**Response of the Croatian Authorities on the Questionnaire on the Issue of Human Rights Obligations Relating to the Enjoyment of a Safe, Clean, Healthy and Sustainable Environment**

1. ***Please provide examples of ways in which declining biodiversity and degraded ecosystems are already having adverse impacts on human rights. Adversely affected rights could include, among others, the rights to life, health, water, food, culture, non-discrimination, a safe, clean, healthy and sustainable environment, and Indigenous rights.***

We are losing nature like never before. Findings of the assessment report on land degradation and restoration, and the global assessment report on biodiversity and ecosystem services released by the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystems Services (IPBES), as well as the reports released by the Intergovernmental Panel on Climate Change (IPCC) in 2018 and 2019, are calling for urgent and transformative change. Additionally, reports point out to the alarming state of nature, with around one million species at risk of extinction. Also, the far-reaching implications of ecosystems degradation, in particular deforestation, forest and wetlands degradation, and the severe implications of unabated climate change resulting, inter alia, in ocean acidification with negative impacts on marine and coastal ecosystems and communities and the ocean economy have been recorded.

Nature is declining globally at rates unprecedented in human history, the rate of species extinctions is accelerating, with grave impact on the goods and services provided by nature for people around the world. For example, soils host an astounding diversity of life: 25%–30% of all species on Earth live in soils for all or part of their lives. Human activities have strong impact on soil biodiversity and land and soil degradation is increasingly reducing biodiversity and ecosystem services such as the provision of clean water and nutritious food, carbon capturing or protection against erosion. The effects of biodiversity loss are already here and many services we get from the nature are declining. These include habitat maintenance, pollination, regulation of freshwater quantity and quality, soil formation, regulation of floods and carbon sequestration. If we do not implement deep and transformative changes to halt the biodiversity loss, all of the humanity will be affected. At present, the people most affected are rural communities who directly depend on the nature to meet their day-to-day needs, but the final effects will surely be far more widespread.

It is not just about losing wildlife. When we lose biodiversity, we lose ecosystem services that nature gives us. One quarter of the world’s poor and over 90% of people living in extreme poverty depend on forests for some part of their livelihoods – and yet tropical forests are one of the major hotspots for biodiversity loss. While the overall value of agricultural crop production has multiplied in the developed world since 1970, nature’s other contributions, like soil organic carbon and pollinator diversity, have fallen, showing that these short-term gains in productivity are not sustainable. Land degradation has already reduced the productivity of nearly one quarter of the global land surface. European wild pollinators are dramatically declining in diversity and abundance, and many are now approaching extinction, which is an indication that the production of food will be severely affected.

1. ***To protect a wide range of human rights, what are the specific obligations of States and responsibilities of businesses in terms of addressing the main direct drivers of harm to biodiversity and ecosystems (e.g. land conversion, loss and degradation of habitat, climate change, overexploitation, pollution, invasive species) and the indirect drivers (unsustainable production and consumption, rapid human population growth, trade, conflict and inequality)?***

According to the Art. 52 of the Constitution of the Republic of Croatia: “The sea, seashore and islands, waters, air space, mineral wealth and other natural resources, as well as land, forests, fauna and flora, other parts of nature, real estate and things of special cultural, historical, economic or ecological significance which are specified by law to be of interest to the Republic, shall enjoy its special protection”. The way in which goods of interest to the Republic of Croatia may be used and exploited by holders of rights and/or by the owners, and compensation for the restrictions imposed on them, is regulated by separate law (Concessions Act, OG 69/2017 ) .

