



**Submission of Comments and Suggestions by International Women's Rights
Action Watch Asia Pacific**

**To the Draft General Recommendation on Gender-Related Dimensions of
Disaster Risk Reduction in a Changing Climate**

**Committee on the Elimination of All Forms of Discrimination against Women
(CEDAW)**

I. Introduction

General Comments: State obligation to reduce the risks of disasters related to climate change should not be framed narrowly to only address the aftermath of disasters. Neither should it solely focus on building the resilience of women and marginalized groups in order to prepare themselves for of disasters. For a holistic and effective response, states would need to also focus on addressing the underlying causes of climate change, including unsustainable development practices and consumption patterns. Measures to reduce risk caused by climate change should be seen as a continuum where prevention, resilience building, and adaptation should be approached in an integrated manner. The Committee has an important role in locating the general recommendation within the international discourse on disaster risk reduction and climate change, and should provide a critical analysis of international frameworks on disaster risk reduction and climate change, such as the Sendai Framework and UNFCCC. This would enable the Committee to highlight the normative links and articulate state obligations under CEDAW to protect, respect and fulfil the rights of women through these frameworks.

Contemporary discourse on reduction risk approaches has highlighted the need to move away from responses to disaster risk caused by climate change that are purely adaptive, and instead focus on integrated responses that aim to also address the underlying drivers of climate change and social inequality.¹ Increasingly, it is being recognized that climate change drivers and impacts cannot be separated from disaster risk and the need for a transformed development paradigm, whilst the real possibility exists that significant increase in extremes and their intensities will belie any attempt at successful adaptation in affected areas.² In addition, evidence demonstrating the nature of disaster risk as a product of inequality has also increased. The UNISDR Global Assessment Reports highlight how exposure and

¹ Lavell A.; Maskrey A., *The Future of Disaster Risk Management: an on-going Discussion: Draft synthesis document, meeting notes, background papers and additional materials (2013)*
http://www.unisdr.org/files/35715_thefutureofdisasterriskmanagement.pdf

² Lavell, Allan; Maskrey, Andrew, *The Future of Disaster Risk Management: an on-going Discussion: Draft synthesis document, meeting notes, background papers and additional materials (2013)*, pg. 7
http://www.unisdr.org/files/35715_thefutureofdisasterriskmanagement.pdf

vulnerability to physical hazards are socially constructed through the interaction of economic, territorial, cultural and political processes operating at various scales.³ As many of the hazards associated with disaster risk are produced through the same economic, social and territorial processes that generate the exposure and vulnerability to these hazards,⁴ responses to disaster risk should no longer be grounded on the perception of disaster as an external risk, compartmentalized away from economic and social processes. In this light, it is essential that the Committee focuses on articulating state obligations that centers upon the endogenous nature of disaster risk caused by climate change.

In order to operate as an effective advocacy tool to address the rights of women within the spaces of disaster and climate change, the Committee is encouraged to reflect a degree of analysis of the aforementioned discourse in the general recommendation, as well as engage with contemporary language and priorities related to disaster risk reduction and climate change. Women's human rights under CEDAW needs to be seen through the paradigm of resilience and vulnerabilities, where women are increasingly being recognized no longer as passive beneficiaries of adaptation and mitigation strategies, but an active contributor to solutions on disaster risk reduction.

Paragraph (para.) 3

Comments: Substitute last sentence with 'While climate change resilience, adaptation **and mitigation** programmes may provide new employment and livelihood opportunities in sectors such as agricultural production, sustainable urban development and clean energies, failure to address the structural barriers faced by women in accessing their **rights exacerbate** existing gender-based inequalities.'

Para.4:

Comments: Substitute last sentence with: 'In addition, the failure to engage in gender-responsive disaster planning **and implementation** means that protective facilities and infrastructures such as thereby exposing them to greater risk of mortality and morbidity during and following disasters.'

Para. 6:

Comments: Substitute first sentence with ' The vulnerability of women and girls to risks and hazards linked to climate change-related disasters is **economically**, socially and culturally constructed and can, therefore, be changed.'

³ *ISDR Global Assessment Report on Disaster Risk Reduction* (2009) United Nations, Geneva, Switzerland,
ISDR Global Assessment Report on Disaster Risk Reduction (2011) United Nations, Geneva, Switzerland,
ISDR Global Assessment Report on Disaster Risk Reduction (2013) United Nations, Geneva, Switzerland.

