

National Human Rights Institutions and Climate Change

I would like to extend my sincere thanks for Mary Robinson Foundation, the Office of the High Commissioner for Human Rights and Geneva Pledge for giving me this opportunity to be here and participate in this important event about a subject of paramount importance in today's discussion, which is climate change and role of human rights stakeholders. I am also much honored to be in a panel composed of UN special rapporteurs and representatives of treaty bodies.

My presentation will focus on five key items:

- Mandate of NHRIs in terms of human rights and climate change ;
- International context and NHRIs;
- Potential roles of NHRIs and some good practices;
- Challenges facing NHRIs in implementing their mandate;
- Marrakech event of NHRI on climate change.

Regarding the mandate of NHRIs, it should be noted that NHRIs have a general mandate to protect and promote human rights as universally recognized in accordance with the Paris Principles, which are the international guidelines governing the functioning of NHRIs, adopted by the UN General Assembly in 1993. This mandate is often enshrined in national constitutions or laws and interpreted in a very liberal manner.

The right to environment comes, of course, under this mandate, although NHRIs have been more involved in classical rights, such as civil, political, social, economic and cultural rights. The work of NHRIs has been recently open to emerging human rights issues, such as business and human rights, sustainable development goals and climate change. The Global Alliance of NHRIs have established working groups on the two first issues.

In terms of agendas and instruments, the international contexts has been marked by the adoption of two key documents: Paris Agreement and 2030 Agenda for sustainable development. No one can deny that the implementation of the Paris Agreement is the responsibility of every one and every stakeholder. NHRIs given their broad mandate can play a key role in monitoring this implementation. Furthermore, the adoption in September 2015 of the sustainable developments goals was also a landmark and NHRIs met in Mexico to discuss how they can contribute to the international commitment "*to leave no one behind*". Their meeting resulted in the Merida Declaration, which specifies the various roles that NHRI can undertake to monitor the implementation of such goals, while discharging their protective and promotional mandate. We know that the Agenda 2030 introduces a strong convergence between SDGs and human rights and includes the fight against global warming, by urging states to "take immediate action against climate change and its impact" in its goal 13.

On the other hand, the role of NHRIs has been increasingly recognized by the international community and they have become a major player in advancing the human rights agenda at the country level. The UN General Assembly adopted a very significant resolution in December 2015, which specifically encourages NHRIs to participate in and contribute to discussions on the implementation of the 2030 Agenda (A/70/163).

NHRIs around the world have developed several good practices while working on climate change issues. With regard to complaint handling, given their protective role, NHRIs can handle complaints about climate change leading to human rights violations. For example, typhoon survivors in the Philippines submitted in 2015 a complaint to the NHRI-Philippines on the responsibility of fossil fuel companies for climate change leading to human rights violations. They were seeking redress from an NHRI with a quasi-judicial mandate.

Regarding education and awareness raising, in Morocco, there are like more than 5,000 human rights and democracy clubs in schools. The local branches of the National Human Rights Council, Morocco's NHRI, have partnerships of cooperation with several of these clubs. Awareness-raising sessions have been held by such branches covering subjects related climate change and environmental rights.

In terms of reporting on climate change violations, NHRIs can use the different types of reports they are mandated to develop to influence legal reforms related to environment issues. For example, their annual and issue-specific reports, which assess the human rights situation nationally, are submitted in several cases to the Parliament and therefore can influence bills or even existing laws. NHRIs can lead advocacy efforts with the parliamentary groups or issue recommendations to change laws that are harmful to the environment. Meanwhile, there are other reporting avenues that NHRIs can use to lobby changes in environment-related laws or public policies. These avenues include parallel reports that NHRIs submit to treaty bodies or the other mechanisms of the Human Rights Council, such as the Universal Periodic Review or the special procedures mandate holders. Recommendations to States to protect environmental rights can be reflected in the outcome of these mechanisms.

NHRIs can be real actors of change and drivers of new policies. Again, another example from Morocco concerning the new migration policy launched in the country in 2013. This policy was launched following a thematic report of the NHRI on the situation of foreigners in Morocco. Thousands of cases of undocumented migrants have been regularized and hundreds of refugees have been recognized as such. The majority of migrants come from sub-Saharan countries, including those who quit their countries for climate reasons.

NHRIs can advise governments to adopt human rights-based approaches to climate change. The Scottish Human Rights Commission urged the Government and Parliament to take a series of actions to ensure that a human rights based approach to climate change is implemented in the policy.

NHRIs should also interact with and reinforce the capacities of civil society in their own countries. This is why it is essential that NHRIs continue to work closely with these traditional partners to monitor for example the implementation of adaptation and mitigation measures at the country level. The Chairperson of the NHRI of Morocco is part of the COP22 Steering Committee and is in charge of the engagement of civil society in the COP22 Green Zone, which will be managed by the host country. Given that the participation of African NGOs was insignificant in COP21, outreach missions have been carried out in several African countries by this Committee to sensitive local associations about the importance of taking part in COP22 discussions.

Many challenges are still facing NHRIs to perform this work adequately. Lack of independence and weak legal frameworks of many NHRIs would prevent them from playing their role

effectively. Lack of financial resources is also another challenge that would constrain the action of NHRIs in addressing climate change.

Lack of expertise is also another impediment, as the theme is very new to most of NHRIs worldwide. Even worse, the majority of NHRIs would not even think of climate change as a pressing and worrying priority that the globe is dealing with nowadays and they would never draw their attention to such an issue or include it in their strategies or plans.

Concerning ways forward, Morocco will host COP22 in Marrakech in November 2016. The challenge of COP22 lies in the implementation of the outcome of COP21, including the issue of financing. COP 22 represents for NHRIs an opportunity to institutionalize their independent participation, just like the model of UN events such as the Human Rights Council.

For this purpose, the National Human Rights Council of Morocco in partnership with the Global Alliance of NHRIs and other partners will organize an event focusing on NHRIs and climate change on the eve of COP22.

During the event, to be held on 6 November 2016, various topics will be addressed, including but not limited to the role of NHRIs in monitoring the climate change commitments taken by States under the SDG and the Paris Agreement.

The invitation is open to all those who will attend COP22 to come and further discuss how NHRIs can be more engaged in fighting against climate change, what possible roles they can play, how they can optimize their actions and how they can build strong networks to save the Earth for the generation of tomorrow.

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