



**REPUBLIKA HRVATSKA**  
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UNITED NATIONS HUMAN RIGHTS SPECIAL PROCEDURES  
Special Rapporteur on the promotion and protection of human rights  
in the context of Climate change  
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Subject: Special Rapporteur on the promotion and protection of human rights  
in the context of climate change: “Access to information on climate change and human rights”

To whom it may concern,

The Ombudswoman of the Republic of Croatia, in the role of the National Human Rights Institution with the “A” status would like to contribute to the thematic report of the Special Rapporteur on the promotion and protection of human rights in the context of climate change to the United Nations General Assembly 79<sup>th</sup> session.

The Institution actively promotes the Right to a healthy, clean and sustainable environment and the constitutional right to the healthy life and healthy environment while supporting the work of Special Rapporteur on Human Rights and the Environment, as well as the work of the Special Rapporteur on the promotion and protection of human rights in the context of climate change.

Below are the answers to your questions that we primarily base from the Institution’s experience from two climate change related events on which we have applied the Human Rights Based Approach (HRBA): 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.



1. *What kind of information should be collected and shared to identify and prevent negative impacts on human rights arising from climate change and climate change response measures? What kind of information can be particularly challenging to access and why?*

The tools that the Croatian Ombudswoman used for monitoring the impacts of climate change included the handling of citizens' complaints, field visits, interviews with numerous stakeholders and the affected citizens, collection of other available data, analysis of the regulations and news coverage and finally, submission of special Reports and the accompanying recommendations to the Parliament. Besides in special reports, the impacts of climate change on human rights were also presented in the Ombudswoman's annual reports to the Parliament.

Regarding the first case, the Ombudswoman submitted to the Croatian Parliament the "*Special Report on the Human Rights during the Catastrophe caused by the Floods in Eastern Croatia*" in 2014. The information, which we used in this Report, were collected through citizens' complaints submitted to the Ombudswoman, during the field visits to flooded areas, and through direct (on-site) interviews with numerous stakeholders (Red cross and local authorities) and the affected citizens. We also used analysis of the regulations and of the news coverage. The base of the Report was on-site and desk monitoring of the impact of the floods on the affected population and it is our institution's model of reporting on human rights in emergencies.

It referred to a specific situation, but its recommendations were intended to become applicable to other future emergencies that could affect the human rights of the citizens, 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 the affected population but to the volunteers and rescuers as well, to improve access to primary health care, to standardize human rights criteria for the 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 the renovation process in order to speed it up as well as to directly communicate with the citizens so that they would be timely provided with all relevant information about the renovation and about the manner in which they can exercise their rights.

We pointed out to the necessity of carrying out continuous supervision of the companies in charge of the renovation of the affected homes as well as of improving the access to information,

because citizens needed to be provided with the adequate information about what was happening to their homes and when, to whom and how they could address the 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, ensuring that citizens are able 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. Regarding the fire in the city of Split, the Ombudswoman reported on the event in her *2017 Annual Report to the Croatian Parliament*, in the Chapter titled: “*Climate change, Civil Protection System, Firefighting and Protection of Human Rights – the Fire in Split*”. Since then, we monitor climate change related events that affect human rights, however, fortunately in recent time there were no such a strong impact events on human rights.

For more information on qualitative data, mechanisms and tools for monitoring which could be found in our reports, please visit our website. Annual and special reports that are available in English language are available here: <https://www.ombudsman.hr/en/reports/>. We also draw your attention to the “Special Report: The Right to A Healthy Life and Climate Change in the Republic of Croatia (2013-2020)” which has all-important information at a glance for the tenth year period.

Other reports are available in Croatian language (Annual report for 2017-“Izvješće pučke pravobraniteljice za 2017. godinu“ and “*Special Report on the Human Rights during the Catastrophe caused by the Floods in Eastern Croatia*”-„Izvješće Pučke pravobraniteljice o ljudskim pravima u kontekstu katastrofe uzrokovane poplavom u Vukovarsko-srijemskoj županiji u 2014. godini“): <https://www.ombudsman.hr/hr/izvjesca-puckog-pravobranitelja/#1655718196191-c8de4feb-8fb8>

2. *Are existing approaches to collect, share and monitor information on climate change and human rights sufficient for the public to assess the magnitude of actual and potential negative impacts on their human rights, and the adequacy of States’ responses to these risks? How can these approaches be improved?*

In our opinion, existing approaches to collect, share and monitor information on climate change and human rights are not sufficient for the public to assess the magnitude of actual and potential negative impacts on their human rights, and the adequacy of States’ responses to these risks. Work of NHRIs and of other national or international Human Rights organizations in the context of climate change could be more promoted, primarily in the media. In this way, the public will become better acquainted with this aspect of the NHRI' work, which will encourage

citizens to contact them when necessary to protect their rights that are threatened by climate change events. This would also raise public awareness of possible violations of citizens' rights due to climate-related events.

