



**REPUBLIKA HRVATSKA**  
**PUČKI PRAVOBRANITELJ**

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Subject: Request for inputs on the impact of new technologies for climate protection on the enjoyment of human rights

To whom it may concern,

Thank you for the invitation for inputs on the impact of new technologies for climate protection on the enjoyment of human rights, the report on which is to be prepared and submitted to the Human Rights Council at its fifty-fourth session.

The Ombudswoman of the Republic of Croatia, as the National Human Rights Institution with the “A” status and an active member of the European Coordinating Committee of the European Network of National Human Rights Institutions and member of the Global Alliance of National Human Rights Institutions, strongly supports and welcomes Resolution 48/14 of the Human Rights Council “Mandate of the Special Rapporteur on the promotion and protection of human rights in the context of climate change” together with Resolution 48/13 “The human right to a clean, healthy and sustainable environment”.

Our answers to your Questionnaire derive from our work and the experience that we have gained in the last ten years of dedicated work in promotion and protection of human rights in the context of the nature and environmental protection and the context of climate change.

**Core questions (for all stakeholders)**

1. Which new technologies for climate protection (NTCP) are of particular importance when it comes to impact on human rights? List three most relevant and explain your choice.

According to the reference that is given for *NTCP* for the purpose of this questionnaire, we believe that nature-based technologies are most impactful, because they should and could positively influence both human rights and ecosystems and biodiversity at the same time.



Negative impacts on human rights are numerous, while one of the worst is air pollution, which affects people's health but also life. Therefore, those technologies that can effectively improve air quality directly and indirectly are, indeed, important.

2. What kind of NTCP may contribute to human rights promotion and protection? Please, explain how.

We believe that every NTCP that has positive impact on health and life as well as on ecosystems and biodiversity, contributes to human rights promotion and protection. At the same time, it is important for every NTCP not to harm people and the Earth. NTCPs should be assessed for their compliance to international and national human rights standards.

3. What are the key human rights challenges and risks arising from NTCP and from which in particular? Do NTCP create unique and unprecedented challenges or risks, or are there earlier precedents that help us understand the issue area?

The key challenges and risks arising from NTCP are their possible negative impacts on people's health and life as well as on ecosystems and biodiversity. We do not have enough concrete information since we have not been receiving complaints in regard to this issue. However, we believe that independent scientists should have a crucial role regarding application of NTCPs. Cooperation between all relevant stakeholders: the UN agency, the State, NHRIs, the civil society, the technical community and the academia or the private sector should be a postulate.

4. What specific human rights may be affected by the use of NTCP? Please, explain how. Who are the rights-holders that potentially would be the most affected by the use of NTCP? Are they also the most affected by climate change? How could they and the society at large be engaged in the decision-making process?

Both substantive (the right to health, the right to life, the right to food, the right to clean, healthy and sustainable environment, etc.) and procedural human rights (access to information, participation in decision making, access to justice) could be affected by the use of NTCP. That is why the human rights due diligence is needed during the processes of research, development production and decision-making on new technologies. Environmental and climate decision-making processes must include a human rights dimension – human rights based approach (HRBA).

5. Is the existing international and your national human rights framework adequate to safeguarding human rights of those affected by the use of NTCP? Why or why not? If not, what principles may be identified in order to address the gaps? List them according to priority.

The use of NTCP is a specific and new component for our institution. Our so far work was dedicated to protection and promotion of human rights connected to environmental protection and climate change events. We believe that the existing international and national human rights

framework should be improved in order to effectively safeguard human rights in general. As is written previously, human rights due diligence is needed during the processes of research, development, production and decision-making on new technologies. Environmental and climate decision-making processes must include a human rights based approach (HRBA).

6. Given that NTCP may present potential risks for the enjoyment of human rights, to what extent do human rights legal obligations require the States to pursue other climate protection policies presenting less risks of harm, including mitigation and adaptation measures?

