



**OXFAM**

## **Oxfam submission to the Office of the United Nations High Commissioner for Human Rights to inform the United Nations Secretary General's analytical study on the impact of loss and damage from the adverse effects of climate change on the full enjoyment of human rights**

- 1) Please describe through concrete examples and stories the impacts of loss and damage from the adverse effects of climate change on the full enjoyment of human rights in your country. Please indicate whether the impact was exceptional or whether an example of many similarly situated cases. Please estimate the number of cases that may be similar in your country.**

Oxfam has documented the adverse impacts of climate change on human rights in many countries where it works. The following are just a few examples.

### THE RIGHTS TO WATER, SANITATION, FOOD, LAND AND ADEQUATE STANDARD OF LIVING

- In May 2022, Oxfam and other organizations estimated that one person was likely dying of hunger [every 48 seconds](#) in Ethiopia, South Sudan, Kenya, and Somalia. In September 2023, Oxfam [documented](#) that 31.5 million people across the same countries were experiencing acute hunger, including 83,350 facing starvation primarily because of climate-induced weather shocks made worse by conflict, and macroeconomic shocks.
- In Bangladesh, Nepal, Sri Lanka and Timor-Leste, Oxfam [documented](#) how thousands of people had lost their lands totally to floods or landslides, while others suffered damage to their lands due to flooding, salination or drought. The research also highlighted that the lack of security of tenure over land translated in greater losses and damages.
- [In](#) Guatemala, the territory of the [Indigenous Maya Ch'orti](#) is located in the dry corridor region which is affected by recurrent droughts made worse by climate change. In 2019, the lack of rain caused losses of more than 70% of subsistence maize and bean crops in Ch'orti' communities, creating a context of food and nutrition insecurity that most severely affected children under 5 years of age who suffer from acute malnutrition with long-term physical consequences.
- In 2023, the [Brazilian Amazon](#), especially the state of Amazonas, suffered a historic drought largely [driven](#) by climate change. In a context in which 60% of the rural population draws water for human consumption directly from water sources, thousands of families were left without access to drinking water and food and remote communities isolated as rivers and

streams run dry. The consumption of contaminated water caused [outbreaks](#) of diarrhea, vomiting, fever, and stomach pain among riverside communities.

## THE RIGHT TO HEALTH

- In the [Philippines](#), the community of Caglao-an in Dolores, Eastern Samar is exposed to intensifying rains and storms: the village now experiences a major flood three times a year. High water and the strong currents affect the community's access to medical care as the hospital in Dolores can only be reached by boat, so sometimes the community is cut off for as many as 15 days.
- In [El Salvador and southern Honduras](#), a higher incidence of kidney diseases among farm workers has been recorded since the 1990s due to constant exposure to higher temperatures and limited access to drinking water.
- In [MENA](#), Oxfam found that extreme weather conditions and environmental stressors affect women's sexual and reproductive health and rights, including hormonal and menstrual health, reproductive health and family planning decisions. Climate change may lead to increased risks during pregnancy, including dehydration, heat stress and complications. It also contributes to the spread of infectious diseases, affecting maternal health. These impacts are compounded for refugees and migrants, as well as for women with disabilities.
- In [Malawi, Mozambique and Zimbabwe](#), interviewees reported to Oxfam severe consequences on their mental health following climate-induced disasters. In one case, this led to increased high blood pressure and stroke, resulting in disability. Children are particularly traumatized, especially those who lost a family member due to an extreme weather event.

## RIGHT TO ADEQUATE HOUSING AND FORCED DISPLACEMENT

- In [Fiji](#), tropical Cyclone Winston in 2016 destroyed or damaged 32,000 houses. Entire maritime communities were wiped off the map, rendering them homeless. According to the [Internal Displacement Monitoring Centre](#), 30 climate-related disasters triggered 153,000 displacements in Fiji from 2008 to 2019.
- In 2023, Oxfam documented the case of a woman in the community of Kumar Para on an island in Gaibandha, [Bangladesh](#), who was displaced by floods and erosion more than 20 times in her life time, three times of which during the last year.

