Warsaw, 26th April 2022

With reference to the letter from the Human Rights Council Advisory Committee regarding the report on the impact of new technologies for climate protection on the enjoyment of human rights, being prepared in compliance with the Human Rights Council resolution 48/14, to be presented to the Human Rights Council at its fifty-fourth session, Poland would like to present its answers to the selected questions from the forwarded questionnaire.

**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.**

As NTCP have the ability to actively modify natural system (so also human living environment) - they could also potentially have significant influence on human life. Each technology should be carefully, deeply and scientifically examined before full-scale implementation. This should include robust risk assessment that will take into account also immaterial factors.

One of the technologies that are of particular importance when it comes to impact on human rights is carbon capture and storage. It can be efficiently used to curb carbon emissions, by removing harmful substances from the air, and thus contributes to the enhancement of human rights such as right to healthy air, life, health or development – but at the same time there are also concerns about the safety of this method. The adverse effects in the worst-case scenario could have negative impact on any or all the rights mentioned above.

Another NTCP that could potentially have a significant impact on human rights is solar radiation management (SRM). This type of geoengineering, aimed at tackling climate change by limiting the effect of sunlight on our planet, poses certain advantages – the main one being the short timeline of deployment of such method. It needs to be noted, however, that the potential risks of developing the SRM have not been fully assessed and may provoke new, unforeseen consequences that could pose risks to human rights.

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

Climate change itself is a major danger for human life. Therefore any means contributing to climate change mitigation would also serve as a means of improvement of human conditions.

One NTCP which may specifically contribute to human right promotion and protection is Carbon Dioxide Removal (CDR). Especially it should be noted that carbon capture and storage and also afforestation remove harmful substances from the air, which ensures the implementation of the right to healthy air.

**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?**

As NTCP could actively interfere in natural system – their effects could have potentially major effects for populations. Therefore before implementation all risks should be carefully, independently and scientifically examined and assessed.

An example of NTCP that could create unprecedented challenges or risks is the SRM, aimed at tackling climate change by limiting the effect of sunlight on our planet. It poses certain advantages – the main one being the short timeline of deployment of such method. It needs to be noted, however, that the potential risks of developing the SRM have not been fully assessed and may provoke new, unforeseen consequences that could pose risks to human rights.

**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?**

Climate change and human rights are undoubtedly linked with each other. The most impacted rights are, among others, the right to life, health, healthy air, water and sanitation as well as the right to development. Most NTCP show more advantages than disadvantages in combating climate change, however, there are specific elements of our lives that could be affected by their use. One of the leading examples is CCS – while it can be efficiently used to curb carbon emissions, there are some concerns about the safety of this method. One major concern is the possibility of the leakage of the stored CO2 into the air or water. Another is the seismic activity that could be caused by build-up of the pressure underground.[[1]](#footnote-1) These adverse effects in the worst-case scenario could have negative impact on any or all the rights mentioned above.

Most of studies show that climate change inducted processes have the most serious effects on the most vulnerable populations like those from LDC's and SIDS. The group of particular attention in this context are women as a group severely exposed to consequences of climate change. Special attention to the situation of the most vulnerable populations should be therefore continued as it is already within UNFCCC process.

**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.**

Both current international human rights regulations set out in international treaties and current national human rights regulations set out in the Constitution of the Republic of Poland are adequate to safeguarding human rights of those affected by the use of NTCP. The international human rights framework is complex and integrated. Human rights are universal and are based on the inherent dignity and equal worth of all human beings. They are equal, indivisible, interrelated and interdependent, and cannot be waived or taken away.

**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?**

Climate protection policies and processes (like UNFCCC) already have the "human" dimension. Human rights issues as well as other dimensions like linkage to UN SDG's are well taken into consideration. The more and more present and important work on Loss and Damage and adaptation is also linked to the enjoyment of human rights.

**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?**

We believe that holistic and consistent approach could serve as an effective tool to reduce the gaps in the existing system. Human rights challenges, as well as SDG perspective should always be present and mainstreamed within climate change policies and processes. This way the possibility of creating gaps in the systems will be minimized.

**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?**

International system of human right protection is already quite robust. There is a need for cooperation between different institutions / processes within UN system for mutual recognition of work - to gain a synergy effect. Each element of this system should work in its area of competence but also share its work effects with others. There is no need to create new institutions for such a narrow question as implementation of NTCP. Any expertise and analysis should be based on verified scientific impartial basis.

The responsibilities of key stakeholders, in particular private entities, in mitigating the risk of NTCP to human rights and/or fostering its protection are: identifying and assessing impacts in order to determine the nature and extent of human rights risks; acting to prevent risks to people, including via integration within internal functions and processes; tracking of effectiveness of risk mitigation responses over time; monitoring of performance with respect to addressing human rights impacts. States should protect against abuses by businesses, which includes taking appropriate steps to prevent, investigate, punish and redress human rights abuse through effective policies, legislation, regulations and adjudication.

**Specific questions for States**

**1.   In your country, what are the main human rights challenges arising from the implementation of climate change national plans and policies? List and describe them briefly.**

The security of technology for society should be analyzed by the state in its function of ensuring the security of citizens. For example, CCS was tested for technical safety of storage and technical conditions by the Polish technical supervision several years ago.

**2.    Is your country involved in or supports in any way the development, implementation or use of NTCP?**

Actions and decisions taken towards achieving climate neutrality are an opportunity to activate the great economic growth potential of individual countries and build new sectors of the economy using the latest, breakthrough technologies. Poland wants to take advantage of all available technologies - nuclear, solar, wind and hydrogen (Poland is already the third largest hydrogen producer in the EU) - to build a clean energy system.

The construction of a zero-emission energy system must also be accompanied by investments in the development of various forms of energy storage, and along with technological progress, the system will also be enriched by other sources and tools ensuring flexibility. Decarbonized gases, such as hydrogen or biogas and biomethane, will play a special role in this respect (in 2030, the gas network will be able to transport a mixture containing approx. 10% of decarbonized gases), as well as the activation of end users.

As long as the storage technologies are not sufficiently developed, there must be capacities in the NPS, the generation of which will ensure the certainty of supplies, in accordance with the energy demand. Further increasing the role of distributed generation sources is inextricably linked with the need to expand smart network infrastructure and implement network management tools and other digital technologies.

CCS was tested for technical safety of storage and technical conditions by the Polish technical supervision several years ago.

**3.    What measures, if any, (legislative, administrative, institutional, or other) have been put in place to regulate the use of NTCP? Have the human rights challenges arising from such activity been taken into account in their adoption?**

At the state level, the Polish authorities take a number of measures to regulate the use of NTCP. An example of legislative measure is the adoption of the Regulation of the Minister of Energy on occupational health and safety at work with energy facilities, which defines the requirements of occupational health and safety in the operation of energy facilities and devices. Another measure is decision on environmental conditions, which is an administrative decision specifying the environmental conditions after the fulfilment of which the project can be carried out, and whose task involves shaping the planned project in such a way that it worsens or affects the surroundings to the slightest possible extent. An important institution in Poland in the context of taking measures to regulate NTCP is the Health and Safety Inspector, who is responsible, inter alia, for carrying out inspections of working conditions and compliance with health and safety rules, participation in the preparation of documentation regarding the modernization of the plant, giving opinions on detailed instructions regarding occupational health and safety at work stations.

Human rights challenges arising from NTCP have been taken into account in their adoption.

1. https://ec.europa.eu/research-and-innovation/en/horizon-magazine/storing-co2-underground-can-curb-carbon-emissions-it-safe [↑](#footnote-ref-1)