We do not have precise information since it is not clear to what extent human rights legal obligations require the States to pursue other climate protection policies presenting less risks of harm, including mitigation and adaptation measures.

7. As opposed to focusing on selected few technologies, do you think a holistic and inclusive approach will help reduce any gaps in the existing system for addressing human rights challenges from NTCP?

Yes, a holistic and inclusive approach that incorporates the human rights dimension and independent science is needed, but it does not exclude focusing on the most effective technologies that include HRBA.

8. What should be the responsibilities of key stakeholders (UN agencies, states, NHRIs, civil society, technical community and academia, private sector) in mitigating the risks of NTCP to human rights and/or fostering its protection?

Joint responsibility of all key stakeholders is effective cooperation, zero gas emission and zero pollution, while the UN agencies and NHRIs should be the leaders in introducing the HRBA in climate protection.

### **Specific questions for National Human Rights Institutions**

1. Please describe the relevant work that your organization has done on the issue of NTCP and human rights. What have been the key challenges and accomplishments?

Having an advantage of multiple mandates, the Ombudswoman of the Republic of Croatia is a Commissioner of the Croatian Parliament responsible for the promotion and protection of human rights and freedoms, performs the mandate of the National Equality Body, as well as that of the National Preventive Mechanism for the protection of the persons deprived of their liberty, and is also entrusted with external reporting of irregularities in line with the Whistleblowers' Protection Act.

Since 2013, The Ombudswoman of the Republic of Croatia investigates complaints submitted by citizens, civic initiatives and civil society organizations 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. Additionally, the Institution carries out procedures undertaken on its own initiative, such as those in the events of the catastrophic floods in Eastern Croatia in 2014, the fire that affected the city of Split in 2017, the fire that occurred at the landfill in the city of Zagreb in 2019, whilst corroborating the official data with field-visits.

Among Annual reports to the Croatian Parliament, Croatian Ombudswoman submitted several special reports, the most recent being *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*. It was submitted to the Croatian Parliament in February 2021 and accepted by the Environment and Nature Conservation Committee of the Croatian Parliament and at the Plenary Session of the Croatian Parliament in June 2021.

The Report 's objective is to contribute to the efficient exercise and the protection of the right to a healthy life and to the advancement of the human rights protection system in general by issuing nineteen recommendations to public authorities with the aim of motivating them to engage in environmentally sound policies and institutional action. It was drafted in the context of the global climate movement and the COVID-19 pandemic - a situation that showed the vital importance of safe access to clean air, water and soil – the preconditions on which efficient protection of the right to a healthy environment depends. It demonstrates the interconnections between environmental protection and human rights, provides an evaluation of the level of the implementation of the right to a healthy life and environment as guaranteed by the Constitution of the Republic of Croatia and presents an analysis of the issues related to the protection of air, water and soil, light and noise pollution, non-ionizing radiation emitted by mobile telecommunications stations, sustainable waste management and climate change.

In 2014, Croatian Ombudswoman submitted “*Special Report of the Ombudswoman on the Human Rights during the Catastrophe caused by Floods in Eastern Croatia*” (<https://www.ombudsman.hr/en/download/special-report-the-right-to-a-healthy-life-and-climate-change-in-the-republic-of-croatia-2013-2020/?wpdmdl=12847&refresh=62667e4774eee1650884167>), while the 2017 Annual Report contained the specific Chapter: “Climate change, Civil Protection System, Firefighting and Protection of Human Rights – the Fire in Split” (<https://www.ombudsman.hr/en/download/annual-ombudsman-report-for-2017/?wpdmdl=5091&refresh=62629bb944d211650629561>).

In the Ombudswoman's annual and special reports in the period from 2013 to 2021, 76 recommendations were issued to the competent authorities; 28 of which were repeated several years in a row - according to our estimates, only 6 recommendations were implemented in full and 8 partially.

