

Submission of the Global Alliance for National Human Rights Institutions (GANHRI) to the Global Stocktake (GST)

Context: GANHRI submission responds to the Call for inputs from Parties and observer States, UN Agencies and other international organizations and non-Party Stakeholders and observer Organizations, to the first global Stocktake.

The submission is grounded on decision 19/CMA.1, paragraph 19, that requested the Chairs of the Subsidiary Body for Scientific and Technological Advice and the Subsidiary Body for Implementation to issue a call for the inputs referred to in paragraphs 36 and 37 of the same decision, taking into account that such inputs should be submitted at least three months before their consideration in the technical assessment¹.

The UN Office of the High Commissioner for Human Rights observed in its March 2022 submission to the Global Stocktake, “[National Human Rights Institutions (NHRIs)] can play a key role in supporting more effective rights-based climate action, and monitoring and reporting on the human rights impacts of climate change including in support of the global stocktake and other UNFCCC processes¹.”

NHRIs are in a unique position to assist Parties to the Paris Agreement to respect, promote and consider their respective obligations on human rights when taking action to address climate change. NHRIs are independent state actors in the promotion and protection of human rights at the national level and act as bridges between the national and international protection of human rights. Their engagement with international processes enables them to inform those processes on the basis of their experience at the national level and to draw on the international processes for their engagement at the national level. They are positioned to make valuable contributions to all-of-society efforts to address the human rights consequences of climate change and climate action.² Governments should be open to effective cooperation with NHRIs in their efforts to fulfil their commitment in the Paris Agreement to a human-rights-based approach to climate action.

¹OHCHR submission to the UNFCCC Global Stocktake, March 2022, page 7 at <https://unfccc.int/documents/470305>.

² <https://ganhri.org/outcome-statement-nhris-and-climate-change/>

In many countries, NHRIs are already active in connection with climate action, and they have the potential to play that role in many more.³ Some NHRIs have been working on issues related to climate change for many years. Others have come to climate action more recently.

National Human Rights Institutions (NHRIs) are independent public bodies with a broad constitutional or legislative mandate to protect and promote human rights. They operate independently from but in close coordination with government and civil society. Among their principal activities, NHRIs investigate and monitor the national human rights situation; offer legislative and policy advice to assist their State to meet its national and international human rights obligations and implement international human rights standards nationally; and report on the national human rights situation at national, regional, and global levels. NHRIs engage with civil society, human rights defenders and vulnerable and marginalised people. They support access to justice, and they lead human rights education programmes.

These functions mean that in connection with climate change, at the national level, NHRIs can:

- Report to and advise government and other stakeholders on human-rights-based approaches to climate mitigation and adaptation measures;
- Promote sound policy measures related to climate change and the environment;
- Promote and monitor environmental, social and human rights risk and impact assessments required for effective climate action;
- Advocate for climate action policies that integrate the expertise of local communities and traditional knowledge of indigenous peoples;
- Include climate change and environmental perspectives in the investigation of complaints and base advocacy and policy advice on the findings;
- Support individuals who are negatively impacted by climate change or mitigation or adaptation measures to have an effective access to remedy; and
- Advocate protection for environmental human rights defenders when they face violence or persecution.

At the international level, NHRIs can:

- Play a 'bridging' role to support the exchange of information between policymakers, civil society and other stakeholders, including groups most affected by climate change; and

³ See: Global Alliance of National Human Rights Institutions, *Practical Guidance for NHRIs on Addressing Human Rights and Climate Change, Annex II: GANHRI Members' Activities related to Climate Change* at <https://ganhri.org/practical-guidance-for-nhris-on-hr-and-climate-change/>.

- Engage in national, regional and international processes to promote human- rights-based action on climate change, including in relation to nationally determined contributions (NDCs) under the Paris Agreement.⁴

The Global Alliance of National Human Rights Institutions (GANHRI) currently represents 119 NHRIs, their members and staff across all geographic regions. It is one of the largest human rights networks worldwide. GANHRI unites, promotes, and strengthens NHRIs to operate in line with the Paris Principles⁵ and provides leadership in the promotion and protection of human rights.