The Nature Protection Strategy and Action Plan of the Republic of Croatia (NBSAP) is the umbrella document for nature protection in Croatia. So far, three generations of NBSAP’s have been adopted (1999, 2008 and 2017). The current NBSAP adopted in 2017 (OG 72/17) for the period 2017-2025 is aligned with the Aichi targets of the Global strategic plan of the Convention of Biological Diversity that Croatia ratified in 1996. One of the strategic goals from NBSAP is to ensure sustainable use of natural resources through sectoral planning documents that recognizes that habitats and wild species in Croatia are predominantly threatened by anthropogenic activities due to the use of natural resources, or due to takeover and use of land. On the other hand, disappearing of certain human activities, such as mowing or grazing, can also have a negative impact on biodiversity and result in natural succession, change in ecological conditions and disappearance of species. Regulation of watercourses and changes in the water regime represent the key threats to all water-dependant habitat types such as river gravels, sand shores and muddy shores, karst watercourses with tufa-creating communities and tufa barriers, as well as all types of wet grasslands and floodplain forests. Coastal habitats are under strong pressures due to expanding construction areas. We must not forget climate change, as it is considered as one of the key reasons of the loss of biodiversity at the global level. These effects have already been detected in Croatia, particularly changes in the periods of arrival of certain migratory bird species and the beginning of their nesting, as well as the phenomenon of coral bleaching.

Nationally, one of the most important direct mechanism of nature protection implemented in other sectors is the integration of nature protection requirements in physical planning documents and in natural resource management plans. The integration of nature protection requirements, nature protection measures and conservation guidelines for the ecological network is also ensured in the process of adoption of water area management plans, and in the preparation and implementation of projects and works in water management.

The Water Act itself requires the achievement of good ecological status of waters, which includes chemical, biological and hydro morphological elements of water quality. When it comes to watercourses with disrupted hydrological status due to performed works, provisions of the Water Act require the implementation of revitalization/restoration measures. Provisions on the integration of nature protection requirements and nature protection measures also pertain to the agricultural sector.

However, there is awareness of a need to strengthen the principles of conservation and sustainable use of natural resources in sectoral plans, strategies, programmes and policies, and in natural resource management plans and physical planning documents. Moreover, it is necessary to define effective conservation measures, including for species and habitat types sensitive to climate change, and integrate them into sectoral documents, in order to get sectors more involved in management planning and in the management itself, including the financing of management.

Invasive alien species (IAS) are recognized in Croatian NBSAP as one of the key threats to biodiversity in Croatia. They also have a direct negative impact on the economy, due to the harm caused to infrastructure and hydro-energy facilities, but also an indirect negative impact, due to decreased labour effectiveness caused by the health problems associated with allergies. In the Republic of Croatia, the total scope of damage has not been determined, but there are individual examples illustrating the financial significance of the problem, e.g. damage caused to different hydro-energy facilities. Given the complexity of IAS related issues, several sectors deal with these issues. Nature Protection Act regulates this matter, however, provisions that mention alien and invasive species can be found in other provisions regarding hunting, sea and freshwater fishing, animal protection, islands and ballast waters. Most important provisions of international agreements regarding foreign invasive species signed by Croatia have been incorporated into the Nature Protection Act.

Croatia’s Natura 2000 is a part of the EU Ecological network Natura 2000 and covers the most significant areas for the conservation of species and habitat types. It was established by the Regulation on the ecological network, in line with the Birds and Habitats Directives as parts of the EU’s nature protection policy, even before Croatia’s accession to the EU. Today, the ecological network of the Republic of Croatia covers 36.73% of the land territory and 15.42% of seashore.

Ecological Network Impact Assessment procedure (ENIA) is carried out for strategies, plans, programs and projects. When it comes to strategies, plans and programmes, ENIA is carried out within the Strategic Environmental Assessment (SEA). In this way, already in the early stages, favourable solutions are chosen in order to avoid or mitigate possible negative impacts on the environment and nature. When it comes to projects, ENIA is carried out either as an independent procedure, or within the Environmental Impact Assessment (EIA). These procedures are being harmonized with the obligations arising from international agreements, and in particular with the obligations from the EU acquis. Guidelines on the Provision of Information and Participation of the Interested Public in EIA and SEA procedures have also been prepared, in order to ensure high-quality inclusion and provision of information to the public. If the ENIA concludes that the negative impact is significant, project mitigation measures are prescribed in relation to conservation objectives for the areas of the ecological network where the project is implemented or where the project may have an impact. However, although regulations in the area of nature protection are harmonized with the EU acquis, and the legal framework for sustainable use of natural resources is defined, additional efforts are needed to ensure effective implementation of these regulations and to raise awareness on the need for sustainable use of natural resources.

