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Совет по правам человека

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**Поощрение и защита всех прав человека,
гражданских, политических, экономических,
социальных и культурных прав,
включая право на развитие**

Посещение Бангладеш

Доклад Специального докладчика по вопросу о поощрении и защите прав человека в контексте изменения климата Айана Фрая*

Резюме

Специальный докладчик по вопросу о поощрении и защите прав человека в контексте изменения климата посетил Бангладеш по приглашению правительства в период с 4 по 15 сентября 2022 года. В ходе двухнедельного посещения Специальный докладчик встречался с различными государственными служащими, представителями учреждений Организации Объединенных Наций, организаций гражданского общества, организаций и общин коренных народов. Он посетил области Силхет и Кхулна. Очевидно, что Бангладеш крайне уязвимо к последствиям изменения климата, и это имеет значительные последствия для осуществления прав человека. Установлено, что между вопросом потерь и ущерба, вызванных изменением климата, и последствиями для прав человека имеется ряд взаимосвязей. В частности, речь идет о праве на жизнь, здоровье, питание, жилье, воду и санитарию, культурную жизнь, образование и труд. Принимаемые на международном уровне меры в связи с потерями и ущербом и в связи с теми последствиями для прав человека, которыми такие потери и ущерб сопровождаются, недостаточны. Тем не менее правительство прилагает усилия для защиты своего населения от разрушительных последствий изменения климата, а именно предусматривает специальное финансирование на цели восстановления после стихийных бедствий и адаптации к ним. Специальный докладчик отметил наличие на национальном уровне проблем, связанных с правом на свободу выражения мнений, особенно в контексте прав коренных народов, которые в Бангладеш не признаются. Хотя уровень выбросов парниковых газов Бангладеш относительно невысок, эти выбросы, по всей вероятности, вырастут в процессе более активного использования угля, предусмотренного правительством. Специальный докладчик в своих рекомендациях отмечает, что международное сообщество должно предпринять ускоренные действия для сокращения выбросов парниковых газов. В рекомендации Специального докладчика в адрес правительства Бангладеш

* Резюме доклада распространяется на всех официальных языках. Сам доклад, содержащийся в приложении к резюме, распространяется только на том языке, на котором он был представлен.



он предлагает правительству провести более широкие консультации по вопросам планирования в связи с изменением климата, принять четкие стратегии оказания помощи лицам, перемещенным в результате изменения климата, отказаться от преследования лиц, защищающих экологические права и коренные народы, а также разработать четкую стратегию в области возобновляемых источников энергии и энергоэффективности.

Annex

Report of the Special Rapporteur on the promotion and protection of human rights in the context of climate change, Ian Fry, on his visit to Bangladesh

I. Introduction

1. Pursuant to Human Rights Council resolution 48/14, the Special Rapporteur on the promotion and protection of human rights in the context of climate change carried out a visit to Bangladesh from 4 to 15 September 2022, at the invitation of the Government. In the resolution, the Council mandated the Special Rapporteur to raise awareness on the human rights affected by climate change, especially of persons living in developing countries particularly vulnerable to climate change and encourage increased global cooperation in that regard.¹

2. During the two-week 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. He also met with the District Commissioner for Sylhet and the Deputy Commissioner for Sunamganj. Furthermore, he met with United Nations representatives, various civil society organizations, including women's groups and youth groups. He visited a school that had been flooded during the flash flood in Sylhet and spoke with child carers and schoolchildren, as well a group of women from a community that had been severely affected by a flash flood in Sunamganj, in the district of Sylhet. He met online with a number of Indigenous Peoples from the Chittagong Hill Tracts, the coastal Munda community and other regions.

3. The Special Rapporteur thanks the Government for the invitation and the organization of his visit. He would especially like to thank those members of the civil society organizations who helped with the organization of the site visits that enabled the Special Rapporteur to have direct contact and discussions with the people whose human rights are affected by climate change. He also expresses appreciation to the Resident Coordinator Office in Bangladesh for facilitating the visit.

4. In the current report, the Special Rapporteur builds upon his preliminary observations² shared at a press conference on 15 September 2022. Furthermore, in the current report, he takes into consideration the discussions that took place after the conclusion of the visit. The Special Rapporteur thanks the Resident Coordinator Office and the International Centre for Climate Change and Development for organizing the round-table discussion that took place on 30 October 2022 to follow up on the Special Rapporteur's preliminary observations.

II. Climate change and Bangladesh

A. Bangladesh as a climate vulnerable country

5. It is evident that Bangladesh is a highly vulnerable country to the impacts of climate change. A study carried out by the International Institute for Environment and Development found that 42.6 per cent of rural households had reported exposure to floods, 40.7 per cent to storms and 82.6 per cent had been affected by at least one slow-onset climate-related

¹ Human Rights Council resolution 48/14, para. 2 (e).