GANHRI has four associated regional NHRI networks – the Network of African National Human Rights Institutions (NANHRI), the Network of National Human Rights Institutions of the Americas (RINDHCA), the Asia-Pacific Forum of National Human Rights Institution (APF), and the European Network of National Human Rights Institutions (ENNHRI). It has a tripartite partnership with UNDP and OHCHR and works closely with UNEP on climate change and other environmental issues. With member institutions in every region of the world, GANHRI is a large and diverse global human rights network and a trusted partner of the United Nations.

GANHRI and its member NHRIs are united by a common vision: a world where everyone everywhere fully enjoys their human rights. This includes in connection with climate change and efforts to give effect to preambular paragraph 11 of the Paris Agreement and subsequent COP decisions addressing human rights issues and climate action.⁶ At its 2020 Annual Conference on Human Rights and Climate Change, GANHRI adopted a consensus outcome statement "Climate Change: The Role of National Human Right Institutions", in which GANHRI members committed "to playing an active role in promoting human rights-based climate action" generally and to numerous specific actions across the range of their mandated activities. The Statement reflected the identification of climate change and human rights as a high priority theme for GANHRI in its strategic plan for 2020-2022, which was also approved at the 2020 Annual Conference.

In 2022, GANHRI created a Caucus on Human Rights and Climate Change, which brings together 33 NHRIs⁷ from all regions committed to working together on human rights and

⁴ <https://ganhri.org/outcome-statement-nhris-and-climate-change/>

⁵ To be considered independent, NHRIs must satisfy the Paris Principles (<https://ganhri.org/paris-principles/>) which set out internationally agreed minimum standards that NHRIs must meet to be considered independent. GANHRI reviews and accredits NHRIs in accordance with the Paris Principles.

⁶ <https://ganhri.org/climate-change-and-hr/>

⁷ The members of the Caucus are Bangladesh, Cameroon, Croatia, Denmark, El Salvador, France, Germany, Greece, Honduras, India, Indonesia, Ivory Coast, Kenya, Malaysia, Maldives, Mauritius, Morocco, Nepal, Northern

climate change. The purpose of the Caucus is to facilitate the exchange of knowledge, experiences, and good practices among NHRIs across all regions in addressing climate change from a human-rights-based approach. It is a forum where NHRIs from all four regions have an opportunity to discuss, debate, share knowledge and identify and collect experiences, as well as coordinate actions and activities.

The following are some examples of NHRI engagement on climate change. Additional examples are provided in Annex II of GANHRI's *Practical Guidance for NHRIs on Addressing Human Rights and Climate Change*.⁸

Apart from educational and awareness raising activities which most of the NHRIs implement regularly online or in-person, NHRIs also advocate for the implementation of a human-rights-based approach (HRBA) in national policies and legislative frameworks. They monitor the impact of climate change on human rights, and they monitor the consistency of climate change policies and implementation measures with applicable human rights standards. As for their advocacy activities at the national level, some NHRIs have been involved in preparations and consultations for climate change legislation. For example, the **Northern Ireland Human Rights Commission** responded to a consultation on the Northern Ireland Climate Change Bill. NHRIs also address recommendations to public bodies regarding necessary legislative changes. For example, in 2014 and in 2021, the **Ombudswoman of the Republic of Croatia** submitted special reports to the parliament.⁹ In 2021, the **Public Defender of Georgia** published a special report¹⁰ which identifies challenges in terms of state policy and legislative regulations relating to environmental impact assessment (EIA) and major energy infrastructure projects, including public awareness and involvement, quality of EIA reporting, and problems with screening procedures and EIA-related activities. In 2021, the **French national Commission on Human Rights (CNCDH)** adopted an opinion on *Climate Emergency and Human Rights*¹¹ through which it issued 31 concrete recommendations addressed to public authorities in order to strengthen their existing legal framework and to take the necessary measures on the international, regional and national levels to fight climate change and achieve carbon neutrality by 2050. The **National Human Rights Council (CNDH) of Morocco** dedicates a special section to climate change and human rights in its annual

Ireland, Norway, Panama, Paraguay, Peru, Philippines, Samoa, Scotland, Sierra Leone, Slovakia, South Africa, Slovakia, Spain, Thailand and Ukraine.

