



**QUESTIONNAIRE RESPONSES OF NATIONAL HUMAN RIGHTS COMMISSION OF MEXICO (CNDH) ON “CLIMATE CHANGE AND THE RIGHT TO HEALTH” OF THE UNITED NATIONS OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS (OHCHR)**

1. Please describe, in your view, the relationship between climate change and the enjoyment of the right to health and any human rights obligations to mitigate and adapt to climate change that can be derived therefrom.

The relationship between climate change and human rights derives from solid scientific evidence, that warns us about the risks that humankind is facing because of global temperature rise, among them: melting of the polar regions, increase in sea level, intensification of hurricanes, cyclones and droughts, alteration of the hydrological cycle, species extinction and proliferation of diseases. All of it, with serious implications for quality of life and therefore, in the enjoyment of the rights to a worthy life, right to health, to water, to a healthy environment, to adequate food and housing, among others.

Mexico may be adversely affected by global warming. The climate change scenarios, projects increased recurrence in the country and increased intensity of droughts, heat waves and floods, to which it has identified a high degree of social vulnerability and ecosystems, determined by the conditions of poverty in which much of the population lives and by the enormous biological wealth of our territory.

Threats and vulnerability to climate change in Mexico involve risks on the enjoyment of human rights. Particularly in the right to health, direct consequences can be identified on necessary actions to ensure their full effectiveness.

According to Second Paragraph of Article 12 of International Covenant on Economic, Social and Cultural Rights, the measures that States parties have pledged to adopt in order to ensure the effectiveness of human right to health should be directed to: (1) reduce child mortality, (2) improve all aspects of the environment, (3) prevent and treat epidemic and endemic diseases, and (4) guarantee medical assistance and medical attention in case of illness.

The National Institute of Ecology and Climate Change (INECC), the Secretariat of Environment and Natural Resources (SEMARNAT) and the Center for Atmospheric Sciences of National Autonomous University of Mexico have identified the direct

consequences of climate change on those objectives<sup>1</sup>, such as children risks of dehydration caused by higher temperatures, loss of adaptability of the biota and with that, the decline in availability of natural resources and environmental services they provide, the emergence of disease outbreaks and vector-borne diseases because of humidity conditions and the occurrence of damage to strategic infrastructure of Health Sector caused by extreme weather phenomena.

Having identified the mostly negative relationship between climate change and human right to health, it is clear that mitigation and adaptation as main strategies to tackle global warming are measures that improve the full enjoyment of human rights.

2. Please share a summary of any relevant data on the impacts of climate change on the enjoyment of the human right to health including its underlying determinants (education, water and sanitation, food, housing, etc.), disaggregated to the extent possible.

The work of national institutions and organizations focused on evaluating the impacts of climate change allow to identify those that affect the development and welfare of the population in Mexico, including human health, on which may arise direct or indirect effects through damages to education, availability of water and sanitation, food and other determinants of health items.

We present the latest information available included in the Fifth National Communication of Mexico to the UN Climate Change Convention<sup>2</sup>, the diagnosis of the Special Climate Change Programme 2014 – 2018<sup>3</sup> (PECC) and electronic data published by the Secretariat of Environment and Natural Resources (SEMARNAT), the National Institute of Ecology and Climate Change and the Center for Atmospheric Sciences of National Autonomous University of Mexico.

Development and human welfare	Impacts of climate change
Health	<ul style="list-style-type: none"> <li>• Increase of dengue, acute diarrheal diseases and paludism.</li> <li>• Increase in heat waves.</li> <li>• Impact on medical units as a result of the intensification of extreme weather events.</li> </ul>
Education	<ul style="list-style-type: none"> <li>• Impact on educational institutions as a result of the intensification of extreme weather phenomena</li> </ul>

<sup>1</sup> INECC et al. *El Cambio Climático en México. Información por Estado y Sector*. Instituto Nacional de Ecología y Cambio Climático, Secretaría de Medio Ambiente y Recursos Naturales, Universidad Nacional Autónoma de México, México. [http://www2.inecc.gob.mx/cclimatico/edo\\_sector/index.html](http://www2.inecc.gob.mx/cclimatico/edo_sector/index.html). Date of consultation: October, 2015.

<sup>2</sup> SEMARNAT. *Quinta Comunicación Nacional ante la Convención Marco de las Naciones Unidas sobre el Cambio Climático*. Secretaría de Medio Ambiente y Recursos Naturales e Instituto Nacional de Ecología y Cambio Climático. México, 2012, 399 pp.

<sup>3</sup> Published at Diario Oficial de la Federación on April 28, 2014.