## RIGHT TO EDUCATION

- In [Pakistan](#), Oxfam documented several cases of disruption to education following the devastating floods in 2022. Overall [3.5 million](#) children had their education interrupted.
- In the community of Caglao-an, Philippines (see above), floodwaters affect children's access to school. Even when the school itself remains dry, children cannot reach it because the paths to reach are submerged.

## CULTURAL RIGHTS

- In [Southern Africa](#), Oxfam documented how loss and damage to cultural heritage such as cultural artefacts and sacred places disrupted cultural identity. Where graves were destroyed, relatives experienced acute distress as they could not perform cultural rituals.
- In Aotearoa, changes in rainfall patterns are impacting the wellbeing of communities in [Ngāti Hine](#), a Māori nation in the Whāngarei and Far North region, as their relationship with native

eels is disrupted. Intergenerational knowledge transmission is undermined, which directly damages mana whenua (the Indigenous peoples who hold governance responsibilities for a particular area) sense of place and ability to actively practice kaitiakitanga (guardianship of the environment).

**2) Please describe any relevant quantitative and qualitative data as well as mechanisms and tools to measure, monitor, report on, and evaluate the impacts of loss and damage, including from extreme weather and slow-onset events, on the full enjoyment of human rights. Please take into account, inter alia, the disproportionate effects on women and girls, children, youth, older persons, persons with disabilities, Indigenous Peoples, migrants, persons living in poverty and others in vulnerable situations.**

As climate change intensifies on a global scale, climate-related losses and damages not only compound pre-existing intersecting inequalities of gender, race, class, caste, (dis)ability, and ethnicity but intensify the violation of women's and marginalised groups' human rights. Oxfam's report "[A planet for the 99%](#)" clearly illustrates the unequal impacts of loss and damage. For example, Oxfam calculated that the death toll from flooding is seven times higher in the most unequal countries compared to more equal countries.

As illustrated in Oxfam's 2023 reports on the [gendered dimensions of loss and damage in Asia](#) and on [climate change and women's health and rights in MENA](#), the structure of gender-discriminatory social norms, laws and narratives form the basis of the unfair gendered division of roles and responsibilities that expose women to greater unpaid care work, insecurity, violence, displacement, and limited access to resources. Women, particularly those who are most marginalized, face time and income poverty, and are rendered less able to cope with and respond to climate shocks, meaning the losses and damages they face are more severe.

In Brazil, the black Afro-descendent population is disproportionately affected by loss and damage due to a history of discrimination and neglect which has left this group with the worst rates of unemployment, poverty and violence and less access to basic services. A recent [study](#) showed that in the cities of Belém, Recife and São Paulo the black population is the most affected by floods and landslides. Afro-descendant people living in traditional communities (quilombola) struggle to maintain their land and their ways of life in the context of climate change and environmental degradation. Quilombola communities in the Amazon play an important role in protecting the forest and agrobiodiversity, but [only 118 territories](#) have been provided with land tenure titles by government agencies.

**3. Please describe any specific measures, including public policies, legislation, practices, strategies, or institutional arrangements that your Government has undertaken or plans to undertake at a national, sectoral or sub-national level, in compliance with applicable international human rights law, to avert, minimize and address loss and damage, including equity-based approaches and solutions. Please also identify any relevant mechanisms for ensuring accountability, including means of implementation.**

Based on Oxfam's experience, measures to address loss and damage at national level remain limited or inadequate.