⁸ See above at footnote 3.

⁹ The Right to a Healthy Life and Climate Change in the Republic of Croatia in the Period 2013-2020 in the context of the global climate movement and the COVID-19 pandemic: <https://www.ombudsman.hr/en/>, <https://www.ombudsman.hr/en/ombudswomans-special-report-on-the-right-to-a-healthy-life/>, Special Report on the Human Rights Implications of the Flood-Related Catastrophe in the Vukovar-Srijem County in 2014

¹⁰ Environmental Impact Assessment System - Policy, Legislation and Enforcement Challenges.

¹¹ <https://www.cncdh.fr/publications/avis-urgence-climatique-et-droits-de-lhomme-2021-6>

report on the situation of human rights in the country. In this section, the CNDH addresses several aspects of climate change regarding normative, legal, policy and institutional frameworks and identifies possible actions and recommendations in this respect¹²

NHRIs can also provide direct advice to the governments related to specific cases in order to minimize negative impacts on the environment and climate change. The **Norwegian National Human Rights Institution (NIM)** did this for oil exploration licensing. Further to the Norwegian Supreme Court's judgment in *Greenpeace Nordic v. Norway*, NIM has taken the position that if new oil licenses are not compatible with the 1.5° C Paris Agreement target, the State has a constitutional duty under the right to a healthy environment to deny new oil licenses. In light of the recent Intergovernmental Panel on Climate Change reports, NIM maintains that this duty has been triggered.

In connection with trans-jurisdictional environmental human rights impacts, the **German Institute for Human Rights** and the **Colombian Ombudsman's Office** collaborated to promote the effective implementation of the UN Guiding Principles on Business and Human Rights, focusing on the mining of coal in Colombia for export to Germany, where it is used in the energy sector and results in negative environmental and human rights impacts in both countries.

NHRIs also facilitate communication and cooperation between vulnerable groups and public bodies. For example, the **Kenya National Commission on Human Rights** partnered with the Kenya Forest Service (KFS) to infuse a human-rights-based approach in programs and processes undertaken by the KFS.

Through monitoring carried out by NHRIs, states and international bodies are better equipped to evaluate the impact of climate change on human rights. For example, the **Ombudswoman of the Republic of Croatia** monitored catastrophic floods in 2014 and wildfires in 2017 in parts of Croatia, and she reported the findings to the Croatian Parliament in special and annual reports as case studies of climate change related events that negatively impact human rights. Her *Special Report on the Human Rights Implications of the Flood-Related Catastrophe in the Vukovar-Srijem County in 2014*¹³ is based on complaints submitted to the Ombudswoman's Office, field visits, interviews with numerous stakeholders and affected citizens, analysis of the regulations, news coverage and other available data. The **Public Defender of Georgia** issued a special report on ambient air pollution in 2019. The Office studied national legislation, its effectiveness and compliance with international standards, identified the major harmful substances (sulphur dioxide (SO₂), nitrogen dioxide (NO₂), nitrogen oxides (NO_x), carbon monoxide (CO) and, dust particulates (PM₁₀, PM_{2.5}))

¹² https://www.cndh.org.ma/sites/default/files/cndh_-_rapport_annuel_2021_va.pdf

¹³ <https://www.ombudsman.hr/en/download/summary-of-the-annual-report-of-the-ombudsman-2014/>

that constitute air pollution and their sources (transport and fuel combustion from motor vehicles, construction activities, stationary sources (e.g. industrial facilities and agriculture), and evaluated air pollution monitoring systems as well as response mechanisms.¹⁴

In 2022, the **Commission on Human Rights of the Republic of the Philippines** published the final report¹⁵ of its comprehensive inquiry following a petition to examine the impact of climate change on the human rights of the Filipino people and the role of the so-called “Carbon Majors”. The report is based on detailed analysis of the impact of the Carbon Majors’ activities on human rights and provides material, resources and recommendations to a wide range of stakeholders for policy decisions and other measures.

