

Inputs of the Office of the High Commissioner for Human Rights to the 12th meeting of the Executive Committee of the Warsaw International Mechanism for Loss and Damage (16 October 2020)

OHCHR welcomes the opportunity to provide inputs to the 12th meeting of the Executive Committee of the Warsaw International Mechanism for Loss and Damage. OHCHR has continuously engaged with the WIM and its Task Force on Displacement, to support rights-based climate action on loss and damage and advocate for effective remedies and protection measures for those who suffer human rights harms because of climate change. The High Commissioner's [Open-Letter to all member States](#) on the occasion of COP25 included rights-based action to address loss and damage as one of three priority areas and it remains a priority issue for the Office in the lead-up to COP26.

a) New expert groups

OHCHR welcomes the three new expert groups for which TORs were adopted by the Executive Committee, and would be happy to support their work going forward. A few initial contributions to the work of the Expert Groups are outlined below for convenience.

➤ *Slow-onset events*

Together with the Platform on Disaster Displacement, OHCHR issued a report on [slow onset effects of climate change and human rights protection for cross-border migrants](#) in 2018. In addition, the 2020 [Report of the Special Rapporteur on the human rights of internally displaced persons to the General Assembly focused on internal displacement in the context of the slow-onset adverse effects of climate change \(UN Doc. A/75/207\)](#).

➤ *Non-economic losses*

The world has never seen a threat to human rights like climate change. For those on the frontlines of climate change, the rights to food, water and sanitation, decent shelter, health, personal security, and even life itself are already being eroded. Climate change disproportionately affects the world's most vulnerable people – those who are the poorest, most exposed and have the least resources to withstand climate shocks and stresses such as extreme weather events. Negative human rights impacts of climate change are often “non-economic losses” and addressing them in human rights terms is critical to putting a human face of the pain and suffering caused by climate change.

b) Technical guides and global stocktake

The Office supports the proposal to draw on existing guidance and sources of information including NDCs and NAPAs in developing the technical guides and contributing to the global stocktake. A large body of guidance and wealth of information related to human rights and climate change is available on OHCHR's website and through a review of the work of human rights mechanisms. For example:

- **Reporting to the [Universal Periodic Review](#)** is increasingly addressing connections between human rights and climate change, including the impacts of extreme weather events. By May 2020, the third UPR cycle had already seen 74 recommendations being made in relation to climate change. A larger number of recommendations were made on related matters, such as disaster risk reduction and displacement.

- **General observations, comments and decisions of human rights treaty-bodies frequently address climate change.** For instance, the **Committee on the Elimination of Discrimination against Women** underscores the urgency of mitigating climate change and highlights the steps that need to be taken to achieve gender equality in order to reinforce the resilience of individuals and communities to climate change and disasters in its General Recommendation No. 37 (2018) on gender-related dimensions of disaster risk reduction in the context of climate change. The **Human Rights Committee** decision in *Teitiota v. New Zealand* in 2019 addressed the situation of a person from Kiribati seeking asylum in New Zealand in the context of climate change. The Committee’s General comment No. 36 (2018) on the right to life emphasizes that “Environmental degradation, climate change and unsustainable development constitute some of the most pressing and serious threats to the ability of present and future generations to enjoy the right to life.”
- A number of **Nationally Determined Contributions** also integrate human rights (see e.g. Brazil, Chad, Chile, Costa Rica, Ecuador, Georgia, Guatemala, Guyana, Honduras, Marshall Islands, Mexico, South Sudan).

c) **Task Force on Displacement**

OHCHR remains very interested in joining the Task Force on Displacement (TFD). The Office continues to work on climate-related displacement particularly in the Pacific and South East Asia, with dedicated capacity in our regional offices working on climate change. A new project on this subject is being implemented in the Sahel, with Mauritania, Niger and Nigeria as pilot countries and work coordinated out of Geneva and the regional office for Western Africa in Dakar. The Office also serves on the Advisory Committee of the Platform on Disaster Displacement.

The Office has actively contributed to the work of the TFD in the past years, including participating and contributing to joint events, and would welcome the opportunity to do so even more as a member of the TFD.

e) **Fostering public education and awareness-raising efforts at the regional, national and local level, including efforts with a capacity-building component**

Regarding the suggestion to provide brief and concise information materials, OHCHR has developed a series of key messages on climate change and human rights, including on [climate change and human rights](#), [climate change, human rights and migration](#) and joint OHCHR-UNEP key messages on [COVID-19, the environment and human rights](#). Further key messages in this series are forthcoming.

Such information is also critical to support meaningful stakeholder participation, in particular of the groups most adversely affected by climate – such as indigenous peoples, women, children, migrants, persons with disabilities and people living in particularly climate vulnerable areas.

In Latin America and the Caribbean, OHCHR has collaborated with ECLAC in developing a publication on *Climate Change and Human Rights: Contributions from and for Latin America and the Caribbean* (December 2019) available in [English](#) and [Spanish](#).

Together with seven other UN entities (ILO, UN Women, UNESCO, UNEP, ECLAC, UNICEF and UNECE), OHCHR submitted a joint submission calling for a rights-based approach to Action for Climate Empowerment at the UNFCCC in February 2020 (available online at the OHCHR website [here](#)). We hope this submission may also prove useful in this context given the connections to Action for Climate Empowerment highlighted by Members of the Executive Committee.