



**Statement at the conclusion of the country visit to Bangladesh
by the Special Rapporteur on the promotion and protection of human rights
to human rights in the context of climate change, Mr. Ian Fry**

Dhaka, 15 September 2022

As the United Nations Special Rapporteur for the promotion and protection of human rights in the context of climate change, I address you today at the conclusion of my country visit to Bangladesh, which I undertook at the invitation of the Government of Bangladesh from 4 to 15 September 2022. I would like to express my deep appreciation to the Government of Bangladesh for its invitation to my mandate to conduct this visit. This is my first country visit as the Special Rapporteur for the promotion and protection of human rights in the context of climate change. I chose Bangladesh first, as the Government of Bangladesh has been a key sponsor of numerous resolutions in the Human Rights Council on human rights and climate change. The Government of Bangladesh was instrumental in creating the Climate Vulnerable Forum. A number of civil society organisations also played a key role in supporting the creation of the mandate.

I am tasked by the Human Rights Council (through its resolution 48/14) to study and identify how the adverse effects of climate change affect the full and effective enjoyment of human rights.

Bangladesh as climate vulnerable country

Bangladesh's geography makes it one of the top ten most vulnerable countries to the impacts of climate change. According to the Global Climate Risk Report¹ Bangladesh is predominantly a river delta with low lying topography. Even the northern part of Bangladesh in the Sylhet region is no more than 3 metres above sea level and is home to the wetland ecosystem "haors". As a result of climate change it experiences more severe droughts and more severe cyclones. There is an increase in flash floods and they are carrying higher volumes of water. Sea level rise and storm surges is causing salt-water inundation of farmland in the coastal areas and displacing people from their homes. In the next few decades Bangladesh is likely to lose a considerable amount of its land and as a consequence, the land loss will affect the livelihoods of many millions of people.

The river systems of Bangladesh all have origins in neighbouring countries. Fifty-four rivers that flow into Bangladesh come from India and other countries upstream. Therefore, Bangladesh's destiny with respect to flooding events is contingent on cooperation with its neighbours. The continued construction of hydro dams and management of water releases and poor water catchment management in upstream countries is creating a significant burden

for Bangladesh, resulting in a cycle of droughts and flooding. Climate change will continue to exacerbate these problems.

The ten million people living on coastal islands known as “chars” exist in extremely precarious circumstances due to the low-lying land exposure to storm surges from the sea. There are millions of others living along the coastal areas that are also exposed to the impacts of cyclones, storm surges and saline intrusion into agriculture.

Bangladesh has the highest incidence of deaths by lightning strikes in the world. Over 300 people are killed each year due to lightning strikes. Testimonies of people interviewed suggest that storm events creating these lightning strikes are getting worse. Global warming is undoubtedly the causal factor in this increase due to increased temperatures creating more severe storms. Earlier this year, Bangladesh experienced the highest temperature every recorded with thermometer reaching 48 degrees Celsius.

The effects of climate change are driving people from their homes and forcing people to move to other regions or cross international borders. Many people end up in Dhaka in search of employment as their opportunities disappear in their home location.

Women, older persons and persons with disabilities are particularly affected by climate change. Often they are left alone at home during climate change events. Women in particular, face an undue burden once the disaster has passed.

National policies on climate change

The Government of Bangladesh has developed a number of planning and financial instruments to address climate change issues in the country. These include the Flood Action Plan, Bangladesh Climate Change Trust Fund (BCCTF) National Adaptation Programme of Action (NAPA), the Bangladesh Climate Change Strategy and Action Plan (BCCSAP) 2009, the National Plan for Disaster Management, the Bangladesh Climate Change and Gender Action Plan (2013) and the Perspective Plan (2021–2041), the Delta Plan, the Pilot Program for Climate Resilience (PPCR), the Mujib Climate Prosperity Plan (yet to pass Cabinet), The National Strategy on the Management of Disaster and Climate Induced Internal Displacement (NSMDCIID) of Bangladesh and is about to release its National Adaptation Plan. The Government of Bangladesh, estimates that the National Adaptation Plan will cost USD 230 billion to implement. According to the country’s Climate Budget Report, more than 7 per cent of the national budget was allocated to tackling climate change between 2021 and 2022.