Another issue addressed by NHRIs concerns the human rights of environmental human rights defenders. For example, in 2021, the **Slovak National Center for Human Rights (SNCHR)** carried out monitoring of threats, intimidation and other restrictions of the rights of human rights defenders working in the field of environmental rights. The SNCHR received information about 11 cases where the petitioners considered there had been a threat or intimidation. The most common cases involved various forms of slander of individuals or their families, different forms of harassment (online or offline), threats, and administrative harassment. Human rights defenders usually seek to defend themselves by addressing various public authorities, but the petitioners perceived that opportunities to defend their rights were inaccessible. Civil society organizations have also alleged to SNCHR that they have experienced various forms of restrictions on the exercise of their rights under the Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters.

NHRIs also utilize legal measures and mechanisms in protecting individual victims of human rights violations or the public interest. For example, in collaboration with several NHRIs, the European Network of National Human Rights Institutions (**ENNHRI**) has submitted third-party interventions to the Grand Chamber of the European Court of Human Rights in the landmark climate cases of *Duarte Agostinho and Others v. Portugal and Others*, *Verein KlimaSeniorinnen Schweiz and others v. Switzerland*, and *Carême v. France*. These submissions underline States’ responsibility to combat climate change effectively in order to protect the right to life and the right to private and family life under the European Convention on Human Rights (ECHR) Articles 2 and 8. The Peruvian **Ombudsman’s Office** evaluated the actions of the State in connection with deforestation caused by agro-industrial palm oil and cocoa crops in the Amazonian forests, with emphasis on the regions of Loreto and Ucayali. In response to the Ombudsman’s Office’s recommendations, the Office of the Comptroller

¹⁴ Additional information on the Special Report Right to Clean Air (Ambient Air Quality in Georgia is available at: <https://bit.ly/2SIB3dF>.

¹⁵ [20220506 Case-No.-CHR-NI-2016-0001 judgment-1.pdf](https://www.corteidh.or.cr/docs/judicial/2022/20220506_Case-No.-CHR-NI-2016-0001_judgment-1.pdf) (climatecasechart.com)

General of the Republic conducted a compliance audit, which alleged criminal and administrative responsibility of eleven officials and former officials of the Ministry of Agrarian Development and Irrigation (Midagri) regarding the deforestation of more than 8 thousand hectares of primary forests caused by agro-industrial companies located in the two Amazon regions.

NHRIs have made substantial contributions to findings by UN human rights expert mechanisms related to climate change and other climate forums through submissions to those mechanisms. This has included submissions to UPR examinations (e.g. NHRIs in France (2022) Georgia (2021), Samoa (2021) and Argentina (2017)); alternative reports to UN Committees (e.g. by the New Zealand Human Rights Commission to the UN Committee on Rights of the Child in (2016)); the French national Commission on Human Right to the UN Human Rights Committee (2021) and the UN Committee on the Rights of the Child (2022) and submissions to UN Special Procedures (e.g. by the Slovak National Centre for Human Rights to the Special Rapporteur on the right to adequate housing (2022). **The French National Commission on Human Rights** issued an oral statement during the 48th session of the Human Rights Council, to support the adoption of resolutions recognizing the right to a healthy environment and the creation of a Special Rapporteur on climate change and human rights. In 2021, the **Moroccan National Human Rights Council** supported a group of young human rights to develop a declaration entitled “Moroccan youth committed to fight climate change”¹⁶ and shared it during the COP 26 that was held in Glasgow, UK. The CNDH also supported the participation of women human rights defenders to take part in the discussion held as part of COP 27 held in Sharm Al Sheikh.

It is foreseeable that the number and kinds of engagements in connection with climate change will expand as NHRIs become more involved with climate action. Increased NHRI engagement will result in additional data and analysis that can be used effectively at the national and international levels to inform expert discussions and political decisions aimed at ensuring that Parties to the Paris Convention respect, promote and consider their respective obligations on human rights when taking action to address climate change.

¹⁶<https://www.ccdh.org.ma/an/highlights/ahead-cop26-moroccan-youth-adopts-declaration-fight-climate-change>