² See the statement made at the end of the visit: www.ohchr.org/sites/default/files/documents/issues/climatechange/2022-09-14/SR-ClimateChange-EOM-Statement-Bangladesh-20220915.pdf. See also the corresponding press release: www.ohchr.org/en/press-releases/2022/09/un-expert-calls-international-fund-help-recovery-climate-change-affected.

disaster.³ The country's geography makes it one of the top 10 most vulnerable countries to the impacts of climate change.

6. The northern part of Bangladesh, in the Sylhet Division, is no more than 3 metres about sea level and is home to the wetland ecosystem called "*haors*". As a result of climate change it experiences more severe droughts and more severe cyclones. There has been an increase in flash floods, which are carrying higher volumes of water.

7. In the southern plain areas next to the coast, sea-level rise and storm surges are causing saltwater 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. In Khulna, the population density is high because the land is fertile and good for producing rice. However, the land is only 1 metre above sea level; when there is rain, the land is inundated (approximately, one fifth of land). The 10 million people living on coastal islands known as "*chars*" exist in extremely precarious circumstances due to the low-lying land and its 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.

8. Furthermore, Bangladesh is affected by its river systems, which all have their origins in neighbouring countries. Therefore, the country's destiny with respect to flooding events is contingent on cooperation with its neighbours. The continued construction of hydroelectric dams and the management of water releases and poor water catchment management in upstream countries are creating a significant burden on Bangladesh, resulting in a cycle of droughts and flooding. Climate change will continue to exacerbate these problems.

9. Bangladesh has the highest incidence of deaths by lightning strikes in the world. More than 300 people are killed each year due to lightning strikes. The testimonies of those interviewed suggest that the storm events creating these lightning strikes are getting worse. Global warming is undoubtedly the causal factor in this increase since rising temperatures are creating more severe storms. In 2022, Bangladesh experienced the highest temperature ever recorded, 48°C.

10. Women and girls are disproportionately affected by the consequences of climate change, affecting the exercise of a wide range of their rights, including their right to sexual and reproductive health, water and sanitation, and education. The Special Rapporteur spoke with many women and girls and the issue of gender inequality was a regular topic. Many women carry a disproportionate burden with respect to addressing the impacts of climate change. Based on testimonies heard by the Special Rapporteur, 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.

B. Role of Bangladesh in climate change negotiations

11. The Special Rapporteur chose to conduct a visit to Bangladesh for his first country visit as the mandate holder given the pertinent role that the Government of Bangladesh has undertaken to promote the issue of human rights and climate change in various international forums. Since 2008, the Government has taken an active role at the Human Rights Council to promote the issue of human rights and climate change. Bangladesh, together with the Philippines and Viet Nam, have been sponsors of numerous resolutions in the Council on human rights and climate change.⁴ The Special Rapporteur appreciates the efforts made by the Government to strongly advocate for the establishment of a new special procedure mandate focusing on climate change.

³ Shaikh Eskander and others, "Still bearing the burden: how poor rural women in Bangladesh are paying most for climate risks" (London, International Institute for Environment and Development, 2022).

⁴ See www.ohchr.org/en/climate-change/human-rights-council-resolutions-human-rights-and-climate-change.

12. In addition, the Government of Bangladesh was instrumental in creating the Climate Vulnerable Forum, which it chaired from 2020 to 2022. The former Chair of the Forum and still a part of its Troika, Bangladesh has actively engaged in advocating on the issue of climate justice and reparations for loss and damage. As a result of this work and leadership, in preparation for the twenty-seventh session of the Conference of the Parties to the United Nations Framework Convention on Climate Change, the Forum presented the impacts of climate change, in terms of reductions in gross domestic product (GDP) of its member countries, of the order of at least 20 per cent in the last decade and as much as 50 per cent in the case of a few specific countries.

III. Loss and damage in Bangladesh

13. 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. Bangladesh was ranked seventh on the list of countries most vulnerable to climate devastation, according to Germanwatch's Global Climate Risk Index 2021.⁵ According to the World Bank, Bangladesh suffers an annual average loss from tropical cyclones of approximately \$1 billion (0.7 per cent of GDP), although individual cyclone events could result in larger losses.⁶

14. Loss and damage is primarily caused by the pollution from large industrialized economies. There is a paradox in the fact that the costs of loss and damage must be met by those who contribute least to greenhouse gas emissions. Climate change interferes directly and indirectly with a wide variety of human rights and has a range of implications for the effective enjoyment of these rights due to its impacts on ecosystems and natural resources, physical infrastructure and human settlements, livelihoods, health and security. The impacts on human rights are a fundamental element of the concept of loss and damage. Those that suffer an impact on their human rights suffer loss and damage.

15. During the visit, the Special Rapporteur was able to witness many instances in which climate change had caused loss and damage to communities and the related impacts on human rights. These losses are closely linked to a number of fundamental human rights.