Despite these many planning instruments, I was told by many communities members that real results were not be experienced on the ground and that implementation in practice was lacking. When I polled a gathering of civil society organisations, only one had been consulted with respect to the development of the new National Adaptation Plan. It appears that top down planning by the Government of Bangladesh is not reaching the people most affected by the impacts of climate change.

Key Thematic Issues for Visit

In the lead up to the UN Framework Convention on Climate Change, 27th Conference of Parties to be held in Egypt in November 2022, I decided to focus my visit on four key themes:

- Loss and damage
- Climate change displacement
- Access and inclusion
- Adaptation actions

In addition to these key themes, I heard a number of comments about mitigation issues (reducing emissions) and have included this as an additional point. I will address each of these separately.

1. Loss and Damage

Loss and damage relates to the impacts of climate change that are beyond the adaptation capability of a country. It is evident that Bangladesh suffers enormous loss and damage due to climate change events. Loss and damage is primarily caused by the pollution from large industrialised economies. There is a paradox that the costs of loss and damage must be met by the people who contribute least to greenhouse gas emission.

During the visit, I was able to witness many instances where climate change had caused loss and damage to communities. In the Sylhet region, I saw the aftermath and subsequent impacts of a flash flood that struck the countryside in June 2022. The flash flood was unprecedented in the history of the nation and caused an enormous amount of damage. Ninety-five percent of Sunamganj district was under water.

I met with a group of women from a community near Sunamganj who have suffered greatly from the flash flood in June. Many of their houses were damaged or destroyed. Their livestock, including ducks, chickens and cattle were washed away, and peanut and rice crops ruined. As a result, their livelihoods were severely affected as well as their rights to adequate standard of living, stipulated in article 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) which Bangladesh has ratified. Personal possessions including identity cards were also lost. With these losses they are unable to pay for schoolbooks or school fees, and children were unable to get to school because of the large amount of land covered by water, impacting their right to education (article 13 of ICESCR). For this remote community there was little warning about the flash flood and hence they were unable to reach flood shelters. They had to climb into the eaves of their houses to escape the flood. Compounding these losses is the ongoing burden of having to pay rent for the land they are living on. It was suggested to me that it would take at least two years for this community to have sufficient yields from their crops to recover from the economic losses they have suffered. If another climate change event occurs during this time, the future of these people appears very uncertain.

Despite the hardships suffered by the flash flood, the women I visited in Sunamganj are starting to explore different approaches to growing vegetables to keep them away from the floods using elevated garden beds. Local civil society organisations are helping the inundated communities buying school books and supplies. Many representatives of the civil society organisations played a vitally important role as volunteers during and after the floods providing food and other supplies for flood affected communities. This support work continues today.

I met with the Munda community in the Satkhira district who are right in the forefront of climate change impacts particularly from storm surges and cyclones. They have lost houses

and continue suffer from saltwater intrusion. I spoke with the women from this community and they explained to me very tragic sequence of issues. Due to the extensive loss of livestock and personal possession they are forced to work as manual labour in nearby shrimp and crab farms. They are compelled to spend up to 6 hours a day in saline water. This impacts their sexual and reproductive health rights, which is an integral part of the right to health enshrined in article 12 of the ICESCR. Some choose to taken contraceptive injections to reduce blood flow when working in the saline water. This has many flow-on effects. They are more prone to miscarriages. These issues have significant implications within the family unit. Some told me that their husbands had left and married again. This means that the women have to carry an enormous burden as head of household to provide for their family. Added to these direct climate change impacts, the Munda indigenous peoples face discrimination and exploitation from unscrupulous business people. Some have lost the access to their land, which is an important precondition for the realization of several rights that are impacted by the consequences of climate change, particularly the rights to adequate food, water and housing as well as the right to health and the protection against non-discrimination.

The locations I visited are only a small sample of the enormous loss and damages faced by communities throughout Bangladesh. Apart from the economic costs of climate change there are many non-economic losses that are difficult to quantify yet are import. As an example, I heard of gravesites being lost to flooding, individuals not being able to use clean water for the purification process before prayers, loss of indigenous knowledge as natural herbs used are no longer available, among others.

