

Securing Women’s Rights Amid the Changing Climate

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Climate change language is not just language of the scientists. It is the language and issues of women, the people of the world, and it is found in global justice, an inter-]generational justice. The decisions we make now will have huge impacts on future generations.

— Mary Robinson¹

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I. INTRODUCTION

Climate change affects peoples across the world, most especially marginalized and vulnerable groups like women. Yet, the plight of women, who feel the impact of climate change, is not high on the priorities of many national governments. While countries, especially those who are vulnerable to the effects of climate change, have instituted policies and programs on climate change adaptation and mitigation, most of these do not cater to the specific needs of vulnerable groups like women, children, rural communities, and indigenous peoples. The lack of gender-sensitive policies, programs, and the continuing discrimination that women face in many societies due to societal norms, structures, and attitudes affect women's capabilities to adapt to a phenomenon like climate change.

In the international sphere, gender equality and sustainable development are staples during discussions on human development and human rights issues. However, the intersection between these two important fields is not often highlighted. For instance, the different Millennium Development Goals (MDGs) are related; however, the annual reports and the indicators assess the goals, like gender equality and environmental sustainability, as separate fields. The reports do not offer an analysis of the intersection of these two fields. International organizations and non-government organizations have produced studies examining the link between gender issues and climate change. These illustrate the general situation that women face in the wake of climate change. However, there is a considerable lack of states reporting and country-specific data not only on the effects of climate change to women, but also as regards state action to ensure the rights of women.

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1. Jane Ayers, Women Say 'Enough is Enough' to Climate Changes Worldwide, available at <http://www.nationofchange.org/women-say-enough-enough-climate-changes-worldwide-1381498329> (last accessed July 22, 2015).

It is then imperative to examine the legal obligations of states as regards the human rights of women in the context of climate change and to look into the extent to which states and international community, particularly the United Nations (U.N.), have addressed this issue. This Article is divided into five parts. The first Section provides an overview of the phenomenon of climate change, its effects, and its relationship with human rights. The next Section examines the differential impact of climate change to women, especially those who face multiple facets of discrimination. The third Section presents the international legal framework and policies in place that address women's rights in relation to climate change. The succeeding Section discusses the responses and efforts related to gender and climate change by examining the reports of the Conference of Parties of the U.N. Framework Convention on Climate Change² (UNFCCC), state reports to the U.N. Committee on the Elimination of Discrimination Against Women³ (CEDAW Committee), and regional reports⁴ on the implementation of the Beijing Declaration and Platform for Action. The Article concludes that

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2. United Nations Framework Convention on Climate Change, *opened for signature* May 9, 1992, 1771 U.N.T.S. 107 (entered into force Mar. 21, 1994) [hereinafter UNFCCC].
 3. See, e.g., U.N. Committee on the Elimination of Discrimination against Women (U.N. Committee on CEDAW), *Combined second and third periodic reports of States parties — Mauritania*, U.N. Doc. CEDAW/C/MRT/2-3 (Feb. 21, 2013) [hereinafter U.N. Committee on CEDAW, *Mauritania Report*]; U.N. Committee on CEDAW, *Fourth periodic reports of States parties due in 2008 — Eritrea*, U.N. Doc. CEDAW/C/ERI/4 (Feb. 19, 2013) [hereinafter U.N. Committee on CEDAW, *Eritrea Report*]; U.N. Committee on CEDAW, *Combined initial and second to fifth periodic reports — Central African Republic*, U.N. Doc. CEDAW/C/CAF/1-5 (Feb. 21, 2014) [hereinafter U.N. Committee on CEDAW, *Central African Republic Report*]; & U.N. Committee on CEDAW, *Combined sixth and seventh periodic report of State parties — Bangladesh*, U.N. Doc. CEDAW/C/BGD/6-7 (Mar. 24, 2010) [hereinafter U.N. Committee on CEDAW, *Bangladesh Report*].
 4. See, e.g., U.N. Economic Commission for Europe, *Report*, U.N. Doc. ECE/AC.28/2009/2 (Dec. 22, 2009) [hereinafter U.N. Economic Commission for Europe, *Europe Report*]; U.N. Economic and Social Commission for Asia and the Pacific, *Report of the Asia-Pacific High-level Intergovernmental Meeting to Review Regional Implementation of the Beijing Platform for Action and its Regional and Global Outcomes*, U.N. Doc. E/ESCAP/BPA/2009/5 (Feb. 17, 2010) [hereinafter U.N. Economic and Social Commission for Asia and the Pacific, *Asia Report*]; & U.N. Economic and Social Commission for Western Asia, *Consolidated Arab Report on the Implementation of the Beijing Platform for Action: +15*, U.N. Doc. E/ESCWA/ECW/2009/IG.1/3 (Nov. 3, 2009) [hereinafter U.N. Economic and Social Commission for Western Asia, *Arab Report*].