A. Loss and damage interlinkages with the right to life

16. The right to life has crucial importance both for individuals and for society as a whole. It is most precious for its own sake as a right that inheres in every human being, but it also constitutes a fundamental right, the effective protection of which is the prerequisite for the enjoyment of all other human rights and the content of which can be informed by other human rights.

17. There are many instances in which climate change is depriving people in Bangladesh of the right to life. Cyclones have been a major cause of death in Bangladesh. In 2007, Cyclone Sidr claimed 3,406 lives. In 2009, Cyclone Aila claimed 190 lives and, in 2016, Cyclone Roanu resulted in the loss of 26 lives. In 2020, Cyclone Amphan took the lives of 10 people. The Special Rapporteur met with the Munda community in Sunamganj district and heard testimonies from women about how Cyclone Amphan had prevented pregnant women from reaching a health-care centre, leading to the death of two newborn babies.

18. According to the Government of Bangladesh, the trend of cyclone-related mortalities is declining, due to its efforts and those of civil society organizations to build cyclone shelters.

19. According to the climate budget report (2020 and 2021),⁷ more than 7 per cent of the national budget was allocated to tackling climate change between 2021 and 2022. The

⁵ See www.germanwatch.org/en/19777.

⁶ See <https://openknowledge.worldbank.org/bitstream/handle/10986/38181/CCDR-Bangladesh-MainReport.pdf>.

⁷ See www.undp.org/bangladesh/publications/climate-budget-report-bangladesh's-citizens-2020-21.

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 260,000 houses. While the shelter project provides protection for some families, it cannot provide shelter for everyone. The Special Rapporteur heard from persons from the Munda community who were not able to go to shelters because they were all “booked up”: they had to find shelter in a small one-room schoolhouse, which had been built by a faith-based organization. When the Special Rapporteur visited the Munda community, he could see that the shelter was less than 1 metre above the high-water mark.

20. Concerns were expressed about the design of those shelters. Many are not gender or disability sensitive. The Special Rapporteur visited a school in Sunamganj that was used as a flood shelter. Families had to sleep on top of desks for 19 days with flood water below them. In Sylhet, a community visited by the Special Rapporteur was unable to make it to a shelter because the flood water had blocked their way.

B. Loss and damage interlinkages with the right to health

21. Climate change has a significant impact on the enjoyment of the right to health in Bangladesh. For instance, sea-level rise is causing salinization of farmland and freshwater supplies. People living near the coast are forced to drink this salty, contaminated water, resulting in various health effects, including cardiovascular diseases.

22. Rapid urbanization due to climate change displacement (discussed later) is linked to other health issues. Many people are forced to live in informal settlements in which the average annual losses from tropical cyclones alone are estimated to be approximately \$1 billion (0.7 per cent of GDP), although individual cyclone events could result in larger losses.

23. Rural women, including Indigenous women, are facing reproductive health issues due to salination and the price of safe drinking water, which affects the enjoyment of their right to sexual and reproductive health. Women are experiencing irregular menstruation and, as a result, they are frequently having miscarriages at between 5 and 6 months of pregnancy. The Special Rapporteur spoke with such women and they explained the tragic sequence of these issues. Due to the extensive loss of livestock and personal possessions, they are forced to work as manual labour in nearby shrimp and crab farms. In order to sustain themselves, women go to the Chuna River adjacent to the sundarbans to catch shrimp. Staying five to six hours in salt water has an awful impact on their health. Due to salinity, women suffer miscarriages, irregular menstruation, early menopause and skin diseases. Some choose to take contraceptive injections to reduce blood flow or to stop menstruation when working in the saline water, which has many follow-on effects. Many women are suffering, among others, from infertility, early menopause, headaches and loss of hair. Despite knowing the health hazards, they continue to work during menstruation, as they have no other income. These issues have significant implications within the family unit. Some women told the Special Rapporteur that their husbands had left them and married again. This means that women have to carry an enormous burden as the head of the household by providing for their families.

24. Psychological and mental health is another related concern for women suffering from gynaecological problems. They suffer poor reproductive and sexual health, which can affect their marital relationships.

25. The Special Rapporteur visited the Mallikpur model government primary school and spoke with the people who stayed in that school during a flood that lasted 19 days. They testified that the water level had reached the height of school desks. The latrines associated with the primary school had been inundated with water, making for extremely unhealthy circumstances, particularly for women and girls.

26. Climate change is also affecting the ability of people in Bangladesh to seek health support. In 2017, flooding in the Brahmaputra River inundated at least 480 community health clinics. During cyclones, communities faced difficulties in getting to local markets to buy the necessary sanitary and medical supplies.

C. Loss and damage interlinkages with the right to food

27. Climate change negatively affects food production and, hence, the availability of food in a quantity and quality sufficient to satisfy the dietary needs of individuals. This is another manifestation of loss and damage for the people of Bangladesh. In Bangladesh, food production, food security and the enjoyment of the right to food are affected by shifting precipitation patterns, higher temperatures, extreme weather events, droughts, floods, erosion of land and salinization.