International Response to Loss and Damage

Loss and damage is well enshrined in decisions made by the Conference of Parties (COP) to the UN Framework Convention on Climate Change's (UNFCCC) and the Paris Agreement. The COP has established a Warsaw International Mechanism on Loss and Damage. Article 8 of the Paris Agreement is specifically dedicated to loss and damage. Despite this institutional progress, no money has been provided by the international community for loss and damage. At the COP last year in Glasgow, developing countries proposed the establishment of a Loss and Damage Finance Facility. This was rejected by many developed countries. This is a totally inadequate and contemptuous response to the need for loss and damage finance. Countries like Bangladesh cannot afford the impacts that climate change that major polluters are creating. It is time the polluters paid for the loss and damage inflicted on other countries.

At the regional level, upstream countries from Bangladesh appear to be unresponsive to Bangladesh's concerns about flash floods. These countries hold a significant responsibility for the future of Bangladesh. The large hydro dams and poor catchment management practices of both upstream countries are inflicting a high cost on Bangladesh. Much greater cooperation is needed between these countries.

Loss and Damage Response by the Government of Bangladesh

The Government of Bangladesh has been quite active in international negotiations on loss and damage. It was instrumental in establishing the Vulnerable Countries Group and up to recently chaired the group. Bangladesh has a representative on the Executive Committee of the Warsaw International Mechanism on Loss and Damage.

According to the country's Climate Budget Report, more than 7 per cent of the national budget was allocated to tackling climate change between 2021 and 2022. The Government of Bangladesh is implementing the shelter project for landless and homeless people. Under the project, 442,608 families have been rehabilitated in 22,640 barracks and 0.26 million houses. While the shelter program provides protection for some families, it cannot provide shelter for everyone. I heard from people from the Munda indigenous peoples who were able to go to shelters because they were all "booked up". The Munda had to find shelter in a small one room schoolhouse which had been built by a faith-based organisation. When I visited the Munda, I could see that the shelter was less than 1 metres above the high-water mark.

Concerns were expressed about the design of these shelters. Many are not gender or disability sensitive. I visited a school in Sunamganj which was used as a flood shelter. Families had to sleep on top of desks for 19 days with floodwater water below them. All the latrines were flooded making sanitary measures extremely difficult, particularly for the women and girls. Teaching had to be suspended. Many schools in the region were used as flood shelters. Unfortunately, the latrines are not designed for flooding. In Sylhet a community I visited was unable to make it to a shelter because the flood water had blocked their way.

2. Climate Change Displacement

Approximately 4.4 million people were displaced in Bangladesh due to disasters in 2020, according to a report from the Internal Displacement Monitoring Centre (IDMC). One cyclone, Cyclone Amphan resulted in 2.5 million displacements. For some this displacement is temporary, while for others it is permanent as their livelihoods cannot be sustained. I heard of some people being migrating to the border to India.

In the two regions I visited, Sylhet and Kulna I was informed that the economic impacts of climate change had been too much for some families and that they had to migrate away to find other sources of income. In some cases, it was the men who moved away to seek jobs. This created a significant burden for women who are left behind creating a cascade of problems. I heard stories of women having to walk up to 6 kms to fetch freshwater. Their absence for this period of time meant that farming activities and other work had to be curtailed, which in turn created an additional economic burden. I heard of women who had left their children behind while that fetched water, putting the children in danger. In one instance a woman returned to find that her child had drowned while she was away. Another's child was burnt due to accidentally falling into a fire. Walking long distances to seek water meant that women were often subject to harassment and sexual assault by men.

I met with youth groups who said that after the floods in the Hoar region of Sylhet some of the colleagues were forced to move into the city and slum areas as they did not have any income. They called for more support for education and training so that they do not have to leave their homes.

I saw many people living on the streets in very basic shelters. There more than 5,000 slums in Dhaka with estimated four million residents. Many of these people have been displaced by climate change-related reasons. These informal settlements suffer from many ills. According to testimonies I heard, women living in the settlements lack of privacy for bathing, face long queues for toilets, and are subject to sexual harassments. The situation of children in urban slums is far worse than in rural areas, represented by high rates of malnourishment, school drop-out, child marriage, child labour and abuses. Internally displaced persons (IDPs) living

in these illegal settlements endure high rent, fear of eviction, lack of adequate housing, undernourishment and access to safe drinking water and sanitation. Much of the available water is saline, leading to significant health problems. Inevitably some of the people displaced by climate change end up being trafficked. I heard that human trafficking is a common occurrence in the slums, although the Government states that it is making efforts to address this issue.