- 3. Are there undue barriers to obtain access to information on human rights and climate change that is up to date? (eg, language and technical accessibility, use of technology, grounds for non-disclosure, other?)*

States' international obligations, individually and as part of international cooperation, to respect human rights in the context of climate change are accessible in a form of information mostly provided on the official web sites of the state institutions. Substantive and concrete information that would present concrete implementation of these obligations in accurate period is missing. The information are mostly of technical nature with technical details that are not sufficiently understandable or important to public.

- 4. Are there examples in which international cooperation effectively supported public access to information on climate change and human rights? What are the challenges in implementing UNFCCC Articles 4 (public access to information) and 6 (public awareness), and Paris Agreement Article 12 (public access to information), and other international instruments and processes that can support/contribute to international cooperation on access to information on climate change and human rights?*

Most of the challenges regarding participatory rights are being constantly addressed by certain CSOs that work in the field of the protection of environment and climate change. They refer to the lack of consultation with the public when adopting regulations in the field of environmental and nature protection, non-compliance with the principle of urgency in resolving environmental disputes and violation of the precautionary principle, as well as pressure on human rights defenders, in particular by private investors, who sometimes try to discourage them from further action through SLAPP lawsuits. CSOs consider it necessary to simplify the availability of information and the way to participate in environmental procedures, as well as access to information about all initiated procedures and planned interventions.

- 5. Are there concrete examples of, or specific challenges for business to communicate information on risks, including in different countries, in relation to climate change and human rights? What are the barriers for the rights holders to access to this information and to evaluate the adequacy of an enterprise's response to these risks? Are there specific examples of State regulation that have significantly improved access to information held by private actors on climate change and human rights?*

What we see from our investigation procedures is that the rights holders (citizens and their initiatives) do not have adequate access to information and are not able to properly evaluate the adequacy of an enterprise's response to these risks. If they have complaints, they communicate them to relevant state bodies (various inspections), on whose work they also sometimes complain because of late, inadequate or lack of response. We find useful the work and activities of the Croatian Business Council for Sustainable Development whose mission is to strengthen awareness of the importance of a new approach to the expression of business results in the context of achieving sustainable development and persevering resources, environment and the success of the social community and all interested participants.

6. *What are the impacts on human rights of inadequate access to information from public authorities and/or business? Are there concrete examples of, or specific challenges in, collecting and sharing information on disproportionate levels of actual and potential harm from climate change and climate change response measures (disaggregated data on Indigenous Peoples, women, children, local communities, persons with disabilities, older persons, persons living in extreme poverty, others)?*

The disproportionate effects on human rights and equality cause social and energy poverty. Energy poverty is part of the global climate crisis and, among other indicators, it reflects unpaid energy bills with consequences to people's health such as physical illnesses exacerbated by cold or high temperatures as well as stress. An end to energy poverty would be seen in an increase in well-being and physical health, less money spent on healthcare, reduction in air pollution, improved household budgets and increased economic activity. Dealing with energy poverty is vital for social justice and fighting the climate crisis, while access to energy affects the quality of life, especially health, and is a condition for living a dignified life. Therefore Ombudswoman recommended relevant national bodies that the energy transition should also help to combat energy poverty, while the measures implemented should also take into account the needs of people who are in energy poverty.

According to official data of the Croatian Bureau of the Statistics, the highest at-risk-of-poverty rate are for the older persons living alone, who are most often women. For those over 65 it was 32.4 % with significant gender differences (26.6% of men over 65 are at risk of poverty, 36.5% of women). What is particularly worrisome is the growth of poverty for older people in a single-member household, in 2020 it was 52.1% of older persons in a single-member household, in 2021 it was 55.3%, this upward trend continued in 2022 when it was 55.6% and in 2023 it increased to 59.9 %.

According to data collected by CSOs, households of single mothers, mothers of multiple families and single households are particularly vulnerable. Those were mostly respondents with completed elementary school and health problems, who use wood stoves for heating, and heat

only one room in order to save money. Therefore, with the energy transition, it is necessary to take into account the social aspect of vulnerable groups in society and enable the transition to include all social groups, respecting the right to equality.

Respectfully,

DEPUTY OMBUDSWOMAN OF THE REPUBLIC OF CROATIA

Mrs. Dijana Kesonja