⁴ Lavell, Allan; Maskrey, Andrew, *The Future of Disaster Risk Management: an on-going Discussion: Draft synthesis document, meeting notes, background papers and additional materials* (2013), pg.8

II. Objective and Scope

Para. 10:

Comments: As more attention needs to be given to preventative measures in addressing climate change, the general recommendation would be strengthened if the CEDAW Committee identifies mitigation as a separate area for action, outlining the obligation of states to address the underlying key drivers of climate change.⁵

III. The CEDAW Convention and other relevant international frameworks

IV. General principles of the CEDAW Convention applicable to disaster risk reduction in a changing climate

A. Equality and non-discrimination

B. Participation and empowerment

C. Accountability and access to justice

General Comments: The section should not only articulate the obligation of states to guarantee women's access to justice before the law, but also focus on the obligation of states to ensure that laws and legal frameworks comply with international obligations under CEDAW, as well as address the vulnerabilities of women in the context of disaster risk in relation to climate change.

Para. 32(a)

Comment: Substitute with 'Conducting a gender impact analysis of current laws, including those that are applied in plural legal systems, to assess their effect on women as relates to disaster risk, **and enact or amend laws accordingly.**'

V. Key Convention provisions that address disaster risk reduction in a changing climate

A. Assessment and data collection

Para. 34(b)

Comments: Mortality should not be prioritized as an indicator to measure whether policies are gender responsive as it does not adequately take into account contexts where disasters risks are recurring and have other impacts. The Committee should also consider developing indicators that focus on measuring climate resilience through the CEDAW framework.⁶

⁶ Refer to Arnold M., de la Fuente A., Benson C., Clarke D, Gine X., and Vargas Hill R., *Insuring Resilience: What Does Evidence Tell Us?* (2014), The World Bank, Washington DC. for critical areas for action in relation to resilience. Also refer to UNISDR, UNDP and IUCN, *Making Disaster Risk Reduction Gender-Sensitive Policy and Practical Guidelines*(2009) Geneva, Switzerland, pg.89

Para. 34(d)

Comments: substitute with 'Incorporate climate information into disaster planning and decision making at local, regional and national levels by ensuring that women **meaningfully participate** as a valuable source of community knowledge on changing climatic and biological phenomena, which **will inform** and be a catalyst for future policy-making and planning.'

B. Policy Coherence

C. Resources and cooperation

D. Business Actors and Extra-Territorial Obligations

General comments: the Committee should not only highlight the importance of the role of the private sector in disaster risk reduction, climate resilience and the promotion and protection of gender equality. To address adaptation and mitigation strategies to climate change the Committee would need to articulate the role of private actors in the development processes and unsustainable consumption patterns that contribute to climate change, through activities such as fuel burning, deforestation etc. as well as the human rights violations faced by women through development processes, such as land grabbing, etc.

E. Capacity Development and access to technology

VI. Thematic areas of concern

General Comments: to strengthen the focus of each thematic area, it is recommended that section E. on sustainable urban development and section F. on rural setting are elaborated in the introduction of the general recommendation as a contextual issue where the Committee would highlight the impact of disasters caused by climate change in both settings, as well as the general differences and similarities between the two. Where distinctive characteristics of rural settings or urban development increases the vulnerability of women in relation to health, livelihood, social protection, etc., it should be highlighted under each thematic concern, individually. This would help the Committee articulate state obligations with clarity within the rubric of rights under the CEDAW framework, and other international human rights framework.

In addition, state obligations to protect, promote and fulfill the rights addressed under each section should be articulated with a view in building resilience of women and marginalized in responding to disasters caused by climate change. This way, state obligation is understood as a process of ensuring that the rights of vulnerable communities are promoted, protected and fulfilled continuously before, during and after disasters caused by climate change, rather than a one off response to disasters.

A. Health

General comment: In articulating the obligation of states to address the vulnerabilities of women and marginalized groups in relation to health, it would be useful for the Committee to articulate the CEDAW framework in reference on the Sendai framework where states are required at the national level 'to enhance the resilience of national health systems, including by integrating disaster risk management into primary, secondary and tertiary health care, especially at the local level; developing the capacity of health workers in understanding disaster risk and applying and implementing disaster risk reduction approaches in health work; promoting and enhancing the training capacities in the field of disaster medicine; and supporting and training community health groups in disaster risk reduction approaches in health programmes, in collaboration with other sectors, as well as in the implementation of the International Health Regulations (2005) of the World Health Organization.'⁷

Para.45

Comments: Substitute first sentence with: 'Article 12 of the CEDAW Convention specifically calls on States parties to guarantee **substantive** equality between women and men in the provision of health care services, including reproductive and sexual health and mental and psychological health. The measures that States parties must take under the Convention in order to respect, protect and fulfill the right to health for all women are summarized in the Committee's General Recommendation no. 24 (1999) on women and health. These measures are equally applicable to situations of disaster management **planning and implementation** and as part of policies to mitigate the impact of climate change.'

Para. 46

Comments: Substitute with: 'States parties should ensure that detailed **policies** and budget allocations are made to promote, **protect and fulfil** women's right to health, including sexual and reproductive health, mental and psychological health, hygiene and sanitation, and that provisions for pre and post-natal care, are included in strategies, plans and programmes for disaster risk reduction and response.

