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**ANSWER OF THE NATIONAL HUMAN RIGHTS INSTITUTION OF NICARAGUA ON THE PROMOTION AND PROTECTION QUESTIONNAIRE ABOUT THE RIGHTS OF OLDER PERSONS IN THE CONTEXT OF CLIMATE CHANGE**

1. **REFERENCE**

The Nacional Human Rights Institution of Nicaragua received a communication from the Office of the United Nations High Commissioner for Human Rights on September 24, 2020. It was reported that the "Analytical study on the promotion and protection of the rights of older persons in the context of climate change is being prepared”, to be presented during the 47th session of the Human Rights Council; The National Human Rights Institutions were invited to make contributions. The deadline for submission is December 31, 2020.

**Introduction**

The National Human Rights Institution of Nicaragua, in accordance with the Paris Principles, highlights that the Government of Reconciliation and National Unity (GRUN) of Nicaragua, since 2007, it has implemented Programs, Policies, Projects and actions at the national level, and has also led strategies at the international level, under a humanistic vocation and sensitive to the adverse consequences of climate change on the full enjoyment of Human Rights for all, in particular of people in situations of vulnerability.

This National Human Rights Institution emphasizes that the Government of Reconciliation and National Unity (GRUN), guided by compliance with International Human Rights Instruments[[1]](#footnote-1), has shown that it is aware that at the global level the adverse effects of change Climate conditions constitute a threat to all nations, due to the direct and indirect consequences it produces for the effective enjoyment of human rights[[2]](#footnote-2), which is intensified by global warming.

1. **ANSWERS**

The Government of Reconciliation and National Unity (GRUN) has implemented a policy of protection and defense of the Mother Earth, incorporated in the 18 section of the National Human Development Program (NHDP) on climate change:

1. Develop actions in accordance with the United Nations Framework Convention on Climate Change, including the Paris Agreement.
2. Improve education, awareness, and human and institutional capacity regarding climate change mitigation, reduction of its effects, and early warnings.
3. Formulate the policy of economic and social development of low carbon emissions, under the model of dialogue, alliances and consensus.
4. Prepare the National Plan for Adaptation to Climate Change, based on an assessment of current and future risks, facilitating the main lines of action for efficient adaptation, under the model of dialogue, alliances and consensus

In the same sense, older persons are a group of special consideration for the Government of Reconciliation and National Unity (GRUN). In the first section of the National Human Development Program (NHDP) on social development:

1. Promote a better quality of life for older persons, especially those in a situation of abandonment, with the active participation and promotion of their rights, through articulated responses from the State, the family and the community.
2. Promote a program for the healthy aging of the population, visiting families to provide guidance on the care of the older persons and training members of the community network on the importance of physical activity, nutrition, disease prevention and support to the caregiver of the older persons.

In accordance with the philosophy of work and commitment of the Government of Reconciliation and National unity, Nicaragua was the first signatory of the "Universal Declaration of the Common Good of the Earth and Humanity" in 2010, which was incorporated in the Constitution of Nicaragua(2014)[[3]](#footnote-3).

Nicaragua ratified the United Nations Framework Convention on Climate Change in 1995 and the Kyoto Protocol in 1999.

**Strategies promoted by Nicaragua in international negotiations on Climate Change**

At COP 19 in Warsaw, Poland, in 2013, the Warsaw International Mechanism for Loss and Damage was created, with the active participation of Nicaragua, overcoming the resistance of the United States. Nicaragua has proposed in the last Conferences of the Parties (COP) that the issue of Loss and Damage be elevated to the same category of Mitigation and Adaptation in the Framework Convention, so that in this way climate change resources can be transferred and received for the reconstruction of damage in countries that are victims of natural disasters caused by climate change.

**The Paris Agreement**

At the Conference of the Parties on Climate Change (COP 21) in Paris, France, in November 2015, developed countries proposed 2ºC as a target and developing countries 1ºC as a target. The drawback was imminent to reach 1ºC above the Pre-industrial period. Nicaragua and Bolivia negotiated 1.5ºC and not 1ºC. That was accepted by the COP. The Paris Agreement proposes to slow down the rise in temperature by less than 2º and preferably by 1.5ºC. Nicaragua did not sign the Paris Agreement in 2015 due to the lack of recognition that it would not achieve its own goals of 2ºC or preferably 1.5ºC with the level of ambition of that year.

In October 2017, Nicaragua signed the accession to the Paris Agreement, because there was already consensus among the vast majority of countries that the 2015 commitments were insufficient and more ambition was expected. That position is still valid and was even the main theme of COP25 in Madrid, and which the UN Secretary General, Antonio Guterres, called “The COP of Ambition”, but it did not result in this way in recognition of the failure of the Summit. Thus, Nicaragua continues in the struggle with other developing countries to achieve the reduction of emissions from the large emitting countries, which account for 72% of the world total.

**National efforts for the preservation of the environment and in the fight against Climate Change**

At the national level, in the last 13 years a broad legal framework has been consolidated that lays the foundations for the country to face the adverse effects that global climate variation is producing precisely in countries like ours, which, proportionally, We are one of the least polluting, with the participation of various social actors, including the elderly.

Additionally, there is an effective promotion of private sector participation in investments in sensitive sectors for this response to climate change, such as renewable energy, commercial forest plantations, transformation of sustainable agricultural systems, and environmental education.