28. In 2022, the people of Bangladesh faced challenges in relation to rainfall, which was delayed and insufficient. Usually, rainfall averages 400 mm a year but, in 2022, there was less than 200 mm. A delay in rainfall affects photosynthesis and early flowering affects the production yield of crops. Additionally, salinization affects crop yields in coastal areas. Of the 8.5 million hectares of arable land in coastal areas, 20 per cent is affected by saline intrusion.

29. Changes in climate are already undermining the production of major crops, in particular rice cultivation in Bangladesh. Bangladeshi agriculture is known for its “June cultivation”, which used to be dependent on rain-fed irrigation. The June cultivation is cost effective and economically viable as it involves less fertilization and less irrigation. However, due to drought and changes in the rainy season, June farmers are facing challenges: now groundwater is being used for irrigation, which comes with the cost of pumping water. Between crops, farmers grow vegetables and other crops (e.g. mustard, which requires 20 days to grow). Due to delays in rainfall, the planting season is also delayed, which also affects the in-between crops.

30. Furthermore, climate change negatively affects accessibility – both physical and economic – in the enjoyment of the right to food.

31. In Sylhet, the Special Rapporteur saw the aftermath and subsequent impacts of a flash flood that had struck the countryside in June 2022. The flash flood was unprecedented in the history of the nation and caused an enormous amount of damage. Some 95 per cent of Sunamganj district was under water. The Special Rapporteur met with a group of women from a community near Sunamganj who had suffered greatly from the flash flood in June. Their livestock, including ducks, chickens and cattle, had been washed away and the peanut and rice crops ruined. Compounding these losses is the ongoing burden of having to pay rent for the land that they are living on. According to testimonies, it was suggested that it would take at least two years for the community in Sunamganj to have sufficient yields from their crops to recover from the economic losses that they had suffered as a consequence of the floods.

D. Loss and damage interlinkages with the right to housing

32. Climate change is affecting the enjoyment of people’s right to adequate housing and hence represents another element of loss and damage.

33. Climate change in Bangladesh is having a significant impact on the right to adequate housing. The Special Rapporteur saw many people living on the streets in basic shelters. There are more than 5,000 slums in Dhaka with an estimated 4 million residents. Many of these people have been displaced by climate change-related reasons. These informal settlements suffer from many ills. According to the testimonies that the Special Rapporteur heard, women living in the settlements lack privacy for bathing, face long queues for toilets and are subject to sexual harassment. The situation of children in urban slums is far worse than in rural areas, as represented by high rates of malnourishment, school dropout, child marriage, child labour and abuse. Internally displaced persons living in these illegal settlements face high rents, fear of forced eviction, a shortage of adequate housing, undernourishment and lack of 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. The Special Rapporteur heard that trafficking in persons is present in the slums, although the Government states that it is making efforts to address this issue.

34. Houses in rural areas are also the subject of loss and damage due to the impacts of climate change. In Bangladesh, particularly in the coastal area, people face serious risks due to storm surges, which wash away their houses made of mud. In areas adjacent to major rivers, bank erosion causes houses to collapse into the rivers.

35. In a village that the Special Rapporteur visited, he saw that houses had roofs but the walls were not ready because of lack of funds. People had taken out loans to buy materials to fix the walls. The use of asbestos-based sheeting as a roofing material (most likely sourced from India) compounded the problems for local communities needing to rebuild after the impacts of climate change. People should not be given poor choices of building materials that contribute to health problems.

36. For this remote community in Sunamganj, 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. A number of houses were destroyed in the floods.

E. Loss and damage in the context of the rights to water and sanitation

37. Climate change is affecting the enjoyment of people's rights to water and sanitation. The diminution or loss of these rights due to climate change represents another form of loss and damage. In Bangladesh, climate change is threatening the availability of water, particularly in the context of extreme weather events such as droughts, floods and storm surges, leading to salinization of freshwater supplies. For instance, the Special Rapporteur noted that saline water intrusion affected the availability of portable water in the Munda community and elsewhere in the coastal areas. During the dry season, Munda women walk a long distance to fetch pure drinking water. The Special Rapporteur heard of an instance in which a woman had to walk a long distance to obtain potable water and one of her children died due to an accident while she was away.

38. Access to fresh water and sanitation is a particular concern in informal settlements. People displaced into informal settlements (see discussion below) place greater pressure on the limited facilities for fresh water and sanitation.

39. Even in cyclone shelters, there are sanitation issues. The Special Rapporteur heard that some shelters were not properly designed to meet the sanitary needs of women and girls. This was particularly the case when women and girls needed to use communal toilets during menstruation, during which special sanitation and privacy requirements were needed.