Insurance schemes, which are often touted as a solution to address loss and damage, have a [patchy record](#) on paying out quickly, predictably and adequately and can also increase inequalities. For

example, in 2021, [Fiji](#) launched the Fiji Parametric Micro-Insurance Product, to cater for shocks for farmers and fisherfolks after a climate-induced disaster. Under this scheme, insurance-holder receive the payment as soon as the weather event strikes, with no need for the insurer to verify any actual loss. However, the scheme still requires premium payments of approximately \$2 per week from insurance-holders, which represent a barrier to participation for communities most at risk and with little disposable income. The financial support provided by New Zealand and Australia for this scheme so far has been to set up the structure of the scheme, while the financial underwriting comes from Fijian private insurers. The ongoing success of the scheme is therefore dependent on the profit being able to be maintained.

Guaranteeing land tenure rights is often overlooked as a measure to address loss and damage. Oxfam research shows that secure land tenure is a significant factor that better enables communities to respond to the climate crisis by making decisions and investments to improve their climate resilience. Land ownership enables communities to receive assistance and climate finance to address and overcome loss and damage. For example, in [Timor Leste](#), following the devastation brought by Cyclone Seroja, the government supported landowners to leave Dili to rebuild their houses in safer areas, while people without land had often no choice than returning to rebuild houses in unsafe, government-owned areas where they faced the threat of eviction. Others remained in temporary accommodation, with limited access to clean water.

Social protection is a core element of an equitable and sustained response to loss and damage. But according to the International Labour Organization, more than four billion people do not have it. Added to that, few countries have access to robust contingency funds that can be quickly invoked when loss and damage occurs.

Climate interventions often overlook the needs of women and the gendered dimensions of climate vulnerability. For instance, care packages distributed during disasters frequently omit female hygiene products, despite women typically being the primary recipients of these packages. The increased unpaid care and domestic work carried out by women after disasters is typically omitted from discussions about loss and damage financing.

**4. Please identify and share examples of promising practices and critical challenges in the promotion, protection, and fulfilment of the full enjoyment of human rights in the context of loss and damage, including examples that highlight multilateral cooperation and approaches, at global and regional levels, including equity-based approaches and solutions.**

An example of promising approaches at regional level is the Fiji Climate Relocation and Displaced People's Trust Fund for Communities and Infrastructure (CRDPTF). The CRDPTF is novel in allowing donor countries to directly cover the cost of relocation of displaced communities. In 2021, Oxfam [found](#) that even though New Zealand's contribution to the fund was classified as adaptation finance, this was directly addressing the loss and damage of communities for whom adaptation is no longer an option, causing them to relocate. However, the CRDPTF does not compensate for the non-economic side effects of relocation, such as cultural dislocation or communal disruption.

The adoption of the Loss and Damage Fund (LDF) at COP27 and its operationalisation decided at COP28 mark significant progress in fostering multilateral cooperation to address loss and damage. However, the [decision](#) taken at COP28 fails to provide justice to communities most impacted. In particular:

- While it acknowledged that the Fund should take a gender-responsive approach, it failed to recognize that it must be based in human rights principles and standards;

- It stressed that “funding arrangements, including a fund, for responding to loss and damage are based on cooperation and facilitation and do not involve liability or compensation”. This prevents people most affected by climate-induced loss and damage from accessing effective remedies for the human rights violations they have suffered;
- It failed to recognize that rich countries with historical responsibility for the climate crisis have the obligation to provide finance and support for addressing loss and damage;
- It included no reference to the scale of finance required and weak language on finance needing to be new and additional to existing climate and humanitarian finance;
- It failed to recognise grants as the only form of finance acceptable for loss and damage (concessional finance is mentioned);
- It failed to mandate the board of the Fund to establish a set of dedicated environmental and social safeguards to ensure activities supported by the fund do not harm the environment or human rights and to establish an independent grievance mechanism to provide redress for any human rights violation that might occur;
- It failed to ensure representation of women, Indigenous Peoples and other most impacted groups in the board of the Fund.

The COP28 decision recognizes all vulnerable developing countries as eligible for the Fund and states that the board may develop procedures for small grants to “communities, Indigenous Peoples, and vulnerable groups”. This is a critical requirement to ensure direct access to funding to most affected people and promoting locally-led solutions to address loss and damage.

