



# Asia Pacific Forum on Women, Law and Development

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The Asia Pacific Forum on Women, Law and Development (APWLD)<sup>1</sup> is pleased to submit its written contribution on the general discussion on Children's Rights and Environment.

## Introduction

Anthropogenic climate change has been described by United Nations experts as one of the greatest threats to human rights.<sup>2</sup> While the human rights of all people are threatened by climate change it has disproportionate and different impacts on particular groups including women, indigenous peoples, children and particularly girls, living in the Global South. The threat is so grave that it has given rise to the concept of intergenerational equity. The Paris Agreement on Climate Change<sup>3</sup> recognised the human rights threat to specific groups and to future generations in its pre-ambles:

*Acknowledging that climate change is a common concern of humankind, Parties should, when taking action to address climate change, respect, promote and consider their respective obligations on human rights, the right to health, the rights of indigenous peoples, local communities, migrants, **children**, persons with disabilities and people in vulnerable situations and the right to development, as well as **gender equality, empowerment of women and intergenerational equity**, (emphasis added)*

There has been little attention, however to the particular threat climate change poses to the human rights of girls. The UNEP report 'Climate Change and Human Rights', launched on Human Rights Day during the negotiations for the Paris Agreement, has been recognised as the most detailed and comprehensive study undertaken on climate change and international human rights law and makes no reference to girl children.<sup>4</sup>

The Committee on the Rights of the Child has an opportunity to specifically address the threats that climate change poses to the human rights of girl children and to elaborate the obligations of states to address those threats.

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<sup>1</sup> APWLD is the Asia Pacific's leading feminist, membership driven network. Our 180 members represent organisations and groups of diverse women from 25 countries in the region. We use capacity development, research, advocacy and activism to claim and strengthen women's human rights. [Website: [apwld.org](http://apwld.org)]

<sup>2</sup> United Nations Environment Programme, *Climate Change and Human Rights*, UNEP, December 2015.

<sup>3</sup> United Nations, *Paris Agreement on Climate Change*, December 2015, available at [http://unfccc.int/files/essential\\_background/convention/application/pdf/english\\_paris\\_agreement.pdf](http://unfccc.int/files/essential_background/convention/application/pdf/english_paris_agreement.pdf).

<sup>4</sup> *Supra* note 2.

There are nearly 160 million children who are currently living in areas with high or extremely high drought severity and over half a billion live in extremely high flood occurrence zones.<sup>5</sup> With climate impacts expected to rise and the population expected to increase, the number of children affected by the changing climate will also increase.

### **Bangladesh: climate change and child marriage**

Bangladesh is among the countries most vulnerable to climate change. Based on the Climate Change Vulnerability Index, Bangladesh ranks first and most at risk to climate change.<sup>6</sup> According to the research, this vulnerability is expected to result to increased poverty and migration and reduced levels of education, which in turn could lead to disenfranchisement of certain communities.<sup>7</sup>

A study conducted in one of the most climate affected areas of Bangladesh found that early, forced marriages and dowry demands increased as climate change impacts deepen.<sup>8</sup> Since marriage in Bangladesh has been described as an economic transaction or a means by which the groom's family accumulates capital through the payment of dowry by the bride's family, young girls are married off at an earlier age to decrease the burden imposed by having to pay a large amount for dowry, since dowry prices increase with the girl's age.<sup>9</sup>

Human Rights Watch suggest that child marriage has become part of a desperate survival strategy for the poorest communities.<sup>10</sup> Due to the impact of climate calamities on families, already living in extreme poverty, marriage is a means to alleviate the burden of having to care for their daughters.<sup>11</sup>

Bangladesh has the highest rate of marriage involving girls under the age of 15.<sup>12</sup> With the increasing impacts of the changing climate, child marriage is expected to increase.<sup>13</sup>

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<sup>5</sup> United Nations Children's Fund, *Unless we act now: The impact of climate change on children*, UNICEF, New York, November 2015, available at

[http://www.unicef.org/publications/files/Unless\\_we\\_act\\_now\\_The\\_impact\\_of\\_climate\\_change\\_on\\_children.pdf](http://www.unicef.org/publications/files/Unless_we_act_now_The_impact_of_climate_change_on_children.pdf)

<sup>6</sup> Verisk Maplecroft, *Climate change and lack of food security multiply risks of conflict and civil unrest in 32 countries – Maplecroft*, October 29, 2014, available at <https://maplecroft.com/portfolio/new-analysis/2014/10/29/climate-change-and-lack-food-security-multiply-risks-conflict-and-civil-unrest-32-countries-maplecroft/>

<sup>7</sup> *Ibid.*

<sup>8</sup> Margaret Alston, et. al., *Are climate challenges reinforcing child and forced marriage and dowry as adaptation strategies in the context of Bangladesh?*, 47 *Women's Studies International Forum* 137–144 (2014).