Para. 47(a)

Comments: **Meaningfully include** women and girls in the planning, implementation and monitoring of health policies and programmes and in the design **and management** of integrated health services for women and girls in the context of disaster management and response, **including in decision-making positions**.

Para. 47(b)

Comments: In outlining the obligation of states to ensure that adequate and appropriate resources are allocated to healthcare systems and services, the Committee could apply standards under the International Covenant on

⁷ Sendai Framework (2015), Para. 30(i)

Economic, Social and Cultural Rights (ICESCR). Although ICESCR recognizes that states may have limited resources to meet its obligations at a particular point in time, states still have the obligation to take steps to the maximum of their available resources to achieve progressively the full realization of economic, social and cultural rights.⁸ Substitute paragraph with '**Take steps to the maximum of their available resources to ensure access of women to health systems and services and the underlying determinants of health such as clean water, adequate nutrition and sanitation facilities.**'

B. Adequate standard of living

General Comments: The section should not only focus on rural settings, but also highlight particular contexts of urban settings that exacerbate the vulnerability of women in responding to disasters. For further elaboration, refer to comments in section E. on sustainable urban development below.

Para. 48

Comment: Substitute Paragraph with 'The impacts of climate change **has led to decreased food and water security, and increased scarcity of other natural resources. The effects of food and water insecurity** are not gender neutral as women and girls are more likely to suffer from undernourishment and malnutrition. **Women, who have the primary responsibility for preparing food and collecting fuel and water,** are disproportionately impacted by a lack of available and accessible water and fuel sources due to the additional burdens in terms of time, physical hardship, increased exposure to violence and stress that this climate-related resource scarcity may entail.'

Para. 49

Comment: Substitute paragraph with '**Women make up the majority of the world's small-holder and subsistence farmers, as well as agricultural workers. Due to discriminatory laws and social norms, women have limited access to secure land tenure. As a result, women only have access to inferior quality of lands that are more prone to flooding and impacts of climate change, further hindering their resilience in responding to climate change.**'

C. Education and information

D. Social Protection

General comments: As the right to social security falls under the scope of economic and social rights⁹ and is substantively interlinked with the right to an adequate standard of living, it would be better placed directly after section B. on 'adequate standard of living,' followed by section C. on 'education and information.'

⁸ Article 2(1), International Covenant on Economic, Social and Cultural Rights and Committee on Economic, Social and Cultural Rights, General Comment No. 14: The Right to the Highest Attainable Standard of Health (Art. 12)

⁹ Article 10, International Covenant on Economic, Social and Cultural Rights and Committee on Economic, Social and Cultural Rights, General Comment No. 19: The Right to the Social Security (Art. 9)

E. Sustainable urban development

F. Rural setting

General comments: the general context and aspects of urban and rural settings that increase the vulnerability of women in responding to disaster risk caused by climate change should be discussed in the beginning, as a part of the contextual analysis in the introduction. The articulation of particular settings, whether urban or rural, in the 'thematic areas' section, should be integrated into other sections, directly corresponding to particular rights and state obligations as contained under international human rights law, rather than as two separate stand-alone sections. Where the context of urban setting does not affect the vulnerability of women differently from that of women in the rural context, and vice versa, reference to settings would not be necessary. So for example, para. 58 highlights the impact of climate change risks on 'health, livelihood, and assets.' As climate change risks equally impacts the health, livelihood and assets of rural women, the distinction between urban and rural settings would not be necessary. Where the issue of 'overcrowding, inadequate housing and homelessness,' is particular to women in urban areas, the way in which it hinders the resilience of women to respond to disaster risks related to climate change should be elaborated, and linked to the obligation of state to ensure adequate housing. As the right to adequate housing is articulated as an element of the right to an adequate standard of living under ICESCR,¹⁰ placing the issue under section B. on 'adequate standard of living' would strengthen the links between the general recommendation and international human rights standards and laws.

G. Marriage and family life

Para. 65

Comments: in reference to the sentence 'generalized violence and poverty may motivate parents to marry off their daughters,' it is unclear whether the Committee is referring to forced marriage. If the committee is addressing forced marriage, it should be articulated as a form of gender based violence in section H. on gender based violence against women, as the Committee has identified forced marriage as form of violence in General Recommendation 19.¹¹

H. Gender based violence against women

General comments: gender based violence against women should be articulated within the paradigm of barrier to resilience and increased vulnerabilities.

I. Migration and forced displacement

VII. Dissemination and reporting

¹⁰ Article 11(1), International Covenant on Economic, Social and Cultural Rights and Committee on Economic, Social and Cultural Rights, General Comment No. 4: The Right to Adequate Housing(Art. 11(1))

¹¹ Committee on the Elimination of Discrimination against Women, General Recommendation 19: Violence against Women