Reply from:

Hope Counselling Pte Ltd (Youth shelter & mental health clinic)

Author: Laiakini Waqanisau

Date: 03/06/2022

The Special Rapporteur invites and welcomes your answers to the following questions:

1. What experiences and examples are you aware of that are being faced by particularly individuals and communities in vulnerable situations (as identified above) that have suffered loss and damage due to the adverse impacts of climate change?

Communities in the Pacific Island Countries are faced with receding shorelines, loss of homes from coastal erosion, loss of fresh water from intrusion of drinking water with saline water.

There have been an emphasis by development partners and governments to use Climate Change Adaptation (CCA) and Climate Change mitigation (CCM) to address the environmental impacts. The response will have to be able to match the level of change in the landscape.

The response that is viable is to work with the communities, and individuals who have to face the loss of their habitat, homes, heritage sites and livelihoods. Whilst a financial compensation may not be able to address the CCA and CCM that is being felt, the mental health can be addressed.

These has impacted the mental health of these communities and we can begin to talk with these communities and talk about the trauma of losing their habitats, homes, and livelihoods. This is an environmental item, that has an impact on its human communities that live in the Pacific region.

1. What legislation, policies and practices do you think are necessary to provide redress for particularly individuals and communities in vulnerable situations that have suffered and will continue to suffer loss and damage due to the adverse impacts of climate change?
* Universal Declaration of Human Rights, UDHR (1948)
* Core International Human Rights Treaties
* International Covenant on Economic, Social and Cultural Rights, ICESCR (1966)
* International Convention on the Elimination of All Forms of Racial Discrimination, ICERD (1965)
* Convention on the Elimination of All Forms of Discrimination against Women, CEDAW (1979)
* Convention on the Rights of the Child, CRC (1989)
* International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, ICMW (1990)
* Convention on the Rights of Persons with Disabilities, CRPD (2006)

Other universal standards

* Constitution of the World Health Organization (1946)
* Declaration of Alma Ata on Primary Health Care (1978)
* Declaration on the right to development (1986)
* Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (1989)
* Programme of Action of the International Conference on Population and Development (1994)
* Chapter VII – REPRODUCTIVE RIGHTS AND REPRODUCTIVE HEALTH
* Chapter VIII – HEALTH, MORBIDITY AND MORTALITY

Standards for specific groups

* Declaration of the Rights of the Child (1959)
* Declaration on the Elimination of Violence against Women (1993)
* Beijing Platform for Action – Women and health (1995)
* ILO Convention (No. 169) concerning Indigenous and Tribal Peoples in Independent Countries (1989)
* United Nations Declaration on the Rights of Indigenous Peoples (2006)
* Standard Rules on the Equalization of Opportunities for Persons with Disabilities (1993)
* The United Nations Principles of Older Persons (1991)
* Principles of Medical Ethics relevant to the Role of Health Personnel, particularly Physicians, in the Protection of Prisoners and Detainees against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1982)
* Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (1988)
* United Nations Rules for the Protection of Juveniles Deprived of their Liberty (1990)
* World Medical Assembly’s Declaration of Malta on Hunger Strikes (adopted in November 1991, revised in October 2006)

Regional standards

* Revised European Social Charter of 1996

Article 11 – The right to protection of health

With a view to ensuring the effective exercise of the right to protection of health, the Parties undertake, either directly or in cooperation with public or private organisations, to take appropriate measures designed inter alia:

* African Charter on Human and People’s Rights (1987)

Article 16

1. Every individual shall have the right to enjoy the best attainable state of physical and mental health.

African Charter on the Rights and Welfare of the Child (1990)

Article 14 - Health and Health Services states that “Every child shall have the right to enjoy the best attainable state of physical, mental and spiritual health.”

Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights, the “Protocol of San Salvador” (1988)

Article 10 - Right to Health

1. Please provide examples of policies and practices (including legal remedies) and concepts of how States, business enterprises, civil society and intergovernmental organisations can provide redress and remedies for individual and communities in vulnerable situations who have suffered loss and damage to the adverse impacts of climate change.

The above global and regional treaties, and policies provide an insight on ways to respect the Pacific Island Countries mental health. The pouring in of funds to address CCA and CCM can only do so much for the Pacific Island regions.