<sup>9</sup> *Ibid.*

<sup>10</sup> Human Rights Watch, *Marry Before Your House is Swept Away: Child Marriage in Bangladesh*, 9 June 2015, available at <https://www.hrw.org/report/2015/06/09/marry-your-house-swept-away/child-marriage-bangladesh>.

<sup>11</sup> *Ibid.*

<sup>12</sup> United Nations Children's Fund, *Ending Child Marriage: Progress and prospects*, UNICEF, New York, 2014.

**Through the joint general comment 18 and repeatedly through concluding comments the committee has recognised that forced, early and child marriage constitute a human rights violation. Consequently the committee should enjoin states to take action to prevent and mitigate climate change to eliminate the violation within and outside state borders.<sup>14</sup>**

### **Typhoon Haiyan aftermath: Child trafficking**

The Philippines was propelled into worldwide climate change news in November 2013 when the strongest ever recorded typhoon made landfall in the country. Typhoon Haiyan claimed the lives of about 7,000 people (10,000 according to unofficial reports), displacing four million people. Out of the 14 million who were affected, six million were children and one million were lactating or pregnant women.

Women and girls in the Philippines were already vulnerable to sexual violence and trafficking due to high rates in poverty. Their displacement has only made it worse. The United Nations Population Fund (UNFPA) estimates that 5,000 women and girls were exposed to sexual violence in December 2013. After the typhoon, many of these women, unable to provide food for their families, were forced into trafficking just to survive. Many had to continue to make payments to landowners, even though their land and crops were destroyed by the typhoon. With properties and livelihoods swept away, and recovery opportunities out of reach, trafficking surged.<sup>15</sup>

In a report released jointly by the International Labour Organization and International Organization for Migration, data from key government informants and civil society organizations indicate an increase reporting and prosecution of human trafficking after the typhoon – whereby women and children are trafficked for sexual exploitation and men and boys for forced labor.<sup>16</sup> According to the report, children are promised of education or work but are then coerced into sex trafficking or are exposed to hazardous environments in industries.<sup>17</sup>

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<sup>13</sup> Girls Not Brides, *Child Marriage in Humanitarian Crises*, June 2016, available at <http://www.girlsnotbrides.org/wp-content/uploads/2016/05/Child-marriage-and-humanitarian-crises-June-2016.pdf>

<sup>14</sup> United Nations Convention on the Elimination of All Forms of Discrimination against Women *Joint general recommendation/general comment No. 31 of the Committee on the Elimination of Discrimination against Women and No. 18 of the Committee on the Rights of the Child on harmful practices*, CEDAW/C/GC/31-CRC/C/GC/18, November 14, 2014, available at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N14/627/78/PDF/N1462778.pdf?OpenElement>

<sup>15</sup> APWLD, *Women Warming Up! Case Study: Typhoon Haiyan Philippines*, p. 27, available at <http://apwld.org/wp-content/uploads/2015/12/CJ-FPAR-regionalreport.pdf>

<sup>16</sup> Netsanet Tesfay, Esq., *Impact of Livelihood Recovery Initiatives on Reducing Vulnerability to Human Trafficking and Illegal Recruitment: Lessons from Typhoon Haiyan*, International Labour Organization and International Organization for Migration, 2015

<sup>17</sup> *Ibid.*

Even prior to Typhoon Haiyan, the increase in the vulnerability of children to human trafficking post-disaster has been recognized. Since children are separated from, orphaned or displaced during humanitarian crises, they fall prey to people who exploit the chaotic environment that follows a natural disaster to engage in criminal activities, such as selling children for the purposes of illegal adoption, forced labour or sexual exploitation.<sup>18</sup>

### **Conflicts and climate change: Children caught in the crossfire**

*“Climate Change Not Only Exacerbates Threats to Peace and Security, It Is a Threat to International Peace and Security”*<sup>19</sup> - Ban Ki Moon

