



REPUBLIKA HRVATSKA
PUČKI PRAVOBRANITELJ

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OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
PALAIS DES NATIONS
CH-1211 Geneva 10, Switzerland
E-mail: ohchr-registry@un.org, therese.arnesen@un.org

Subject: Resolution 50/9 – Human Rights and Climate Change

To whom it may concern,

Thank you for the invitation for contribution to the report on the adverse impact of climate change on the full realization of the right to food that the Office of the United Nations High Commissioner for Human Rights (OHCHR) is preparing to its fifty-third session in accordance with Human Rights Council resolution 50/9 entitled “Human Rights and Climate Change”.

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, welcomes the recognition of the Right to a healthy, clean and sustainable environment and strongly supports the work of Special Rapporteur on Human Rights and the Environment, as well as the work of the Special Rapporteur on Climate Change.

Following answers are based on our experience in monitoring and reporting on human rights threats and violations that were/are being caused by pollution of the environment, derogation of nature and/or climate change, in the period of last ten years in the Republic of Croatia.

1. Please describe through concrete examples and stories how climate change is affecting the full realization of the right to adequate food in your country.

We recognize climate change as a type of environmental degradation which simultaneously further harms all environmental components (land, air, water, sea, landscape, fauna, flora and the Earth’s lithosphere¹) and affects effective enjoyment of numerous human rights, such as the right to life, the right to adequate food, the right to adequate housing, the rights to safe drinking

¹ environmental components protected by the Environmental Protection Act of the Republic of Croatia



water and sanitation, etc. We also acknowledge that realization of the right to food for all people in regard to all of its aspects (production, distribution, availability, accessibility, adequacy and sustainability) is being threatened in some countries to its full extent already.

In Croatia we observe indications for future deficiencies in the production and distribution of food from our agriculture and fisheries that could affect all other aspects of the right to food, especially of vulnerable population (elderly people of low social income, Roma population, etc.). We also observe increasing number of extreme and sudden natural disasters, such as droughts, floods and hails, which harm agricultural crops and soil.

More concretely, we have perceived insufficient protection of the soil in national regulation as well as in practice. In contrast to the protection of air and water, so far Croatia has not adopted a law specifically aimed at the protection of the soil. This is achieved indirectly, via the laws and strategies dealing with other environmental components and via the regulation of various types of environmental pressures (i.e. industrial operations and waste), which the official state report² rates as insufficient. According to the same report, the data on soil is not collected in a systematic manner, which makes estimates and the monitoring of the condition of the soil difficult. Additionally, report concludes that all of the known adverse impacts that can affect the soil are present in Croatia, as well as the degradation processes, such as soil erosion, organic matter disappearance, pollution, salinisation, soil compaction, biodiversity loss, land repurposing, flooding and landslides.

For instance, acting on a complaint citing air, water and soil pollution at the Lončarica Velika landfill, we determined that the decision on the environmental acceptability of the project, adopted in 2001, did not prescribe monitoring and analysis of the soil, with the argument of the waste disposal surface being waterproof. Our requests as well as the requests of the citizens living in the area that the soil be analyzed regardless were not accepted. The operation of the Marišćina waste disposal center does not include any soil protection measures, either. In the absence of the more comprehensive normative regulation of the matter, the current Environmental Protection Act envisages the measure of soil sampling with the aim of determining the levels of pollution present which can be ordered by environmental protection inspectors, but this measure is rarely used. Therefore, from 2017 onwards we have been recommending the Croatian Government to normatively define an institution that would carry out systematic soil monitoring, track its condition and quality and collect data, applying the model analogous to that used for the monitoring of water under the Water Act or to the air monitoring system, under the Air Protection Act, but this recommendation has not been implemented.

² Report on the State of the Environment in the Republic of Croatia in the Period 2013-2016 published in 2019 by the Croatian Agency for Environment and Nature (CAEN)

2. Please share a summary of any relevant data that captures how climate change adversely affects the full realization of the right to food, taking into account discrimination, including multiple and intersecting forms of discrimination.

Referring to all that is written in the text above, so far, we only have indications but not relevant data that captures adverse effects on the full realization of the right to food, taking into account discrimination and its forms. In our future work we will focus on developing criteria and capacities for more detailed monitoring of discrimination aspects in regard to the right to food.

3. Please describe any specific measure, including public policies, legislation, practices or strategies that your Government has undertaken, in compliance with applicable international human rights law, to promote an approach to climate change mitigation and adaptation, as well as loss and damage that ensures the full and effective enjoyment of the right to food. Please also note and identify any relevant mechanisms for ensuring accountability for these commitments including their means of implementation.

Information about legislation, strategies and practices of the Croatian Government can be found at the following link: <https://climate-adapt.eea.europa.eu/en/countries-regions/countries/croatia>.

The Climate Change and Ozone Layer Protection Act (OG 127/19) is the basic legal act of the Republic of Croatia regulating the issue of adaptation to climate change which defines the responsibilities, implementing document as well as the relevant sectors most exposed to climate change. The responsibility for the climate change policy in Croatia falls within the competence of the Ministry of Economy and Sustainable Development. The implementing documents are National Adaptation Strategy, National Adaptation Plan and Programs for Climate Change Mitigation and Adaptation and the Protection of the Ozone Layer at the local and regional level.

Strategy for Adaptation to Climate Change in the Republic of Croatia for the period to 2040 with a view to 2070 (Official Gazette 46/2020) takes into account the following climatic parameters: precipitation, snow cover, surface runoff, air temperature, extreme weather conditions, wind, evapotranspiration, humidity, soil moisture, solar radiation and mean sea level. It presents eight key sectors that have been selected as the most vulnerable to climate change: water resources; agriculture; forestry; fisheries; biodiversity; energy; tourism and health, as well as two cross-sectoral thematic areas; spatial planning and planning and risk management. For them, 83 climate change adaptation measures are listed, which are divided into five groups and for which estimates of the required amounts and sources of financing by sectors are highlighted. The adaptation strategy will be implemented through action plans that will include the elaboration of concrete measures and activities, and will be adopted every five years.

4. Please describe any mechanisms and tools that are in place to measure and monitor the impacts of climate change on the full realization of the right to food.

Except for what is written at the above presented link, we do not have information on mechanisms and tools that are in place to measure and monitor the impacts of climate change on the full realization of the right to food in Croatia.

5. Please identify and share examples of promising practices and challenges in the promotion, protection, and fulfilment of the full realization of the right to food in the context of the adverse effects of climate change.

In June 2019, Croatian Government adopted The Plan for Prevention and Reduction of Food Waste Generation of the Republic of Croatia 2019 – 2022 (https://food.ec.europa.eu/system/files/2020-05/fw_lib_fwp-strat_national-strategy_hrven.pdf). Croatian Ombudswoman participated in public consultations with written opinion. At the moment, public consultations are being held on the new Plan for Prevention and Reduction of Food Waste Generation of the Republic of Croatia 2023 – 2028, for which we are preparing new written opinion.

6. Please include examples and promising practices and challenges that highlight international and multilateral cooperation and approaches that promote the full realization of the right to food.

We do not have information about examples and promising practices and challenges that highlight international and multilateral cooperation and approaches that promote the full realization of the right to food, except for what is written at: <https://climate-adapt.eea.europa.eu/en/countries-regions/countries/croatia>.

7. Please provide any additional information you believe would be useful to support climate action that promotes the full realization of the right to food.

We have provided all information that we find appropriate for the topic of the questionnaire.

Respectfully,

DEPUTY OMBUDSWOMAN OF THE REPUBLIC OF CROATIA



Mrs. Dijana Kesonja