The 2021 Special Report contains 19 recommendations, half of which indirectly refer to NTCP in a broader sense, such as:

- “to the Croatian Parliament, to follow the lead of the European Parliament and proclaim the state of environmental and climate crisis and to thereby strengthen its commitment to the implementation of the constitutional values of environmental and nature protection, the right to a healthy life and sustainable development;
- to the Croatian government: to suspend the planning and the realization of all projects based on the use of fossil fuels and all others that are not in line with the sustainable development principle;
- to the Ministry of Economy and sustainable development: to perform continuous supervision of the work of the persons authorized for the professional tasks of environmental protection; to improve the monitoring of air quality, especially of the emissions of the floating particles, by setting up all of the planned air monitoring stations within the National Network for Continuous Air Quality Monitoring; in co-operation with the Ministry of Health and Croatian Waters, to conduct and publish an analysis of the effectiveness of the measures for the protection of drinking water sources, water wells and water supply facilities; to draft a regulation establishing a body in charge of systematic soil monitoring and introducing the obligation for environmental impact assessments to include soil monitoring measures; to adopt a normative framework abandoning the use of the MBP technologies in the waste management centers and ensuring the implementation of the measures necessary for the effective protection of all environmental components at those locations;
- to the Ministry of Health to ensure further development of health ecology and, in cooperation with the Ministry of the Economy and Sustainable Development, to introduce mandatory Health Impact Assessments (HIA) prior to the planning and construction of large industrial and other infrastructural facilities and in other locations; to ensure the conducting of a study on the impact of the landfills on citizens' health, including air, water and soil sampling at these locations”.

With regard to the cases of floods (2014) and fires (2017), several of the issued recommendations also indirectly referred to NTCP in a broader sense, such as to strengthen the effectiveness of the civil protection system, to introduce systematic education on protection and rescue in elementary and secondary schools and public institutions; to enhance fire-fighting inspections by field visits and inspections of fire protection plans, especially in the vulnerable counties, to conduct supervision of the hydrant network for extinguishing fire and to ensure video surveillance in the area of Split, as well as in other vulnerable areas until the beginning of the 2018 fire season.

As could be seen, our recommendations are both reactive as well as proactive in nature and can be recognized as referring to technologies for adaptation but also those for the mitigation of the effects of climate change. They were novel in the time period they were issued in. The key challenge was to build the human rights monitoring system in a climate and an environmental crisis, while the key accomplishments were human rights monitoring field visits, inquiries and

special reports, that are an integral part of our human rights monitoring system developed for climate and environmental crisis situations.

2. How may the use of NTCP impact the enjoyment of human rights in your country? Is there any group that may be disproportionately affected? How should the rights to access information, to participate in environmental decision-making and to access to remedy be applied in the context of NTCP-related research, experimentation, development and deployment?

Since in our so far work we have not received complaints on possible human rights infringements in regard to NTCPs we did not have possibility to carry out investigations. However, we will work on gaining more information on the existence and use of NTCPs in order to monitor their impact on the enjoyment of human rights. As in every regular and emergency situation, vulnerable groups could be disproportionately affected, such as older persons, women, children, the Roma minority, etc. The rights to access to information, to participate in environmental decision-making and the access to remedy should be applied through HRBA to NTCP-related research, experimentation, development and deployment.

3. What are the gaps in national policies? What national and international actions would be required to effectively address these challenges?

We do not have enough concrete information in regard to existing national and international policies for the usage of NTCPs, it is a relatively new concept for our institution.

4. Has your country used or does it consider using NTCP? If so, how does your organization act or intend to act to protect and promote human rights? What methodology do you use or propose to analyze and assess the impact on human rights of NTCP?

As stated above, we will proceed with the monitoring of the status of human rights and equality in the context of environmental protection and climate change, and place special focus on gaining more knowledge on the newest NTCPs.

Respectfully,

DEPUTY OMBUDSWOMAN OF THE REPUBLIC OF CROATIA