F. Loss and damage in the context of the right to take part in cultural life

40. Apart from direct economic losses due to climate change, the people of Bangladesh have suffered a number of non-economic losses that relate to the denial of the right to take part in cultural life. As an example, the Special Rapporteur heard of grave sites being lost to flooding, individuals not being able to use clean water for the purification process before prayers and climate change threatening the survival of natural herbs, which are important aspects of cultural life, particularly for Indigenous Peoples. Climate change forces people to leave their communities and lose their sense of belonging.

G. Loss and damage in the context of the right to education

41. People who are affected by the effects of climate change face significant vulnerabilities with regard to accessing education. When floods and other extreme weather events affect people's sources of income, access to schools and educational materials become unaffordable. In Sunamganj, the Special Rapporteur heard from those in the community that they were 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. Schools were also used as flood shelters, meaning that schoolchildren were not able to go to school.

H. Loss and damage in the context of the right to work

42. Climate change severely affects the rights to work of many Bangladeshis. Loss of farms due to saltwater intrusion, erosion, flooding and drought is depriving many Bangladeshis of their right to work. The Special Rapporteur heard of instances in which people living in coastal areas had lost their boats and fishing gear during major climate change-induced storms and hence had deprived them of the tools that they needed to work. People who are displaced due to climate change end up in urban areas where work is difficult to find. Some find work in low paid occupations, such as rickshaw driving.

I. International response to loss and damage

43. Loss and damage is well enshrined in decisions made by the Conference of Parties to the United Nations Framework Convention on Climate Change and in the Paris Agreement. The Conference of the Parties has established the Warsaw International Mechanism on Loss and Damage associated with Climate Change Impacts. Article 8 of the Paris Agreement is specifically dedicated to loss and damage.

44. The Government and civil society organizations are trying their best to find solutions to adapt to the impacts of climate change and to address loss and damage. However, the numerous challenges are enormous. Finding adequate finance to support adaptation actions is clearly one of the greatest hurdles. The Special Rapporteur 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) rather than adaptation. Despite an agreement that the Green Climate Fund would provide a 50–50 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 received by the Special Rapporteur, accessing finance for adaptation through the Green Climate Fund requires lengthy approval processes, much longer than for finance for mitigation purposes.

45. At the twenty-seventh session of the Conference of the Parties to the United Nations Framework Convention on Climate Change, held in Egypt, States parties agreed to establish new funding arrangements to address loss and damage in developing countries, which are particularly vulnerable to the adverse effects of climate change.⁸ The sources of funding for this new arrangement have yet to be determined. In his report to the General Assembly, the Special Rapporteur recommended that the Secretary-General establish a group of finance experts to consider innovative sources of funding for loss and damage.⁹

46. Establishing an international funding mechanism for loss and damage is critical for climate change vulnerable countries such as Bangladesh, which cannot afford the impacts of climate change that major polluters are creating. It is time that the polluters paid for the loss and damage inflicted on other countries.

47. States parties must respect the right to life. This entails the duty to refrain from engaging in conduct resulting in arbitrary deprivation of life. States parties must also ensure the right to life and to protect the lives of individuals against deprivations caused by persons or entities whose conduct is not attributable to the State. In the context of loss and damage, States that are responsible for greenhouse gas emissions have a responsibility to ensure that such emissions do not affect the right to life in other countries. Major greenhouse gas producing countries have a primary responsibility in this respect.

J. Regional response to loss and damage

48. At the regional level, neighbouring States need to ensure that their actions do not contribute to loss and damage in Bangladesh. In particular, countries upstream from Bangladesh appear to be unresponsive to the concerns of Bangladesh about flash floods.

⁸ Decision 2/CP.27. See https://unfccc.int/event/cop-27?item=8%20f#decisions_reports.

⁹ [A/77/226](#), para. 92.

These countries hold a significant responsibility for the future of Bangladesh. The large hydroelectric dams and poor catchment management practices of upstream countries are inflicting a high cost on Bangladesh. Much greater cooperation is needed among these countries.

K. National response to climate change and subsequent loss and damage

49. The Government of Bangladesh has developed a number of planning and financial instruments to address climate change and loss and damage in the country. These include the Flood Action Plan, the Bangladesh Climate Change Trust Fund, the National Adaptation Programme of Action, the Bangladesh Climate Change Strategy and Action Plan (2009, updated in 2022), the National Plan for Disaster Management, the Bangladesh Climate Change and Gender Action Plan (2013) (in the process of being revised), the Perspective Plan (2021–2041), the Delta Plan, the Pilot Programme for Climate Resilience, the Mujib Climate Prosperity Plan and the National Strategy on the Management of Disaster and Climate Induced Internal Displacement. It is also about to release its National Adaptation Plan. A detailed introduction to all the policy instruments is beyond the word limit of this report, but a summary of salient policy is instructive.