Governments and business should look at how they can treat their own people better rather than giving funds for CCA and CCM projects which can only do so much for the changing landscapes. These same groups should look at how their communities and people are impacted and deal with their mental health and the trauma they are facing. This include funding mental health programs to deal with Climate Change and having a human centric approach to this item.

1. Please provide examples of ways in which States, the business enterprises, civil society and intergovernmental organisations have provided redress and remedies for individuals and communities in vulnerable situations who have suffered loss and damage due to the adverse effects of climate change.

The development partners, governments and businesses have used the bulk of funds to address CCA and CCM projects. These have been done on a global, regional and national scale. These funds also pay for the many consultants who write lengthy reports which may or not be used by the same stakeholders.

The human approach is lacking, as these are the same persons who face the impact of Climate Change. There mental health should be addressed, as these same persons have to face environment migration (coined as economic migrants), loss of habitat, homes, and livelihoods.

The shifting weather patterns has become unpredictable. In the past the La Nina and El Nino events were predictable and the movement of cyclones for every 4 years. Currently, these patterns have become regular and the 100 year climate events occur at any time of the year without a pattern or warning.

The mental health for Pacific Islands should be addressed against these unforeseen events. The Climatic results since 2016 can be stated as worst than a man made events, and getting more unprecedented.

1. What international, regional and national policies and legal approaches are necessary to protect current and future generations and achieve intergenerational justice for particularly for individuals and communities, from the adverse impacts of climate change?

The same policies and international legislations listed in Question 2. These do attempt to tackle the human impacts in the Pacific region. New legislations and policies can be drawn up to address the same items, where none exisits.

1. In 2021 at 26th session of the UN Climate Change Conference (COP26), some Parties and civil society organisations proposed a new financial facility to support loss and damage.
	1. Please provide ideas and concepts on how a new facility would operate and how the funds needed to underwrite this fund would be established and maintained.

There are many funding platforms (Global Fund/ GF; Global Environment Fund/ GEF), development partners (UN agencies, Governments), and measures to ensure financial support is given (International Accreditation Standards). It can be cohesive, or bureaucratic at the same time.

New emergent donor partners and development partners have entered the Pacific regions and taken responsibilities for CCA and CCM projects. These are in the form of infrastructure projects and hardware projects. The clout in finding new funding streams has become competitive and taken the shape of votes at the UNGA.

* 1. Please provide ideas and concepts on how a new financial facility for loss and damage could provide redress and remedies for individuals and communities in vulnerable situations who have suffered loss and damage due to the adverse impacts of climate change.

These are already existing, and making new measures is like inventing the wheel for the 2nd time. Development partners have their measures in place, which are open to abuse or proper use in the right hands of bureaucrats.

The same existing measures for disbursement of funds could be made more streamline, and introduce new items in their work plans. Currently, the existing platforms are for CCA and CCM, whilst no measures are in place for the human impact or mental health of Pacific Islanders.

1. What actions are necessary to enhance actions by States, business enterprises, civil society and intergovernmental organisations to dramatically increase efforts to reduce emissions of greenhouse gases, including through support to developing countries, in particular small island developing States, least developed countries and landlocked developing States, to limit the human rights impacts on particularly individuals and communities in vulnerable situations to the adverse impacts of climate change?

Most of the conversation has focused on governments and business reducing their carbon footprint. More effort should be placed on the mental health of Pacific Islanders who receive varying degrees of environmental impacts. Once we take care of the human beings (Pacific Island region), than we can look at the GHG emissions, and other forms of man made changes.

1. What actions are necessary to enhance actions by States, business enterprises, civil society and intergovernmental organisation to increase efforts to ensure that actions to adapt to the impacts of climate change contribute to reducing, and not exacerbating, the vulnerabilities of individuals and communities in vulnerable situations to the adverse impacts of climate change?

Development partners, governments, businesses, CSOs, and IGOs should look at the adverse impacts are having on the people of the Pacific islands and taking care of them (mental health & emotional health). With so much emphasis on the landscapes (CCA, CCM) projects, none is addressing the mental health and condition of the Pacific Island peoples. The human beings and its communities in the Pacific region (just like other regions of the world) are important and should be treated accordingly.