while the impacts of climate change to women are recognized to a certain extent in international law and policies, states have not adequately documented the same. This documentation is crucial in law and policy reform, as well as in ensuring gender-sensitive climate change programming. Thus, it is recommended that the CEDAW Committee issue: (1) a Statement calling on the Parties to the UNFCCC to examine the impacts of climate change to women and recommending that the MDGs be assessed as related goals; and (2) a General Recommendation that would call on states to document the impact of climate change to women's rights in their periodic reports and to ensure gender-sensitive programming in climate change mitigation, adaptation, and disaster risk reduction and management.

II. CLIMATE CHANGE AND HUMAN RIGHTS

A. *The Phenomenon of Climate Change*

Climate change is one of the most important global issues of today. It is often confused with the concept of global warming, but it bears stressing that while climate change and global warming are related, they are not one and the same. On one hand, global warming refers to the “ongoing rise in global average temperature near [the] earth’s surface[,] ... mostly [caused] by the increase[ed] concentrations of greenhouse gases in the atmosphere.”⁵ Global warming is “only one aspect of climate change.”⁶ On the other hand, climate change, as defined by the UNFCCC, is the “change of climate[,] which is attributed[,] directly or indirectly[,] to human activity that alters the composition of the global atmosphere and which is[,] in addition to natural climate variability[,] observed over comparable time periods.”⁷ This definition recognizes that climate change, while inevitable, is hastened by anthropogenic causes. Due to climate change, major changes in temperature occur; and this may cause the temperature to go up or down.⁸ Precipitation levels and wind patterns are also affected by climate change.⁹ These are only some of the observable effects of climate change.

5. United States Environmental Protection Agency, Climate Change: Basic Information, *available at* <http://www.epa.gov/climatechange/basics/> (last accessed July 22, 2015).

6. *Id.*

7. UNFCCC, *supra* note 2, art. 1 (2).

8. United States Environmental Protection Agency, *supra* note 5.

9. *Id.*

The Intergovernmental Panel on Climate Change¹⁰ (IPCC), in its Fourth Assessment Report,¹¹ identified some of the observed and projected changes in weather patterns caused by climate change, namely: contraction of snow-covered areas; shrinking of sea ice; rising of sea levels and water temperatures; increasing frequency of heat waves; heavy precipitation events; increasing number of areas affected by drought; and increasing intensity of tropical cyclones.¹² In 2014, the IPCC released its Fifth Assessment Report¹³ and reiterated these climate change impacts. Among others, the Fifth Assessment Report noted that varying precipitation levels and melting of ice would affect the quantity and quality of water resources; these, in turn, would affect terrestrial, freshwater, marine species, and crop yields.¹⁴ It also stated that extreme events caused by the changing climate, like heat waves, droughts, floods, and cyclones, expose humans and ecosystems to harm.¹⁵ The IPCC further stated that along with the changing global means temperature, heat waves of higher frequency and longer duration, and occasional cold winter extremes should be expected.¹⁶

Among the common responses to climate change are mitigation and adaptation measures. Mitigation, as defined by the IPCC, refers to human interventions “to reduce the sources or enhance the sinks of greenhouse