50. Bangladesh has made great efforts to adapt to the impacts of climate change and to find means to address loss and damage. Bangladesh was the first developing country to draw up a coordinated action plan in 2009 called the Climate Change Strategy and Action Plan. It also set up a Climate Change Trust Fund for \$300 million through domestic resources from 2009 to 2012. Every year, 6 to 7 per cent of the country's annual budget is earmarked for climate change adaptation. The National Adaptation Plan states that \$230 billion is required to implement the Plan. It has identified 113 programmes in 8 sectors and 11 stress areas. To address losses of food caused by climate change, the Government claims that more than 10 million families are receiving basic food and essential supplies under its social security protection programme.

51. Since 2010, for example, the Bangladesh Climate Change Trust Fund has channelled domestic funds – approximately \$450 million as of 2021 – to climate-related projects across the country. According to the country's climate budget report, more than 7 per cent of the national budget has been allocated to tackling climate change since the 2017/18 financial year (except in the financial year 2020/21).¹⁰ However, the Special Rapporteur was told by many community members that real results were not experienced on the ground and that implementation in practice was lacking.

52. Bangladesh has early warning systems and collects meteorological data through a network of more than 50 weather stations, balloons and radars. Warning systems, often run by volunteers, are able to help get people to cyclone shelters before the storms hit. There is an increasing number of female volunteers, which is believed to have helped reduce cyclone-related deaths. According to a study comparing storm casualties in the region over 25 years, the shelter programme in Bangladesh reduced fatalities by 75 per cent between 1990 and 2015.

53. The Government has initiated a number of adaptation actions to build resilience against the impacts of climate change. For instance, the Government's Coastal Embankment Improvement Project has helped relieve some of the impacts of cyclones and flooding. Unfortunately, upkeep of the embankments is not forthcoming or left to the communities to resolve. The Special Rapporteur 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.

54. Civil society organizations are also helping communities to build resilience 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

¹⁰ Ministry of Finance, *Climate Financing for Sustainable Development: Budget Report 2021–22* (2021), p. 31.

gardens using sacks to grow vegetables. These are only a few innovative ideas being trialled. Some civil society organizations are helping the Munda gain titles to their lands there, by allowing for them to have a greater opportunity to plan and manage their destiny.

55. Despite the hardships suffered by the flash floods, the women the Special Rapporteur 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 organizations are helping the inundated communities to buy schoolbooks and supplies. Many representatives of civil society organizations played a vitally important role as volunteers during and after the floods, providing food and other supplies for flood-affected communities.

IV. Climate change displacement in the context of Bangladesh

56. Climate change displacement within Bangladesh and across international borders is an extremely significant issue confronting the Government of Bangladesh. Approximately 4.4 million persons were displaced in Bangladesh due to disasters in 2020, according to a report from the Internal Displacement Monitoring Centre.¹¹ One cyclone, Cyclone Amphan, resulted in 2.5 million displacements. Bangladesh has more than 10 million persons displaced by climate change and an estimated 2,000 persons are moving to Dhaka every day, according to the Mayors Migration Council.¹²

57. The effects of climate change are driving people from their homes and forcing them 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. In the two regions the Special Rapporteur visited, Sylhet and Kulna, the Special Rapporteur was informed that the economic impacts of climate change had been too much for some families and that they had to migrate to find other sources of income. The Special Rapporteur also met with youth groups who said that, after the floods in the *hoar* region of Sylhet, some of their 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 did not have to leave their homes.

58. In some cases, it was the men who moved away to seek jobs. This created a significant burden for women who were left behind creating a multitude of problems. The Special Rapporteur heard stories of women having to walk up to 6 km to fetch fresh water. 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.

59. Most of the people displaced by climate change move to urban areas to seek jobs, mostly as domestic workers or in the construction industry or factories. Domestic workers are often not paid a minimum salary and in the construction industry or factories, workers are often not paid on time and work in hazardous conditions. They also live in communities and in slums with limited access to fresh water and sanitation.

60. For some people, they are not able to move to escape the impacts of climate change. These people are trapped in highly vulnerable situations. The elderly and persons with disabilities often find themselves unable to move and find it difficult to access cyclone shelters. In recent times, however, the design of cyclone shelters has improved with wheelchair access, segregated spaces for men and women, and even areas for farm animals.

¹¹ Christelle Cazabat and Alesia O'Connor, *2021 Internal Displacement Index Report* (Geneva, Internal Displacement Monitoring Centre, 2021).

¹² Sadiq Khan and Mohammad Atiqul Islam, "World leaders must prepare for the climate migration challenge: as mayors we are taking urgent action to address the issue, but we cannot do it alone", *New Statesman*, 17 December 2021.

V. Participation

A. Climate change and the right to freedom of expression: public consultation

61. Despite considerable efforts to develop various planning instruments associated with climate change, the Special Rapporteur was told by many community members that real results were not experienced on the ground and that implementation in practice was lacking. When the Special Rapporteur polled a gathering of civil society organizations, only one had been consulted with respect to the development of the new National Adaptation Plan. It appears that there is a lack of consultation and that top-down planning by the Government of Bangladesh is not reaching the people most affected by the impacts of climate change. The lack of consultation was disputed by government officials that the Special Rapporteur spoke to.