3. Access and Inclusion

During my visit, I met with a number of civil society organisations. I was particularly inspired by the work of various youth groups who are working to ensuring that the people of Bangladesh have a better understanding of the issues associated with climate change. I met with youth group representatives in Sunamganj and they have developed a network of green clubs in schools. They were also active as volunteers in helping rescue people and provide emergency relief to people affected by the flash floods in the Sylhet district.

I received a statement of claims from environmental and climate change human rights defenders that they have been subject to harassment, and imprisonment due to speaking out against climate change issues. It was claimed that there was "shrinking local space" for public comment. A number of incidents were reported to me where environmental and climate change human rights defenders have been arrested or harassed by authorities for protesting against the development of new coal fired power stations and other climate change unfriendly developments. I also heard of incidents of death threats made against environmental human rights defenders by "unknown" persons. This intimidation by persons possibly linked to the Government does not auger well for a nation striving to position itself positively in the international arena on climate change.

It appears that the Digital Protection Act is being used to suppress public opinion through the Internet. This suppression contradicts the right to freedom of expression. The Government claims to be using this Act to counter terrorism. Public protests against developments such as coal fired power plants should never come within the definition of terrorism. Members of the public should be allowed to express their views directly or via social media without fear of harassment or imprisonment. Poor disaffected youth, who have little to live on, may fall prey to extremist organisations but these are not climate change human rights defenders.

It should be noted that the Government denies that the Digital Protection Act has been used against environmental and climate change human rights defenders.

I wish to reinforce the statement made by the former UN High Commissioner for Human Rights, Michelle Bachelet, after her visit to Bangladesh. She encouraged the establishment of an independent, specialised mechanism to investigate allegations of human rights violations. In the lead up to the next election, I encourage the Government of Bangladesh to allow civil society to have a voice. Suppression of such voice will only lead to malcontent. The Government of Bangladesh should allow freedom of expression particularly on the issue of promoting and protecting human rights related to climate change.

Youth in particular, must have a voice about their future. Thirty-three percent of the population of Bangladesh are young people. I spoke with young people from the Hoar region of Sylhet and they lamented the fact that they do not have a say in the future. More must be done to give a voice for youth. We are leaving a sad legacy of climate change for future generations, and we must allow youth to express their concerns.

I spoke with many women and women's groups and the issue of lack of gender inequality was a regular message. Many, many women carry a disproportionate burden with respect to addressing the impacts of climate change. There are indications that the country may be going backwards with respect to gender equality. A push by more conservative religious interests appears to be driving a reversal in gender equality in some places. Far greater attention must be paid to the needs of these women. Their concerns must be heard at the family, community, regional, national level and international level and not suppressed by patriarchal systems. More women and youth need to be represented and have a voice in international negotiations. The revision of the Climate Change and Gender Action Plan is a good start, but any revision must come from the grassroots. The Government needs to make every effort to consult with women at the forefront of climate change. This should not be tokenistic.

From testimonies I heard, indigenous peoples in Bangladesh have little voice in decision making processes. It is clear that these indigenous peoples are also suffering the impacts of climate change. Some of these impacts are unique to their circumstances. For the Hill Tract people, they have experienced landslides from excessive rain and then a lack of access to freshwater due to droughts. Those on the coast also suffer particular climate change impacts such as seasonal changes to plant flowering which affects their ability to collect food. The Government appears reluctant to recognise these indigenous peoples, preferring to call them small ethnic minorities or other such terms. While there is no universally accepted definition of indigenous peoples, their particular circumstances with respect to the impacts of climate change, should be given appropriate consideration.