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10. See Intergovernmental Panel on Climate Change, Organization, *available at* <http://www.ipcc.ch/organization/organization.shtml> (last accessed July 22, 2015). To better understand the climate change phenomenon, the United Nations Environment Programme (UNEP) and the World Meteorological Organization (WMO) established the Intergovernmental Panel on Climate Change (IPCC) in 1988 “to provide the world with a clear scientific view on the current state of knowledge in climate change and its potential environmental and socio-economic impacts.” Today, the IPCC is a scientific body under the auspices of the U.N. which produces rigorous, balanced, and government-endorsed scientific information for decision makers. *Id.*
 11. INTERGOVERNMENTAL PANEL ON CLIMATE CHANGE, CLIMATE CHANGE 2007 SYNTHESIS REPORT (2008).
 12. Office of the United Nations High Commissioner for Human Rights (U.N. OHCHR), *Report of the Office of the United Nations High Commissioner for Human Rights on the relationship between climate change and human rights*, ¶ 8, U.N. Doc A/HRC/10/61 (Jan. 15, 2009) [hereinafter U.N. OHCHR, *Report*].
 13. INTERGOVERNMENTAL PANEL ON CLIMATE CHANGE, CLIMATE CHANGE 2014 SYNTHESIS REPORT (2015) [hereinafter IPCC, 2014 SYNTHESIS REPORT].
 14. *Id.* at 6.
 15. *Id.* at 8.
 16. *Id.* at 10.

gases.”¹⁷ Mitigation strategies are important in realizing the ultimate goal of the UNFCCC which is to stabilize greenhouse gas concentrations in the atmosphere.¹⁸ Adaptation is the “adjustment in natural and human systems” to the impacts of climate change.¹⁹ The promotion of adaptation measures is important to ensure that humans and the ecosystem are able to cope with the impacts of climate change.

B. The Relationship Between Climate Change and Human Rights

In 2009, the U.N. Office of the High Commissioner for Human Rights (OHCHR) released a study on the relationship between climate change and human rights. The study mapped out the implications of the effects of climate change on the enjoyment of human rights. The right to life, guaranteed by a number of the core international human rights instruments, is threatened by extreme weather events, like heat waves, cyclones, floods, and droughts.²⁰ Extreme climate events also threaten livelihood and food security; thus, affecting the right to adequate food.²¹ Tropical countries, which are dependent on agriculture, are likely to be affected by the increase in temperature — as longer periods of drought are projected to lessen crop production thereby increasing incidences of hunger and food insecurity.²² The right to water, which the Committee on Economic, Social and Cultural Rights has interpreted to be included in the rights to an adequate standard of living and health, is also affected by climate change.²³ The continuing rise of sea levels, occasioned by the melting of glaciers in the polar regions, causes salt water intrusion into freshwater wells of low-lying communities; thus, reducing the supply of freshwater that can be used for human consumption,

17. Global Greenhouse Warming, Climate Mitigation and Adaptation, *available at* <http://www.global-greenhouse-warming.com/climate-mitigation-and-adaptation.html> (last accessed July 22, 2015).

18. United Nations Framework Convention on Climate Change, Fact Sheet: The need for mitigation, *available at* http://unfccc.int/press/fact_sheets/items/4988.php (last accessed July 22, 2015).

19. Global Greenhouse Warming, *supra* note 17.

20. U.N. OHCHR, *Report*, *supra* note 12, ¶¶ 21–23.

21. *Id.* ¶ 27.

22. *Id.* ¶ 26.

23. See U.N. Committee on Economic, Social and Cultural Rights *General Comment No. 15: The Right to Water (Arts. 11 and 12 of the Covenant)*, U.N. Doc. E/C.12/2002/11 (Jan. 20, 2003) [hereinafter U.N. ECOSOC, General Comment No. 15].

agriculture, and hygiene purposes.²⁴ Apart from the decreasing supply of freshwater, increasing temperatures may also increase the incidence of malaria and other mosquito-borne diseases in tropical countries, affecting the right to health.²⁵ The right to adequate housing is also threatened by climate change. Sea level rise, strong typhoons, storm surges, and flooding affect, particularly, those who live in coastal communities and low-lying island states.²⁶ Considering their interrelatedness, these rights are not the only ones affected by climate change.