B. Climate change and the right to freedom of expression: environmental rights activists

62. Under the International Covenant on Civil and Political Rights (art. 19), everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of choice.

63. The Special Rapporteur received a statement from environmental and climate change human rights defenders about being subjected to harassment and imprisonment due to speaking out against climate change issues. A number of incidents were reported to the Special Rapporteur in which environmental and climate change human rights defenders had been arrested or harassed by authorities for protesting against the development of new coal-fired power stations and other developments prejudicial to the climate. The Special Rapporteur also heard of death threats made against environmental human rights defenders by “unknown” persons.

64. In addition, the Special Rapporteur recalls letters of allegation sent by other special procedure mandate holders to Bangladesh, concerning the imminent threat of eviction of approximately 155 families belonging to the Indigenous Mro community due to the construction of a luxury tourist resort in the Bandarban district of the Chittagong Hills Tracts, the absence of consultations with the affected Indigenous Peoples prior to construction and the intimidation of community members peacefully protesting against the project and defending their ancestral lands.¹³ Another letter relates to the harmful impact of rapid industrialization on the ecosystem and on the outstanding universal values of the sundarbans mangrove forest, as well as detrimental effects on the human rights of the local population related to the safe and healthy environment of the forest.¹⁴

65. It was claimed that there was “shrinking local space” for public comment. It appears that the Digital Security 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 through social media without fear of harassment or imprisonment. Poor disaffected youth, who have little to live on, may fall prey to extremist organizations, but these are not climate change human rights defenders. It should be noted that the Government denies that the Digital Security Act has been used against environmental and climate change human rights defenders.

66. Climate change is one of the greatest threats to the human rights of both present and future generations, disproportionately affecting persons and groups in vulnerable situations.

¹³ Communication BGD 8/2020.

¹⁴ Communication BGD 6/2018.

Rights are universal and based on the inherent dignity of all human beings. Human beings are thus rights holders, and they are entitled to protection from the negative impacts of climate change, particularly the individuals and peoples most affected by climate change. Rights holders must be meaningful participants in and primary beneficiaries of climate action and they must have access to effective remedies. As active participants in rights realization, they must also be empowered to make claims and hold duty bearers to account.

C. Climate change and the right to freedom of expression: Indigenous Peoples

67. The Special Rapporteur met with representatives from a number of Indigenous Peoples' groups. Climate change is affecting their livelihoods, making it difficult to carry out their traditional practices. Indigenous Peoples from the Chittagong Hill Tracts, for example, have experienced landslides from excessive rain and then a lack of access to fresh water due to droughts. Others on the coast have witnessed changes in plant flowering, which affects their ability to collect food.

68. While these Indigenous Peoples' groups have been outspoken about their concerns that the Government of Bangladesh is unwilling to recognize that these people are Indigenous, preferring to call them "small ethnic minorities". According to the testimonies that the Special Rapporteur heard, Indigenous Peoples in Bangladesh have little voice in decision-making processes.

69. Due to cultural differences, the Special Rapporteur heard that some Indigenous Peoples do not wish to take shelter in storm shelters provided by the Government.

D. Climate change and the right to freedom of expression: youth

70. Children have particular vulnerabilities to the impacts of climate change. As climate change gets worse, the future of today's youth is very uncertain. For this reason, it is important that youth have a voice in the future. Some 33 per cent of the population of Bangladesh are young persons. The Special Rapporteur spoke with young people from the *hoar* region of Sylhet and they lamented the fact that they did not have a say in the future. More must be done to give youth a voice. We are leaving a sad legacy of climate change for future generations and we must allow youth to express their concerns.

71. The Special Rapporteur also met with a number of civil society organizations. He was particularly inspired by the work of various youth groups who are working to ensure that the people of Bangladesh have a better understanding of the issues associated with climate change. The youth group representatives in Sunamganj have developed a network of green clubs in schools. They were also active as volunteers in helping rescue people and provided emergency relief to people affected by the flash floods in Sylhet.

E. Climate change and the right to freedom of expression at the international level

72. The Special Rapporteur attended the twenty-seventh session of the Conference of the Parties to the United Nations Framework Convention on Climate Change in Egypt and it was evident that the voices of those most affected by the impacts of climate change were not being heard at such sessions. This is particularly the case for women, youth and Indigenous Peoples, who 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 grass roots. All States need to make every effort to consult with women at the forefront of the impacts of climate change. This should not be tokenistic. While Bangladesh is making efforts to incorporate gender considerations in their delegations, the absence of Indigenous Peoples is noticeable.

VI. Mitigation issues (reducing emissions)

73. The impacts of climate change cannot be effectively addressed without taking drastic steps to reduce greenhouse gas emissions. We are in a climate change emergency and the rights of people are violated as a consequence of climate change. It was claimed by a number of government officials that the emissions from Bangladesh account for a mere 0.56 per cent of global emissions, yet it is one of the top 10 countries most affected by climate change.