Water and sanitation	<ul style="list-style-type: none"> <li>• Decreased water availability.</li> <li>• Intensifying drought.</li> </ul>
Food	<ul style="list-style-type: none"> <li>• Decreased agricultural production for crops like corn, avocado and coffee.</li> <li>• Reduced productivity and fertility in cattle resulting from heat stress.</li> <li>• Alteration of the ecological structure and functioning of marine ecosystems and with that, reduction of its production.</li> </ul>
Housing	<ul style="list-style-type: none"> <li>• Impact on housing as a result of the intensification of extreme weather events.</li> </ul>
Environment	<ul style="list-style-type: none"> <li>• Probable increase in forest fires.</li> <li>• Alteration of ecological dynamics and, as a result, of ecosystem services.</li> </ul>

3. Please describe existing national commitments, legislation and policy frameworks related to climate change mitigation and adaptation including any specific measures intended to prevent the worst impacts of climate change on the right to health; to ensure access to information, transparency, participation, and other procedural rights of persons affected by climate actions; to promote, protect and fulfil all human rights particularly those closely linked to the underlying determinants of health such as food, water and sanitation, housing, etc.; and to ensure that climate-related actions respect, promote, protect and fulfil human rights. Please share any relevant information on the implementation of existing commitments to address climate change and its impacts.

According to 6th and 7th articles of the General Law on Climate Change (LGCC), formulation and conduct of national policy that guides the actions of mitigation and adaptation in this country, corresponds to the Federation, through the dependencies and entities that integrate the centralized federal public administration and parastatal, within which it is not included the National Human Rights Commission (CNDH), as it is an independent constitutional body.

Thus, mitigation and adaptation actions of climate change are outlined in the National Climate Change Strategy vision 20-30-40 (ENACC) and the Special Climate Change Programme 2014 - 2018 (PECC), both prepared by the Interministerial Commission on Climate Change. This planning document incorporates transversely, the lines of action aimed to respect for human rights.

Regarding the international commitments of Mexico, the crucial contribution (INDC, for its acronym in English) whose gender component contemplates the inclusion of a human rights perspective in implementing policies and climate actions.

It should be noted that the Mexican authorities responsible for implementing the climatic policy have the obligation to promote, respect, protect and guarantee human rights within their respective powers, in accordance with third paragraph of Article 1° of the Mexican Constitution.

The CNDH, in its capacity as a national Institution of protection, observance and dissemination of human rights, has conducted various activities to promote the analysis of the links between climate change and human rights.

This applies to the preparation of the brochure entitled "Climate Change and Human Rights" that seeks to raise awareness about potential damages to the welfare of people as a result of global warming, as well as performing in October 2015 the Workshop "*Climate Change and Human Rights: a challenge for COP 21*", where national and international experts were convoked and where it was pointed that the new climate agreement in Paris must include a language with human rights perspective. In addition to this, the CNDH takes part as observer in the Working Group of International Negotiations of the Interministerial Commission on Climate Change.

4. Please describe any relevant national accountability and oversight mechanisms designed to ensure access to remedy for those who suffer human rights harms as a result of climate change. Please highlight any relevant jurisprudence on this subject and indicate what measures, regulatory or otherwise (i.e. impact assessments), are in place to prevent harms caused by third parties.

Mexico has jurisdictional and non-jurisdictional mechanisms for the protection of human rights, whose objectives include the restoration of the affected of full enjoyment of their fundamental rights and if appropriate, to repair the damage.

The Judicial Power of the Federation knows amparo proceedings aimed at resolving disputes because of general rules, acts or omissions of authorities that violate human rights under the Political Constitution and International Treaties to which Mexico is a part. To date, no judgements have been processed into alleged rights violations because of climate change.

The CNDH is a non-judicial body that defends human rights. Hears complaints about alleged violations when they are attributed to the authorities and federal public servers and if appropriate, makes non-binding recommendations or, seeks to reconcile the complaining parts and the authorities identified as responsible. None of the recommendations are related to acts of authority that result in damages from climate change.

5. Please describe any concrete mitigation and adaptation measures being taken to address the impacts of climate change on the human right to health and good practices in this regard including those related to: international cooperation; local and community-based initiatives; private sector initiatives; development, application and diffusion of technologies, practices and processes that control, reduce or prevent anthropogenic emissions of greenhouse gases; and the exchange of relevant scientific, technological, technical, socio-economic and legal information related to the climate system and climate change and the economic and social consequences of various response strategies.

In the area of responses to the phenomenon of climate change, health protection is considered as an adaptation measure, responsibility of the three levels of government. Article 28 of General Law on Climate Change (LGCC) lists the areas in which action should be executed for adaptation, and specifically in its section VIII, points to health and public health infrastructure as an able area to exercise adaptation measures.

On this basis, the National Climate Change Strategy includes two lines of action that propose instrumentation and strengthening public policies aimed at reducing health risks and to public health infrastructure associated with climate change effects. Consequently, the Special Climate Change Programme 2014 - 2018 incorporates in its actions, among others, the management of risks pro health.

Regarding the exchange of information to tackle the impacts of climate change on the human right to health, as it was mentioned above, the CNDH organized the Workshop "*Climate Change and Human Rights: a challenge for COP 21*", where opinions were exchanged among experts, government officials and civil society organizations about the risks of rising global temperatures on various human rights and how to protect them in that environment.