4. Adaptation actions

The Government and civil society organisations are trying their best to find solutions to adapt to the impacts of climate change. However, the challenges are enormous and there are many challenges to be faced. Finding adequate finance to support adaptation actions is clearly one of the greatest hurdles. I heard from a number of government officials who said that international finance for adaptation was seriously lacking. International finance appears to be heavily biased towards mitigation (emissions reduction) actions than adaptation. Despite an agreement that the Green Climate Fund (GCF) would provide a fifty-fifty split in finance between mitigation and adaptation, this has not been the case. Funding for mitigation projects far outweighs finance for adaptation. In addition, according to comments I received, accessing finance for adaptation through the GCF requires lengthy approval processes, much longer than mitigation finance.

The Government has initiated a number of adaptation actions. For instance, the government's Coastal Embankment Improvement Project (CEIP) has helped relieve some of the impacts the impacts of cyclones and flooding. Unfortunately upkeep of these embankments is not forthcoming or left to the communities to resolve. I observed where some embankments had been breached allowing saline water to enter paddy fields. This fouled the fields and made them unviable. The Government has provided mobile desalination plants to help communities that have suffered saltwater intrusion. Civil society organisations are also helping communities adapt to the impacts of climate change. Projects include rainwater harvesting, tree planting on roadside verges, mulching of rice harvests to prevent saline intrusion, raised seedling beds and raised gardens using sacks to grow vegetables. These are only a few innovative ideas being trialled. Some civil society organisations are helping the Munda people gain title to their land there by allowing for these people to have a greater opportunity plan and manage their destiny.

5. Mitigation Action

It was claimed by a number of government officials that Bangladesh emissions are only Bangladesh accounts for a mere 0.56 percent of global emissions yet it is one of the world's 10 countries most affected by climate change.

The Nationally Determined Contribution prepared by the Government expects a significant increase in emissions. The Government's target is relative to a business-as-usual scenario and contingent on external funding for support. As a Least Developed Country, this may be understandable, nevertheless as Bangladesh has aspirations of becoming a middle-income country it must do more to reduce its emission. Reliance on coal and natural gas is already creating an economic burden as it must rely external supplies. Bangladesh should be striving to be self sufficient in energy through expanding its development of renewable energy and energy efficiency technologies.

While recognising the increasing energy demands of a growing economy like Bangladesh, the development of new coal fired power stations is not consistent with the overall goals of the Paris Agreement which requires efforts by all countries to reduce their emissions. Nevertheless, Bangladesh should not be responsible for carrying the conversion to a renewable energy economy on its own. The international community needs to transfer appropriate renewable energy on highly favourable terms, so that Bangladesh can be assured of a renewable and energy efficient future.

A number of civil society groups have spoken up against the Government's expansion of its coal fired power plants. Protests were held against these power plants and these protests were met with a stern response from the Government.

From personal observations it would appear that Bangladesh's road transport system is highly inefficient and is leading to abnormally high emissions from private vehicles. Due to the physical characteristic of the country being based on a delta, roads are often narrow, particularly in the major cities leading to long traffic jams and subsequent high emissions. Greater traffic movement planning is required, including designated lanes or streets for public transport, and low emission vehicles. It is unlikely that new overpass roads and mass rail transport will relieve this situation.

Greater efforts must be made to encourage the use of electric vehicles that obtain their electricity from renewable sources. Again, this needs the transfer of technology on favourable terms to make this happen. This will dramatically reduce emissions and air pollution problems.

The UN-REDD Programme has supported Bangladesh develop its National REDD+ Strategy with the identification of deforestation and degradation drivers. Nevertheless, according to testimonies, I heard this program has faltered. Deforestation continues at an alarming rate. It was suggested to me that many of the logging enterprises were held by very influential government officials. The consequences of this deforestation is exacerbating land slides in the Hill Tracts. It is contributing to global emissions. Indigenous peoples I spoke with suggested that had not been consulted about the National REDD+ Strategy, nor had they given consent for such actions on land. Logging and climate change is having a significant impact on the enjoyment of human rights by the indigenous peoples of the Hill Tract region. Local water supplies have dried up which means that women are required to walk for over 6 hours a day to the lowlands to seek freshwater. Many of the plants and animals that the indigenous

peoples rely upon for food and medicines have disappeared. Their whole way of life is eroding away with every tree that is felled. I was told that some have committed suicide due to the desperate nature of their circumstances.