Climate change has been deemed by the United States Department of Defense as a “threat multiplier” due to its potential to exacerbate current challenges and also in its ability to produce new challenges in the future in relation to issues on peace and security.<sup>20</sup> The impacts of extreme weather, such as prolonged drought and flooding- and resulting food shortages, desertification, population dislocation and mass migration, and sea level rise - pose considerable security challenges. In the last sixty years, at least forty percent of all intrastate conflicts have had a link to natural resources and the environment.<sup>21</sup>

In 2007, UN Secretary General Ban Ki Moon pinpointed that climate change was part of the reason for the conflict in Darfur to arise.<sup>22</sup> Another study suggests a 54% rise in armed conflict incidence in sub-Saharan Africa by 2030 as a potential impact of global climate change.<sup>23</sup> Research also shows that climate change is implicated in the current Syrian conflict.<sup>24</sup>

Increased economic insecurity related to climate change increases the susceptibility of people, including young women, to be recruited into combat. A lack of stability in the agricultural sector

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<sup>18</sup> United Nations Human Rights Council, *Report of the Special Rapporteur on the sale of children, child prostitution and child pornography, Najat Maalla M'jid*, December 21, 2011, available at [http://www2.ohchr.org/english/bodies/hrcouncil/docs/19session/A.HRC.19.63\\_English.pdf](http://www2.ohchr.org/english/bodies/hrcouncil/docs/19session/A.HRC.19.63_English.pdf)

<sup>19</sup> United Nations Security Council, *Security Council, in Statement, Says ‘Contextual Information’ on Possible Security Implications of Climate Change Important When Climate Impacts Drive Conflict*, July 20, 2011 available at <http://www.un.org/press/en/2011/sc10332.doc.htm>

<sup>20</sup> US Department of Defense, *Secretary of Defense Speech: Conference of Defense Ministers of the Americas*, delivered by Secretary of Defense Chuck Hagel, Peru, Oct. 13, 2014 available at <http://www.defense.gov/News/Speeches/Speech-View/Article/605617>.

<sup>21</sup> United Nations Environment Programme, *Environmental Cooperation for Peacebuilding*, available at <http://www.unep.org/disastersandconflicts/Introduction/EnvironmentalCooperationforPeacebuilding/tabid/5435/5/Default.aspx>

<sup>22</sup> Ban Ki Moon, *A Climate Culprit In Darfur*, Washington Post, June 16, 2007, available at <http://www.washingtonpost.com/wp-dyn/content/article/2007/06/15/AR2007061501857.html>

<sup>23</sup> Marshall B. Burke, et. al., *Warming increases the risk of civil war in Africa*, Proc. Natl. Acad. Sci. USA 2009 106 (49) 20670–20674

<sup>24</sup> Colin Kelley, et. al., *Climate change in the Fertile Crescent and implications of the recent Syrian drought*, Proc. Natl. Acad. Sci. USA 2015 112 (11) 3241–3246

and threatened or reduced access to natural resources are likely to increase the rates of men and women recruited into combat.<sup>25</sup> In 2014, Boko Haram abducted 276 girls in Nigeria and as the conflict continued to grow, more children have been killed, maimed, and recruited by Boko Haram.<sup>26</sup> Children, particularly girls, have been used as suicide bombers – some of them volunteering for the task in order to escape rape and sexual abuse.<sup>27</sup> Children’s access to education, health care and food are also affected by armed conflicts. Apart from the physical impacts, children may also suffer trauma and other mental health impacts which may affect their development.

Further, climate change impacts increase displacement and migration; both within and between countries. According to the International Organisation for Migration (IOM), global estimates for the number of migrants moving due to climate change range between 25 million and 1 billion people by 2050, with 200 million people the most commonly cited figure. Populations that lack the resources for planned migration experience higher exposure to extreme weather events, particularly in developing countries with low income. Large-scale migrations may increase the risk of conflict in host communities as tensions and competition over land and resettlement areas arise. This exposes women and girls not only to the traditional threats of a violent environment, but also to the dangers of long migrations such as hunger, dehydration and extreme weather. Sexual violence is a serious threat both in conflict and in refugee situations. Displacement thus greatly increases the threat of increased sexual violence against women and girls.<sup>28</sup>

In 2015 a group of eminent jurists drew on existing international law to collate a set of legal principles that articulate the “obligations that all States and enterprises have to defend and protect the Earth’s climate and, thus, its biosphere” and, secondly, the “basic means of meeting those obligations”<sup>29</sup>. The ‘Oslo Principles’ recognise that the grave and imminent threats climate change poses to human rights and, inter alia, to the human rights of children necessitate immediate action on the part of developed countries with a ‘historic responsibility’ for action.