The study also clarified that while it is uncertain if climate change effects constitute human rights violations, the obligation of states to ensure human rights does not change.²⁷ State obligations under international human rights laws are not lessened if the human rights violation is caused by climate change-related events. Thus, an individual can still hold a state liable if it fails to protect his or her rights contained in human rights instruments ratified by the state involved.²⁸ Even in the area of economic, social, and cultural rights, the state remains obliged to guarantee the widest possible enjoyment of rights, regardless of the additional strain that events linked to climate change may cause on its available resources.²⁹

C. *Varying Vulnerabilities to Climate Change*

Climate change affects the whole world, but people feel its effects differently. Certain sectors of society have lower capacities to adapt and are, therefore, more vulnerable to the effects of climate change. People and communities who do not have enough resources due to poverty are likely to suffer more from the effects of climate change. Existing societal inequalities, while not related to climate change, heighten the vulnerability of marginalized sectors.³⁰ Discrimination based on poverty, gender, class, age, minority status, ethnicity, and disability affect peoples' ability to cope.³¹ Women, children, indigenous peoples, and internally displaced persons are among

24. State of Washington Department of Ecology, *Rising Sea Level*, available at http://www.ecy.wa.gov/climatechange/risingsealevel_more.htm (last accessed July 22, 2015). See also U.N. OHCHR, *Report*, *supra* note 12, ¶ 29.

25. U.N. OHCHR, *Report*, *supra* note 12, ¶ 32.

26. *Id.* ¶ 36.

27. *Id.* ¶ 71.

28. *Id.* ¶ 72.

29. *Id.* ¶ 76.

30. IPCC, 2014 SYNTHESIS REPORT, *supra* note 13, at 54.

31. *Id.* See also U.N. OHCHR, *Report*, *supra* note 12, ¶ 42.

those disproportionately affected by climate change. Given the inequalities that women suffer, particularly in the developing world, it is apt to examine the particular effects of climate change to women, in light of discrimination, perceived gender roles and stereotypes, and other issues that affect the human rights of women.

III. IMPACTS OF CLIMATE CHANGE ON WOMEN

Climate change is not gender-neutral; women and men do not experience the same burden from its effects. These effects may increase poverty levels and, possibly, reverse gains made towards the MDGs.³² Considering that women, especially in developing countries, are among the poorest, they have limited resources and, therefore, have limited capacity to adapt to changes in their environment.³³ Compared to men, women have less access to resources and institutions that would allow them to improve their socio-economic status.³⁴ This widens the gap between earnings in productivity, with women getting only 30 to 80 percent of what men annually earn.³⁵ This is highlighted in societies where women are usually confined to managing the household and, thus, do not earn any income at all.³⁶

Existing socio-cultural norms hinder women from obtaining information and learning skills that will help them avoid or escape hazards brought by the effects of climate change.³⁷ For instance, in communities where women and girls are expected to care for their siblings and manage the household, the likelihood of women going to school is considerably lower.³⁸ This contributes to their considerable lack of skill, especially when compared to men who are able to attend formal education. Women also face obstacles in decision-making processes at different levels; thus, reducing their opportunity to influence policies, programs, and decisions that affect their interests.³⁹ In some cases, the gender roles assigned to women, like managing

32. SENAY HABTEZION, OVERVIEW OF THE LINKAGES BETWEEN GENDER AND CLIMATE CHANGE 2 (2013).

33. *Id.* See also U.N. WomenWatch, Fact Sheet: Women, Gender Equality and Climate Change, available at http://www.un.org/womenwatch/feature/climate_change/factsheet.html (last accessed July 22, 2015).

34. HABTEZION, *supra* note 32, at 2.

35. *Id.*

36. ALYSON BRODY, ET AL., GENDER AND CLIMATE CHANGE: MAPPING THE LINKAGES — A SCOPING STUDY ON KNOWLEDGE AND GAPS 3 (2008).

37. HABTEZION, *supra* note 32, at 3.

38. BRODY, ET AL., *supra* note 36, at 3.

39. HABTEZION, *supra* note 32, at 3.

the household and working in the farms, consume all their time and prevent them from participating in societal functions. Further, the lack of disaggregated data on sectors, like disaster preparedness, livelihood, environmental protection, and health, results to gender-blind policy and programming — disregarding the differentiated roles, needs, and challenges of men and women.⁴⁰ Taken together, all these contribute to gender inequality and increase the dangers of climate change for women. This will be illustrated below in the discussion of some of the areas where women are differently affected by climate change.

