiation. Detailed additional information can be found in our ***“Special Report on 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”*** which, amongst other, also contains cases of floods in 2014 and wildfire in 2017. The Report was submitted to the Croatian Parliament in February 2021, and accepted in June 2021.

Respectfully,



OMBUDSWOMAN OF THE REPUBLIC OF CROATIA

Mrs. Tena Simonović Einwalter, MJur