Conclusion and Recommendations

It is very evident that climate change that Bangladesh suffers a plethora of issues associated with climate change and in particular, enjoyment of human rights. I wish to acknowledge that the Government of Bangladesh has expended considerable amount of its own finances to develop disaster recovery and adaptation strategies. It should be commended for these actions. The country is facing enormous challenges. Based on my brief observation I wish to submit the following recommendations:

1. The international community must agree this year on a Loss and Damage Fund. Countries like Bangladesh cannot afford the huge cost to their GDP as a consequence of climate change.
2. Regional river catchment nations need to sit down at the negotiating table and work through a fair and equitable regional river catchment plan.
3. The Government of Bangladesh needs to consult more widely in its climate change planning. Such planning should provide for solutions that have long term benefits. Particular attention should be given to women, older persons and persons with disability.
4. The Government of Bangladesh needs to develop a clear policy strategy on how to deal with the number of people displaced by the impacts of climate change. It needs to give much better services to people living in slums.
5. The harassment and threats and intimidation against climate change human rights defenders and indigenous peoples must end. While the Government denies that the Digital Security Act is being used to harass climate change human rights defenders, efforts must be made to ensure that public comment about climate change matters is allowed to be given freely. The Digital Security Act needs to be amended so that climate change human rights defenders and indigenous peoples are not caught up in a broad definitional issues related to terrorism. These people are not terrorists.
6. The Government of Bangladesh should give further consideration to the particular circumstances of indigenous peoples with respect to the negative impact on their human rights due to climate change impacts. Giving appropriate consideration of these peoples concerns could be enhanced by the Government affirming a commitment to the UN Declaration on the Rights of Indigenous Peoples.

The Government of Bangladesh needs to develop a clear strategy for enhancing renewable energy and energy efficiency. Relying on fossil fuel imports will only leave the country with a significant economic burden and a loss of reputation as a climate change concerned countries. I wish to extend my deep gratitude to all of the individuals who made the time to meet with me, and to provide the rich input that informs my analysis.

I am encouraged that my colleague, the Special Rapporteur on trafficking in persons, especially women and children, Siobhan Mullaly, will be visiting Bangladesh from 31 October to 9 November 2022. One of the issues that she will be looking at is the impact of climate change on risks of trafficking in persons. I warmly request all stakeholders that I have met to also extend the same collaboration to her and her visit.

I must stress that this statement contains only my *preliminary* observations, and highlights key issues without purporting to be a comprehensive summary of my findings. I will submit my final report to the June 2023 session of the United Nations Human Rights Council, and will continue to accept submissions until November 2022.

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Information about the Special Rapporteur

Mr. Ian Fry is the first Special Rapporteur on the promotion and protection of human rights in the context of climate change. He was appointed by the Human Rights Council at its 49th session in March 2022 and started his mandate on 1 May 2022. Mr. Fry is an international environmental law and policy expert. His focus has primarily focussed on mitigation policies and loss and damage associated the Paris Agreement, Kyoto Protocol and related instruments. He worked for the Tuvalu government for over 21 years and was appointed as their Ambassador for Climate Change and Environment 2015-2019.

The Special Rapporteurs are part of what is known as the Special Procedures of the Human Rights Council. Special Procedures, the largest body of independent experts in the UN Human Rights system, is the general name of the Council's independent fact-finding and monitoring mechanisms that address either specific country situations or thematic issues in all parts of the world. Special Procedures' experts work on a voluntary basis; they are not UN staff and do not receive a salary for their work. They are independent from any government or organization and serve in their individual capacity.

Information about the visit

During the visit, the Special Rapporteur met with the Secretary for Foreign Affairs, the Secretary for the Environment, the Secretary for Disasters and the Secretary for Agriculture. I also met with the District Commission for Sylhet, the Deputy Commissioner for Sunamgaj and a representative from the local Union. He also met with UN representatives, various civil society organisations, including women's groups and youth groups. He visited a school that had been flooded during the flash flood in Sylhet region and spoke with child carers and school children as well a group of women from a community that had been severely affected by a flash flood in Sunamganj. He met on-line with a number of indigenous peoples from the Hill Tract region, coastal Munda indigenous peoples and other regions.

ⁱ https://germanwatch.org/sites/germanwatch.org/files/20-2-01e%20Global%20Climate%20Risk%20Index%202020_14.pdf