A. Natural Resources

The stress caused by climate change to natural resources affects women, especially those who are heavily reliant on them for livelihood. It has to be noted that approximately two-thirds of the female labor force in developing countries — including 90 percent in many African countries — belong to the agricultural sector.⁴¹ Women, who are involved in agriculture, are affected by droughts, increased levels of rains, and decreased supply of freshwater and, as such, need to adapt to the changing climate.⁴² Otherwise, these women face the possibility of losing what usually is their only source of income.⁴³ Apart from agriculture, those who depend on the fishing industry also have their livelihood threatened, as fish catch may decrease due to the continued warming of oceans that impacts corals and marine life.⁴⁴ Women, who do not work and depend on the earnings of their husband to manage the households, are also burdened with making ends meet when their husband's income is lower due to changes in the natural environment.

Adapting to these climate change effects is not very easy for women due to poverty and lack of education. Since many women tend to receive lower income, they do not have the resources to invest in or have adequate training to engage in alternative livelihood.⁴⁵ This is related to women's lack of access to education, which, as a result, leads to lack information to manage

40. *Id.* at 3-4.

41. U.N. WomenWatch, *supra* note 33.

42. BRODY, ET AL., *supra* note 36, at 4-5.

43. U.N. WomenWatch, *supra* note 33.

44. See United States Environmental Protection Agency, Plants, Animals, and Ecosystems *available at* <http://www.epa.gov/climatestudents/impacts/effects/ecosystems.html> (last accessed July 22, 2015).

45. Rachel Winnik Yavinsky, Women More Vulnerable Than Men to Climate Change, *available at* <http://www.prb.org/Publications/Articles/2012/women-vulnerable-climate-change.aspx> (last accessed July 22, 2015).

climate change-related problems that would enable them to better respond to climate variability.⁴⁶ The 2014 MDG Report states that while there are considerable gains in gender parities in education, the disparity widens as the level of education goes up, with less girls continuing with secondary education and even fewer entering tertiary institutions.⁴⁷ Despite these barriers, women have no choice but to adapt, especially in societies where they are expected to ensure that their families' needs are well taken care of.

The effect of climate change on water availability and quality is also another area of concern for women and girls. It is predicted that by 2025, two-thirds of the world's population will experience water stress.⁴⁸ Women and girls are traditionally tasked to collect water for drinking, cooking, washing, hygiene, and livestock purposes.⁴⁹ The effects of climate change on water resources place an added burden on women and girls as they have to look for other sources of water for domestic use.⁵⁰ In places where wells have dried up or the water has been contaminated, either by saltwater intrusion or frequent flooding, women and girls have to walk longer distances to fetch water; thereby, not only lessening the time that they could use for studying but also exposing them to sexual assault or harassment, especially if they reside in conflict zones.⁵¹

B. Health

There are a lot of links between health issues and climate change. The scarcity and contamination of water sources pose risks to health as the incidence of cholera may increase.⁵² These problems also threaten food security and, thus, could heighten malnutrition.⁵³ The rising temperature also brings about the possible spread of diseases transmitted by mosquitoes — such as malaria and dengue fever — as “warmth accelerates the biting rate of mosquitoes and speeds up the maturation process of the parasites they

46. *Id.*

47. UNITED NATIONS, THE MILLENNIUM DEVELOPMENT GOALS REPORT 2014 21 (2014) [hereinafter U.N., MDG REPORT 2014].

48. BRODY, ET AL., *supra* note 36, at 5.

49. *Id.*

50. *Id.*

51. *Id.* at 5–6.

52. U.N. WomenWatch, *supra* note 33.

53. BRODY, ET AL., *supra* note 36, at 3.

carry.”⁵⁴ This poses a serious problem in Sub-Saharan Africa and other tropical countries.