74. Human rights standards require all countries to seek to reduce their harmful emissions into the global atmosphere, with a view to reducing their negative effects on the enjoyment of human rights. As a least developing country, Bangladesh should also contribute to efforts by developing countries to pursue low-carbon development paths, thereby avoiding new rounds of increases in emissions. In particular, national development plans must take into account the urgent need to refrain from contributing further to emissions that cause climate change, which requires the design of economic development strategies that avoid excessive reliance on fossil fuels to power growth. Furthermore, Bangladesh should pursue strategies aimed at mitigating climate change, while ensuring that they do not contribute to human rights violations.

75. The nationally determined contribution prepared by the Government of Bangladesh 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 emissions. Reliance on coal and natural gas is already creating an economic burden as it must rely on external supplies. Bangladesh should be striving to be self-sufficient in energy by expanding its development of renewable energy and energy efficiency technologies.

76. While recognizing the increasing energy demands of a growing economy such as Bangladesh, the development of new coal-fired power stations is not consistent with the overall goals of the Paris Agreement, which require efforts by all countries to reduce their emissions. Nevertheless, Bangladesh should not be responsible for carrying out 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.

77. A number of civil society groups have spoken out against the Government's expansion of its coal-fired power plants. Protests were held against these power plants, which were met with a stern response from the Government.

78. From the Special Rapporteur's personal observations, it would appear that the road transport system in Bangladesh is highly inefficient and is leading to abnormally high emissions from private vehicles. Due to the physical characteristics 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 management 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.

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

80. The United Nations Collaborative Programme on Reducing Emissions from Deforestation and Forest Degradation in Developing Countries (UN-REDD) has supported Bangladesh to develop its national REDD-plus strategy with the identification of deforestation and degradation drivers. Nevertheless, according to testimonies the Special Rapporteur heard, the strategy has faltered. Deforestation continues at an alarming rate. It was suggested to the Special Rapporteur that many of the logging enterprises were owned by influential government officials. The consequences of this deforestation is exacerbating landslides in the Chittagong Hill Tracts. It is contributing to global emissions. Indigenous Peoples the Special Rapporteur spoke with suggested that they had not been consulted about

the REDD-plus strategy, nor had they given consent for such actions on their land. Logging and climate change is having a significant impact on the enjoyment of human rights by the Indigenous Peoples of the Chittagong Hill Tracts. Local water supplies have dried up, which means that women are required to walk for more than six hours a day to the lowlands to seek fresh water. 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. The Special Rapporteur was told that some have committed suicide due to the desperate nature of their circumstances.

81. Access to safe and reliable energy for cooking is urgently needed to address significant health issues in Bangladesh associated with the use of solid fuels.

VII. Conclusion and recommendations

82. It is evident that Bangladesh suffers a plethora of issues associated with climate change and, in particular, enjoyment of human rights. The Special Rapporteur wishes to acknowledge that the Government of Bangladesh has expended a 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.

83. Based on his observations, the Special Rapporteur wishes to submit the following recommendation to the international community:

(a) At the international level, greater effort must be made to reduce greenhouse gas emissions. In his report to the General Assembly in 2022, the Special Rapporteur recommended that the Secretary-General host a high-level mitigation commitment forum as part of the Summit of the Future conference to encourage all nations to come forward with more ambitious and rapid emission reduction targets. The Secretary-General announced at the end of 2022 that he would convene a Climate Ambition Summit in September 2023. The Special Rapporteur strongly encourages all States to come forward with enhanced emission reduction targets at this summit;

(b) At its twenty-seventh session, the Conference of the Parties to the United Nations Framework Convention on Climate Change announced the establishment of a loss and damage fund. The critical issue to resolve is where will the money come from to support this fund. The Special Rapporteur in his report to the General Assembly in 2022 recommended that the Secretary-General assemble a group of finance experts to find new, substantial and innovative sources of funding for the loss and damage fund. This recommendation is reiterated here. Countries like Bangladesh cannot afford the huge cost to their GDP as a consequence of climate change impacts;

(c) Regional river catchment nations, particularly India and China, need to sit down at the negotiating table with Bangladesh and work through a fair and equitable regional river catchment plan.

84. The Special Rapporteur recommends that the Government of Bangladesh:

(a) 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 and girls, older persons and persons with disabilities;

(b) Develop a clear policy strategy on how to deal with the number of persons displaced by the impacts of climate change. It needs to provide much better services to persons living in slums and other informal settlements;

(c) End the harassment and threats and intimidation against climate change human rights defenders and Indigenous Peoples. 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 issue related to terrorism. Such persons are not terrorists;

(d) 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 the concerns of Indigenous Peoples could be enhanced by the Government affirming its commitment to the United Nations Declaration on the Rights of Indigenous Peoples;

(e) 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 country concerned by climate change.