At this moment, indirect drivers of biodiversity are not contained in national legislative framework but they are highly recognized and addressed in the Communication of the European Commission on the European Green Deal representing the ambition to make a transformative change as a matter of urgency that Croatia strongly supports. Taking into account scientific evidences of climate change, environmental degradation and biodiversity loss, the Commission recognized the seriousness of the current situation and the threat of climate change if we do not make urgent and major transformation of our society. In Croatia, we see this new paradigm as an opportunity for our economy and its growth through advanced technologies and innovative policies.

1. ***Please provide specific examples of constitutional provisions, legislation, regulations, policies, programs or other measures that employ a rights-based approach to prevent, reduce, or eliminate harm to biodiversity and ecosystems or to restore and rehabilitate biodiversity and ecosystems.***

In addition to our previous answer, we have to emphasise provisions of Water act (OG, No. 66/19) which prescribes waters as common good that enjoy particular protection of the Republic of Croatia. Those waters in bodies of surface and ground-waters may not be the object of rights of ownership and other property rights, and they shall be used and rights over them shall be gained in the manner and only under the conditions specified in Water Act and other regulations.

Water Act also prescribes that the objectives of water management, inter alia, are achieving and maintaining the good status of water for the protection of aquatic and water-dependent ecosystems. Some of principles of water management, according to Water Act, are that “Water is not a commercial product like some other products, but a heritage to be preserved, protected and used wisely and rationally. Waters are managed according to sustainable development principle that meets the needs of the present generation without compromising the right and ability of future generations to meet their own needs. Water management shall adapt to global climate change. For water use exceeding the boundaries of general use and for every deterioration of the status of water, a fee is paid proportional to the benefit or level and scope of impact on the changes in the status of water bodies, respecting the commercial evaluation of waters, recovery of costs of its use and protection of the aquatic environment.”

Article 3 of the Constitution of the Republic of Croatia (OG 56/90, 135/97, 08/98, 113/00, 124/00, 28/01, 41/01, 55/01, 76/10, 85/10 and 05/14) prescribes that nature and environment conservation are one of the highest values of the constitutional order of Croatia. Article 52 prescribes that special protection of airspace, different natural resources and parts of nature are of particular interest to the Republic of Croatia. Nature Protection Act Nature Protection Act (OG 80/13, 15/18, 14/19, 127/19), through the Article 4 prescribes objectives and tasks of nature protection such as:

- conserve and / or restore biodiversity by conserving natural habitat types, wild species and their habitats by establishing an adequate system of protection, management and control,

- to preserve landscape diversity and geo-diversity in a state of natural balance and harmonized relationships with human activity,

- identify and monitor the state of nature,

- provide a system of nature protection for its permanent conservation,

- ensure the sustainable use of natural resources without significantly damaging parts of nature and minimizing the balance of its components,

- to contribute to the conservation of soil naturalness, the preservation of the quality, quantity and availability of water, the sea, the preservation of the atmosphere and the production of oxygen, and the preservation of the climate,

- to prevent or mitigate adverse human activities and disturbances in nature as a result of technological development and activities.

Within the Plan for the use of funds obtained from the sale of emission units through auctions in the Republic of Croatia until 2020 (OG 19/18), biodiversity has been recognised as one of the priorities for financing given that the implementation of projects aimed at preserving biodiversity and ecosystem services contribute to adaptation and mitigation activities to climate change. These projects are mainly funded through the national Operational Programme Competitiveness and Cohesion 2014-2020 (OPCC). The sector of agriculture has significant effects on the conservation of ecological network Natura 2000. In this regard, voluntary Agri-environment measures designed for conservation of biodiversity have been developed and implemented. With a view to achieve sustainable exploitation of marine resources, Croatia implements management regime of marine resources which include the spatial and temporal measures. Incentives are introduced for the temporary cessation of fishing activities through EU financed Operational Programme for Maritime Affairs and Fisheries of the Republic of Croatia for the programming period 2014-2020, supporting in this way recovery of fish stocks. This Programme also includes measures for the permanent cessation of fishing activities for the reduction of the fishing capacity.