Gender discrimination in allocation of resources related to nutrition and medicines — typically in societies where inequalities are high — puts girls in a riskier health situation than boys.⁵⁵ Women and girls who have to walk long distances to fetch water for household use may be exposed to the risk of contracting these diseases. This is apart from the health issues already attributable to having to walk farther and, in some regions, under intense heat.⁵⁶ Assuming that the women and girls do not get sick, these health problems in the family will burden them since they are expected to care for the sick, especially in times of disaster and epidemics.⁵⁷ This lessens the time that they can use to engage in income-generating activities, thus, heightening poverty.⁵⁸ Also, this causes women to forego opportunities to participate in decision-making on issues like climate change and disaster risk reduction.⁵⁹

The elderly is another sector that should be given attention to in this area, as they are more vulnerable to climate change-related health impacts, like heat stress and malnutrition.⁶⁰ Those who are in developing countries with limited healthcare resources and facilities are even more susceptible.⁶¹ Elderly women, especially those in rural communities, suffer more because they lack information about and access to public and community health services for themselves and their family members whom they are expected to care for in times of sickness.⁶² Their familial role limits rural elderly women’s mobility and makes them unable to travel long distances to access health facilities.⁶³

C. Natural Disasters and their Aftermath

54. U.N. WomenWatch, *supra* note 33.

55. BRODY, ET AL., *supra* note 36, at 3.

56. *Id.*

57. *Id.*

58. *Id.*

59. *Id.*

60. *Id.*

61. BRODY, ET AL., *supra* note 36, at 3, at 3-4.

62. *Id.*

63. *Id.* at 4.

Gender inequality increases women's vulnerability to natural disasters — the stronger cyclones and typhoons attributed to climate change make matters worse. The limited mobility of women especially in rural communities, who usually stay at home to take care of the children, limits their access to information on warnings and risks about impending disasters.⁶⁴ When disasters strike, women and girls are more prone to injury and death as they do not have the same survival skills as men and boys have. Differences in socialization contribute to this, such as girls are not being taught how to swim or climb trees and other important skills to survive floods.⁶⁵

Women and girls who survive the aftermath of natural disasters continue to be disadvantaged in the distribution of food and relief goods.⁶⁶ Relief efforts and evacuation centers do not take into consideration particular needs of females, such as their need for feminine hygiene products and private spaces for women in temporary shelters. The lack of women-friendly spaces in these centers makes women and girls more susceptible to sexual violence.⁶⁷ High levels of sexual abuse occur in emergency shelters since survivors typically stay in one common area, and there is a lack of private spaces for women and girls to bathe, change their clothes, and sleep.⁶⁸

The damage brought about by disasters also burden women who manage the household because the burden of domestic work to rebuild their houses would increase.⁶⁹ This is compounded by the disruption in societal support and public services. When schools and daycare centers are closed, the burden of a mother is doubled because they have to watch over the children at home while in the process of rebuilding their living space.⁷⁰ Similarly, disruption in transportation services after disasters makes it hard for a mother to procure food and materials needed in the house.⁷¹ Since girls are expected

64. UNITED NATIONS DIVISION FOR THE ADVANCEMENT OF WOMEN, *WOMEN 2000 AND BEYOND: MAKING RISKY ENVIRONMENTS SAFER* 7 (2004).

65. BRODY, ET AL., *supra* note 36, at 6.

66. UNITED NATIONS DIVISION FOR THE ADVANCEMENT OF WOMEN, *supra* note 64, at 7.

67. See Taylor Evensen, Typhoon Haiyan: Women in the Wake of Natural Disasters, *available at* <http://pennpoliticalreview.org/archives/6177> (last accessed July 22, 2015).