*International law entails obligations to act cooperatively to protect and advance fundamental human rights, including in the context of climate change and its effects on people’s ability to exercise such rights. Threatened human rights include, but are not limited to, the right to life, the rights to health, water, food, a clean environment, and other social, economic and cultural rights, and the rights of **children, women, minorities and indigenous peoples.***

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<sup>25</sup> APWLD, *Climate Change and Natural Disasters Affecting Women Peace and Security*, p. 4, available at <http://apwld.org/wp-content/uploads/2015/03/Climate-change-Natural-disasters-Conflict.pdf>

<sup>26</sup> UN News Centre, ‘*We cannot forget the girls from Chibok*’ – UN child rights envoy, April 13, 2016, available at <http://www.un.org/apps/news/story.asp?NewsID=53675#.V559LLh9601>

<sup>27</sup> Brent Swails and David McKenzie, *Kidnapped to kill: How Boko Haram is turning girls into weapons*, CNN, April 13, 2016, available at <http://edition.cnn.com/2016/04/12/africa/cameroon-boko-haram-child-bombers/>

<sup>28</sup> APWLD, *Climate Change and Natural Disasters Affecting Women Peace and Security*, supra note 23

<sup>29</sup> Oslo Principles on Global Climate Change Obligations, 2015  
<http://globaljustice.macmillan.yale.edu/sites/default/files/files/OsloPrinciples.pdf>

We urge the committee to draw on the Oslo Principles and recognise the Common But Differentiated Responsibilities (CBDR) states have to prevent violations of children's human rights.

In view of the role envisaged for the private sector in devising solutions to climate change, we stress their responsibility for causing climate change and contributing to violations of children's human rights. A recent study identified 90 companies that have caused 2/3 of anthropogenic GHG emissions.<sup>30</sup>

Promoting the involvement of the private sector without first ensuring its accountability for past emissions and regulating its future actions obscures the complicity of the private sector, particularly large trans-national corporations, in promoting unsustainable and carbon-intensive models of development. Regulation that ensures accountability and transparency of non-state actors, particularly trans-national corporations and public-private partnerships, is critical for achieving sustainable development and solve the climate crisis. In this context, we would like to reiterate our support to the UN Human Rights Council Resolution 26/9,<sup>31</sup> which mandates an intergovernmental working group to elaborate an international legally binding instrument to regulate, in international human rights law, the activities of transnational corporations and other business enterprises. We would like to emphasize the necessity of including GHG emissions regulations in the scope of any legally binding instrument concerning the human rights impacts of transnational corporate activity.

The CEDAW Committee has also recognized that State Parties have obligations to regulate non-State actors for their actions that would violate the rights enshrined in the CEDAW Convention:

*The Committee has also repeatedly stressed that the Convention requires States parties to regulate non-State actors under the duty to protect, such that States must exercise due diligence to prevent, investigate, punish and ensure redress for the acts of private individuals or entities that impair the rights enshrined in the Convention.*<sup>32</sup>

In the context of climate change the Committee should also recognise the obligations states have to prevent and address violations of state and non-state actors outside of their territorial boundaries. 'Extra Territorial Obligations' are pertinent both to the consequences high GHG emissions has on human rights beyond boundaries as well as the actions of trans-national corporations, domiciled in a member state. These obligations have been elaborated in both the Maastricht Principles and the Oslo principles and are necessary to uphold women's human rights.

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<sup>30</sup> The Guardian, *Just 90 companies caused two-thirds of man-made global warming emissions*, November 20, 2013, available at <http://www.theguardian.com/environment/2013/nov/20/90-companies-man-made-global-warming-emissions-climate-change>.

<sup>31</sup> UN Human Rights Council, Resolution 26/9, *Elaboration of an internationally legally binding instrument on transnational corporations and other business enterprises with respect to human rights*, A/HRC/26/L.22/Rev.1, 26 June 2014

<sup>32</sup> CEDAW Committee, General recommendation No. 30 on women in conflict prevention, conflict and post-conflict situations, CEDAW/C/GC/30 available at <http://www.ohchr.org/Documents/HRBodies/CEDAW/GComments/CEDAW.C.CG.30.pdf>