1. ***If your State is one of the 156 UN Member States that recognizes the right to a safe, clean, healthy and sustainable environment, has this right contributed to protecting, conserving and restoring biodiversity and healthy ecosystems? If so, how? If not, why not'?***

The Republic of Croatia is one of the 156 UN Member states that has recognized the right to a safe, clean, healthy and sustainable environment through its Constitution, international treaties and national legislation. This right contributed to protecting, conserving and restoring biodiversity and healthy ecosystems by positioning nature protection highly on the political agenda in Croatia. According to the Constitution of the Republic of Croatia, conservation of nature and the human environment are one of the highest values of the constitutional order. It clearly states that everyone shall have the right to a healthy life. The State will ensure it’s citizens with the right to a healthy environment and citizens, government, public and economic bodies and associations shall be bound, within their powers and activities, to pay special attention to the protection of human health, nature and the human environment. Thus, legislative framework for mainstreaming biodiversity into different policies and sectoral documents (e.g. spatial planning, forestry, hunting, agriculture, and fishery) has been in force and further enhanced with the incorporation of the requirements of the ecological network Natura 2000 requirements into other sectors.

1. ***Please provide specific examples of good practices in preventing, reducing, or eliminating harm to biodiversity and ecosystems, or restoring and rehabilitating biodiversity and ecosystems. These examples may occur at the international, national, sub-national, or local level. Where possible, please provide evidence related to the implementation, enforcement, and effectiveness of the good practices (e.g. measurable outcomes such as increases in terrestrial and marine protected areas, increases in Indigenous and Community Conserved Areas, declining rates of deforestation and poaching, or progress in the recovery of species that were previously threatened or endangered).***

In the Republic of Croatia, there is a long tradition of granting protection to valuable areas, with the aim of their long-term protection within national and/or international categories of protection, as well as a long tradition of conservation of parts of nature or comprehensive ecosystems and therefore the use of natural resources. Additionally, as the EU member state, Croatia designated a comprehensive network of areas significant for species and habitats of EU importance - Natura 2000 ecological network.

The Republic of Croatia is water-abounded country and the mission of water management authorities is to preserve this heritage for future generations. We will give few specific examples of preservation of ecosystems, e.g. Kopački Rit, one of the largest fluvial wetland areas in Europe, which lies to the northeast of the City of Osijek. It was formed by the settling of mud, gravel and sand deposits brought by waters from the upper parts of the river basin. Depending on the flooding intensity, the area significantly changes its appearance throughout the year. During high water level periods, it plays an important role in flood protection as the generated large water surfaces create valuable biological areas favouring abundant biodiversity. The canals form a link between the Danube and the Drava Rivers, with numerous canals interweaving water connections within Kopački Rit. The entire area is influenced by the Drava and Danube floodwaters, and represents a green corridor extending continuously from the Danube River in the east to the border with Hungary as seen from the Drava River upstream direction.

Another good example is Park prirode Lonjsko polje, the largest protected wetland in both Croatia and the entire Danube basin. It covers an area of 505.6 square kilometres, extending along the river Sava from the areas east of Sisak, the lower course of the river Lonja (after which it is named) to the areas west of Nova Gradiška, along the course of the river Veliki Strug. Such large natural wetland area makes Lonjsko polje unique natural flood area, protecting all downstream countries in the Danube River Basin. Park prirode Lonjsko Polje is also part of The Ramsar Convention on Wetlands, the largest protected wetland in the whole Danube Basin and an Important Birds Area under the EU Birds Directive. Ministry of Environment and Energy, in charge of both water and biodiversity themes together with local authorities, puts a lot of effort into its preservation.