68. BRODY, ET AL., *supra* note 36, at 7.

69. UNITED NATIONS DIVISION FOR THE ADVANCEMENT OF WOMEN, *supra* note 64, at 8.

70. *Id.*

71. *Id.*

to help in home chores, they stop attending school in order to help in the increased domestic workload after disasters.⁷²

D. Migration and Internal Displacement

Extreme weather events caused by climate change, especially natural disasters and environmental deterioration, have increased and are expected to further increase migration and internal displacement. People living in coastal communities and low-lying island-states are being forced to leave their homes to seek safer grounds to resettle due to stronger typhoons and storm surges that hit their areas, as well as shoreline erosion caused by rising sea levels.⁷³ These forced migration issues have direct effects on the life and well-being of poor communities due to their low socio-economic status that lessen their adaptive capacities.⁷⁴ Women who have low access to information, less economic resources, and are subject to socio-cultural restrictions are particularly vulnerable in situations of forced migration or internal displacement.⁷⁵

Communities affected by desertification, droughts, and other environmental degradation problems experience a different migration-related problem. Men who have to earn for their families are forced to migrate to other places and leave their families to find other sources of income; thus, increasing the number of female-headed households.⁷⁶ This becomes an additional burden to women who have to adjust to their new role in the household, in addition to their existing agricultural and domestic responsibilities.⁷⁷ Apart from women having less access to information and skills needed to assume this new responsibility, there are further challenges for women to retain control over land and other productive assets in countries where there are restrictions on women owning property and land.⁷⁸

E. Gender-based Violence

Incidences of gender-based violence also increase in post-disaster scenarios. There are several factors that cause this phenomenon — some of them

72. BRODY, ET AL., *supra* note 36, at 7.

73. U.N. WomenWatch, *supra* note 33.

74. *Id.*

75. *Id.*

76. BRODY, ET AL., *supra* note 36, at 8.

77. *Id.*

78. *Id.*

include the breakdown of traditional societal support systems, psychological strain of the disaster situation on men, and structure of evacuation camps.⁷⁹ These increase the vulnerability of women and girls to gender-based violence. As mentioned earlier, the lack of private spaces for women and girls in evacuation centers makes them more susceptible to sexual assault. In addition to this, poorly lit areas, which characterize the places used for evacuation and rescue purposes, make them more conducive for the commission of sex crimes.⁸⁰ The low number of female police officers deployed in these sites, or the lack thereof, discourages victims from reporting cases of sexual assault.⁸¹

Increased violence against women is also partially attributable to the stressful effects that disasters have on men.⁸² In societies where men are seen as heads of the household, not having control over their families due to prolonged unemployment or threatened livelihoods are stressful situations that may possibly lead to domestic violence.⁸³

After big disasters, unemployment is typically high and the livelihoods of communities are disrupted. As such, incidence of sex work and trafficking in women and children also surge after disasters, as women and girls seek work that can provide income for their families. In the Philippines, after Typhoon Haiyan hit Tacloban City in 2013, reports show that “[w]omen barter sex for food and water, and sex traffickers easily tempt young girls with promises of employment” in urban centers or abroad.⁸⁴ The vulnerable situation that women and girls find themselves in after disasters is further aggravated by the consequences of trafficking and prostitution, such as unwanted pregnancies, maternal mortality, forced abortions, sexually transmitted diseases, and the accompanying trauma.⁸⁵ The destruction of healthcare facilities and the disruption of health-related services make matters worse for them.⁸⁶

F. Conflict Situations

The effects of climate change will inevitably lead to scarcity of resources available for human consumption, especially essential ones like food and

79. Evensen, *supra* note 67.

80. *Id.*

81. *Id.*

82. BRODY, ET AL., *supra* note 36, at 7.

83. *Id.*

84. Evensen, *supra* note 67.

85. *Id.*

86. *Id.*

water.⁸⁷ Inequality and conflicts over these limited resources already exist, but these are bound to increase because of the climate change-related events that put additional stress to the availability and production of needed resources.⁸⁸ Available literature on gender and conflict is replete with stories documenting the differential impact of conflict situations to men and women.⁸⁹ These impacts include sexual violence in armed conflict, heightened stress brought by caring for the sick and wounded, reduced access to resources needed to manage the household, and the constant threat of death and bodily injury.⁹⁰ These gendered consequences are expected to be the same in different conflict situations, including resource-related ones.⁹¹

The areas that show the differential impacts of climate change to women discussed above are in no way exhaustive of all situations that women face as the environment changes. They are meant to illustrate that women and girls tend to suffer more as a result of climate change-related events. It is worth noting that while all kinds of disasters may lead to one or more of the situations depicted earlier, it is very important to analyze these situations given that climate change will increase the frequency and intensity of varying weather events. Aside from understanding the gendered consequences of climate-related events, it is also imperative to examine them from a human rights-based approach in order to identify the rights violated and the obligations of States, and to institute more responsive and gender-sensitive policies and programs to address them.