Moreover, states decided to have the World Bank as an interim host of the LDF. A number of conditions were set up to overcome the shortcomings identified in previous experiences of World Bank-hosted funds. Conditions include the LDF being able to provide small grants for communities. It is crucial to hold the World Bank to account to fully meet those conditions and, if it does not, to move quickly towards the establishment of the LDF as a standalone institution.

Finally, while at COP28 several states pledged funding towards the LDF, the amount pledged represents a drop in the ocean of what is needed by people on the frontline of the climate crisis and, in many cases, pledges do not correspond to new money. They were only shifted from adaptation or humanitarian funding, a move that ultimately negatively affects the enjoyment of human rights.

**5. Please provide specific recommendations, if possible, on how to address the critical challenges that have been identified, including actions to be taken at country, regional, and global levels, as well as by different groups of stakeholders, Governments, development agencies, financing institutions, and others.**

**A) Adequate resourcing of the Loss and Damage Fund** proportionate to the needs of countries in the Global South particularly vulnerable to loss and damage. Countries in the Global North must meet their financial obligations deriving from their historical responsibilities. Funding must be grant-based and additional and distinct from development and humanitarian finance but employ mechanisms that allow for clear coordination and cooperation in fragile and conflict-affected state.

There should be increased transparency and enhanced tracking and reporting of funding. UNFCCC rules and reporting guidelines should require climate finance providers to report the share of climate finance they are contributing to fragile and conflict affected states (see Oxfam 2023 [report](#)).

**B) Comprehensive measurement and data collection for loss and damage.**

- Integrate an in-depth gender and human rights analysis into loss and damage needs assessments and consider the social, emotional and psychological impacts of loss and damage on communities, recognizing the diverse and distinct experiences of different groups. One way to do this would be to integrate a measure of depletion (in terms of both physical and mental health), as put forward by feminist economists, in evaluating the gendered impacts of increased unpaid care responsibilities in the wake of climate crises.

- Collect data related to marginalized identities, including age, race, ethnicity, caste, class, sexual identity and (dis)ability.

**C) Recognize unpaid care's role in assessing and responding to loss and damage.** Classifications and definitions relating to loss and damage finance, including actions funded by the Loss and Damage Fund, should take into account the critical role unpaid care plays in the paid economy, and incorporate impacts within economic loss and damage, despite care work not being monetized. Oxfam's [Care Policy Scorecard](#) provides an example of how to assess the gaps and progress of country-level policies regarding unpaid care.

**D) Facilitate fair, direct and equal access to financial resources** including through:

- Conduct an in-depth gender analysis, which adopts an intersectional lens to consider marginalized identities, and incorporate the findings into finance programmes for addressing loss and damage;

- Establish a community-direct-access window within the LDF which allows sub-national and local actors, particularly from marginalized groups, to engage in decision-making and delivery around responses through the fund;

- Empower women's rights organizations and other local organisations defending the rights of marginalised people by providing conflict-sensitive, flexible, multi-year, unrestricted funding.

**E) Ensure responses to loss and damage incorporate an intersectional gender approach and fulfill the rights of marginalised groups.** These include strengthening welfare structures for women, improving access to water, sanitation and hygiene, social protection systems, and recognizing land tenure rights.

**F) Prevent financial initiatives aimed at addressing loss and damage from resulting in human rights violations and perpetuating the exclusion of traditionally marginalized groups of women and communities from decision-making.** This includes adopting a dedicated set of human-rights based policies for the LDF, such as a gender policy, Indigenous Peoples' policy and an environmental and social policy and establishing a dedicated, independent grievance redress mechanism at the Fund level.

**G) Ensure participatory approach in decision-making.** Women, racialised and minoritized groups should be actively consulted, involved and meaningfully integrated into the development, assessment, formulation and implementation of loss and damage policies and funding programmes, including in the LDF.