Unavoidably, we must also mention Plitvice Lakes National Park (Croatian: Nacionalni park Plitvička jezera), one of the oldest and largest national parks in Croatia. They were inscribed on the UNESCO World Heritage register in 1979.

The Water Act requires the achievement of good ecological status of waters, which includes chemical, biological and hydro-morphological elements of water quality. When it comes to watercourses with disrupted hydrological status due to performed works, provisions of the Water Act require the implementation of revitalization/restoration measures. Provisions on the integration of nature protection requirements and nature protection measures also relate to the agricultural sector.

For evaluating the 4-year Programme of maintenance works regarding protection against adverse effects of water (flood protection), Ministry of Environment and Energy as the competent state body for nature protection, has developed 70 standardized nature protection measures for 11 groups of maintenance works, based on good practice examples from the literature as well as best available scientific data. These measures refer to the overall biodiversity and conservation objectives as well as ecological needs of the target species and habitat types of Natura 2000. The most important factors in good practice examples were effective dialogue between water and nature protection sectors as well as collaboration with nature protection public institutions on the county level.

1. ***Please identify specific gaps, challenges and barriers that your government, business, or organization has faced in attempting to employ a rights-based approach*** ***to preventing, reducing, or eliminating harm to biodiversity and ecosystems.***

Challenges sometimes occur when different kind of projects are analysed, prepared and implemented. Yet, with the help of good cooperation between environment and economy sectors, and by implementation of water legislation in the field of water protection acceptable solutions can be found for preventing, reducing, or eliminating harm to biodiversity and ecosystems.

To a large extent, financing of nature protection in Croatia still relies on funds from the state budget of the Republic of Croatia, and to a lesser extent on the budgets of regional and/or local self-governments. This kind of financing is often limited only to legally prescribed matters that can be conducted and, consequently, the needed initiatives in halting the loss of biodiversity are omitted.

1. ***Please specify ways in which additional protection is provided (or should be provided) for populations who may be particularly vulnerable to declining biodiversity and degraded ecosystems (e.g. women, children, persons living in poverty, members of Indigenous peoples and local communities, older persons, persons with disabilities ethnic, racial or other minorities and displaced persons). How can these populations be empowered to protect and restore declining biodiversity and degraded ecosystems?***

The Constitution of the Republic of Croatia prescribes the equality of all it’s citizens, which is guaranteed in more details in sub-legislation. Of course, there are always possibilities for additional inclusion of mentioned categories of citizens within different projects from governmental and nongovernmental scope of work.

In Croatia, there is an obligation to include promotion of equality between women and men and prohibiting discrimination, accessibility for persons with disabilities and sustainable development in programing financial support under the national and EU funding. For example, the national Operational Programs, which enacts like framework for financing activities through EU funds, envisage implementation of the activities that promote equal opportunities and anti-discrimination. The promotion of equal opportunities is carried out during the preparation, development and implementation of the Operational programs, and in particular, with regard to access to finance, taking into account the needs of different target groups at risk of discrimination. Equal opportunities and non-discrimination are fundamental principles of granting the funds since these conditions are incorporated in grant calls as eliminating criteria and clear and direct link to these issues should be demonstrated in all activities and operations principles.

Public institutions for management of the protected areas in Croatia provide and develop customized content for children and people with disabilities, as part of educational system, and provide for the access to the content in some visitors centres for the persons with disabilities.

There is also a good example of process of preparation and designation of management plans for protected areas (PA) and sites of ecological network where PA management plans are developed through structured planning process with participation of local community and other stakeholders. Also, under the Croatian NBSAP there is a strategic target “Improve participation in decision-making directly or indirectly connected with nature protection” which aims to promote and enable a higher level of public participation and participation of individual stakeholder groups in planning and implementation of protection and in the adoption of planning and legislative documents. Additionally, it aims to strengthen communication and cooperation with the local population in protected areas and in areas of the ecological network, with the aim of implementing measures that improve the state of nature and contribute to the fulfilment of conservation goals for the ecological network, while ensuring active involvement of the local population in nature protection.