**Mitigation**

On the subject of REDD +, Nicaragua supports mechanisms that link adaptation and mitigation, non-market approaches, non-carbon benefits, respect for indigenous peoples through the principle of free, prior and informed consent and a vision of multiple benefits. forest. Nicaragua has also made a great effort towards the reforestation goal of 2.8 million ha. They have committed to the Cooperative Carbon Fund (FCPF) to reduce emissions by approximately 11 million tons of Greenhouse Gases (GHG) in five years and will receive positive incentives for 55 million dollars in return.

As of May 2020, the generation matrix is ​​more than 70% based on renewable sources: solar, wind, hydroelectric, geothermal and biomass generation.In addition to this, the electricity coverage is 97.2% and the goal for this year is to reach the 98.4%, being 54% in 2007. Through Presidential Decree No. 07-2019, Published in La Gaceta, Official Gazette No. 27 of February 11, 2019, the National Climate Change Policy was put into effect and the National Response System to climate change is created. This policy is based on principles that have scientific, social, economic and / or international recognition by the different organizations that make up the United Nations.

### **Adaptación**

According to historical information from the Nicaraguan Institute for Territorial Studies (INETER), the average annual temperature in Nicaragua increased by + 1.4 ° C in 50 years. Similarly, between 1900 and 2010, a reduction in the average annual rainfall in the Pacific region was recorded, ranging between 12% and 24%. Nicaragua came to be, for several consecutive years, among the 10 countries most affected by extreme weather events according to the Global Climate Risk Index of Germanwatch and Munich Re.

Since 2007, significant progress has been made in adapting to climate change. Regarding soil and water conservation, in the last 10 years, 363 springs of water sources have been protected in the hydrographic basins of the San Juan River, the Coco River and the Matagalpa River; Soil and water conservation works have been built on 25,000 hectares in 22 municipalities of the dry zone and 5,323 small water harvesting works such as reservoirs, lagoons, micro dams and rainwater catchment systems have been built on house roofs. prioritizing the communities settled in the dry zone, which has benefited 7,848 families.

**Loss and damage**

In terms of loss and damage, Nicaragua has been developing a National Policy for Comprehensive Disaster Risk Reduction Management, with which it promotes permanent changes in the organization and performance of the National System for the Prevention, Mitigation and Attention of Disasters (SINAPRED) .

The participation of families, the organized community and the establishment of alliances with public institutions, local governments, social organizations and institutions specialized in the attention and reduction of disaster risk, constitute a fundamental axis for the implementation of these policies, which ensure the coverage of the rights of older adults in Nicaragua.

**Liability or Indemnification for Damages**

Since the creation of the figure of Damages and Damages to the present, both nationally and internationally, laws have been incorporating this legal precept, so that all those actors who violate the laws are subject to being required to compensate damages caused.

Another highly important precedent was the 1992 Rio Summit, containing principles within which it was established that States should develop national legislation regarding the responsibility and compensation of victims of pollution and other environmental damage.Taking up the principles of the Rio Declaration of 1992, in Nicaragua, the General Law of the Environment and Natural Resources was born in 1996. This law establishes in its provisions on damages, that any person who by action or omission deteriorates the environment.

### **Green Climate fund**

Nicaragua advocated the creation of the Green Climate Fund in Cancun at COP 16 in 2010, it served on the Transition Committee that organized it, it was delegated by G-77 + China to represent developing countries in the final negotiation with the United States representing developed countries, at COP 17 in Durban in 2012.

It was elected to the Board of Directors for three consecutive years, one of them as Co-President of the Board and currently Nicaragua has a position of Advisor to the Board of Directors.

**The construction of a legal framework for the fight against Climate Change and the protection of the elderly**

* Political Constitution of Nicaragua, establishes that older adults have the right to protection measures from the family, society and the State (art. 77).
* Law No. 720, Law of the Elderly, establishes the legal and institutional regime of protection and guarantees for the elderly in order to ensure compliance with the constitutional provisions.
* Law No. 160, Law that grants additional benefits to retired people, which aims to establish additional economic benefits and social services for the benefit of retired people, who currently enjoy such right under the current Social Security regime .
* Law No. 641, Penal Code, regulates, among others, crimes against the environment and natural resources, imposing both monetary and prison sanctions on all those who cause environmental damage.
* Law No. 626, Law that creates the Commission for Sustainable Development of the Lake Cocibolca and San Juan River Basin, to coordinate the application of environmental and development policies, plans and actions for their protection and conservation.
* Law No. 833, Law that Declares and defines the Limits of the Ometepe Island Biosphere Reserve, to declare Ometepe Island as a Biosphere Reserve, recognized and incorporated into the World Network of Biosphere Reserves of the Organization of United Nations for Education, Science and Culture –UNESCO, within the framework of the Man and the Biosphere (MAB) program.
* Legal Digest of Law No. 443, Law of Exploration and Exploitation of Geothermal Resources, to modernize and have legislation that allows the Nicaraguan Nation to continue with the process of maximizing the use of its natural resources in a regulated and sustained manner that allow uninterrupted growth of the energy capacity installed in the country, prioritizing the use of geothermal resources as a primary source of energy to reduce dependence on fossil energy.

Managua, october 1, 2020.

1. Universal Declaration of Human Rights, International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights; Convention on the Rights of Persons with Disabilities; Children's rights convention; Convention on the Elimination of All Forms of Discrimination Against Women; among others. [↑](#footnote-ref-1)
2. An example of this is the Right to life, to adequate food, to the enjoyment of the highest possible level of physical and mental health, adequate housing, self-determination, clean water and sanitation, work and the right to development. [↑](#footnote-ref-2)
3. Article 60 [↑](#footnote-ref-3)