1. ***How do you safeguard the rights of individuals and communities working on biodiversity issues (potentially identified as environmental human rights defenders or land defenders)? What efforts has your Government made to create a safe environment for them to freely exercise their rights without fear of violence, intimidation, or reprisal?***

According to the Constitution of the Republic of Croatia, conservation of nature and human environment are one of the highest values of the constitutional order of the Republic of Croatia. Everyone has the right to a healthy life. Citizens are also guaranteed to a right to local self-government, and this right includes the right to decide on needs and interests of local significance, including the protection and

Moreover, Article 38 of the Constitution guarantees freedom of thought, expression and the right of access to information held by public authorities. By implementing the Aarhus Convention, Croatia ensures the implementation of all three pillars of the Convention, which are governed by specific regulations. Access to information is facilitated through the establishment of an environmental monitoring system and ensure transparency of environmental data, while the public participation is facilitated through the EIA and the SEA. Continuous development facilitates access to justice. Thus, in accordance with the Aarhus Convention, it is possible for the members of the public to submit complaints about the quality of air and environmental pollution. The Convention also prescribes fast and free judicial protection in the event of a dispute. The public and the civil sector participate with their comments in drafting of the National Report on the Implementation of the Aarhus Convention, (IV Aarhus Report on the Implementation of the Aarhus Convention, 2017).

1. ***There is substantial evidence that consumption in high-income States is adversely affecting biodiversity and ecosystems in low and middle-income States. What are ways in which high-income States should assist low-income States in responding to biodiversity loss and ecosystem degradation, while simultaneously contributing to sustainable development in those low-income States?***

Stepping up the level of halting the loss of biodiversity and climate change in general should be the action taken by international partners that could require tailor-made geographic strategies that reflect different contexts and local needs - for example, for current and future big emitters/biodiversity/ecosystem disruptors, for the least developed countries, and for small island developing states.

1. ***For businesses, what policies or practices are in place to ensure that your activities, products, and services across the entire supply chain (extraction/sourcing, manufacturing, distribution, sale, and end-of life management) minimize biodiversity loss and ecosystem degradation and meet human rights standards, especially those articulated in the Guiding Principles on Business and Human Rights?***

According to the Water Act, for water use exceeding the boundaries of general use, and for every deterioration of the status of water, a fee is paid proportional to the benefit or level and scope of impact on the changes in the status of water bodies. Commercial evaluation of waters, recovery of costs of its use and protection of the aquatic environment and other environmental components must be respected in accordance with economic analysis. In addition, concessions are required for commercial use of water. Protection and use of water are based on the precautionary principle, undertaking preventive measures, restoration of damage caused to the aquatic environment at its source and the “polluter pays” and “user pays” principles. Water Act and other subordinate regulations prescribe these principles and procedures in more details.

Businesses and other non-governmental organisations are obligated to follow legislation regarding nature protection which implies compliance, among all, with the provisions of: Nature protection act (OG 80/13, 15/18, 14/19, 127/19), Ordinance on ecological network and responsibilities of public institutions for managing ecological network areas (OG 80/19), Act on the prevention and management of the introduction and spread of alien and invasive alien species (OG 15/18, 14/19), Act on Transboundary Movement and Trade in Wild Species (OG 94/13, 14/19), Regulation on the amount of compensation for damage caused by illegal actions on protected animal species (OG 84/96, 79/02), Regulation on strictly protected species (OG 144/13, 73/16), Regulation on alien species that may be placed on the market and invasive alien species (OG 17/17) and Act on Genetically Modified Organisms (OG 70/05, 137/09, 28/13, 47/14, 15/18 and 115/18).

If required, they are obliged to submit entries into registers (for example Register for volatile organic compounds) which are updated, published and available on the websites of Croatian Agency for the Environment and Nature. In addition, any citizen has the right to submit formal complaint to the Environmental Inspection of the State Inspectorate of the Republic of Croatia, anonymously or otherwise.