IV. INTERNATIONAL LEGAL FRAMEWORK AND POLICIES

There are several international instruments, policies, and strategies that address women's rights. The International Covenant on Civil and Political Rights⁹² (ICCPR) and the International Covenant on Economic, Social and Cultural Rights⁹³ (ICESCR) contain the human rights that have to be guaranteed by states. The Convention on the Elimination of all forms of

87. BRODY, ET AL., *supra* note 36, at 9.

88. *Id.*

89. *Id.* at 9–10.

90. *Id.* at 9.

91. *Id.*

92. International Covenant on Civil and Political Rights, *opened for signature* Dec. 16, 1966, 999 U.N.T.S. 171 (entered into force Mar. 23, 1976) [hereinafter ICCPR].

93. International Covenant on Economic, Social and Cultural Rights, *opened for signature* Dec. 16, 1966, 993 U.N.T.S. 3 [hereinafter ICESCR].

Discrimination Against Women⁹⁴ (CEDAW) defines discrimination that prevent women from enjoying their human rights and mandates States to take action to eliminate such discrimination. The Nairobi Forward-looking Strategies for the Advancement of Women⁹⁵ (Nairobi Forward-looking Strategies) and the Beijing Platform for Action⁹⁶ were subsequently adopted by U.N. conferences to ensure that women enjoy their human rights in all aspects of life. These instruments, together with the UNFCCC, will be presented and examined in this Chapter to determine the extent of protection of women's rights in international law in light of the particular vulnerabilities of women to the effects of climate change. The MDGs, particularly the goals on promoting gender equality and empowering women (MDG3)⁹⁷ and ensuring environmental sustainability (MDG7),⁹⁸ will also be discussed.

A. Women's Rights in the Wake of Climate Change

Climate change-related events affect women's rights. The study conducted by the U.N. OHCHR identified violations of the rights to life,⁹⁹ adequate standard of living,¹⁰⁰ health,¹⁰¹ adequate food,¹⁰² and water.¹⁰³ Apart from these violations, the impacts of climate change also bring about violations of particular rights contained in the CEDAW.

94. Convention on the Elimination of All Forms of Discrimination Against Women, *opened for signature* Dec. 18, 1979, 1249 U.N.T.S. 13 [hereinafter CEDAW].

95. U.N. General Assembly, *Nairobi Forward-looking Strategies for the Advancement of Women*, U.N. Doc. A/CONF.116/28/Rev (July 26, 1985) [hereinafter U.N. General Assembly, *Nairobi Forward-looking Strategies*].

96. United Nations, *Beijing Declaration and Platform for Action*, U.N. Doc. A.CONF.177/20/Add.1 (Oct. 27, 1995) [hereinafter U.N., *Beijing Platform for Action*].

97. See United Nations, Fact Sheet: Goal 3 Promote gender equality and empower women, *available at* http://www.un.org/millenniumgoals/pdf/Goal_3_fs.pdf (last accessed July 22, 2015) [hereinafter U.N., Goal 3 Fact Sheet].

98. See United Nations, Fact Sheet: Goal 7 Ensuring environmental sustainability, *available at* http://www.un.org/millenniumgoals/pdf/Goal_7_fs.pdf (last accessed July 22, 2015) [hereinafter U.N., Goal 7 Fact Sheet].

99. ICCPR, *supra* note 92, art. 6 (1).

100. ICESCR, *supra* note 93, art. 11 (1).

101. *Id.* art. 12 (1).

102. *Id.* art. 11 (2).

103. See U.N. ECOSOC, General Comment No. 15, *supra* note 23.

Based on the situations of women tackled earlier, the common violations of women rights that make them more vulnerable to climate change effects include discrimination as regards education,¹⁰⁴ gender role stereotyping,¹⁰⁵ and public participation.¹⁰⁶ The accounts of boys being preferred to go to school over girls and the widening gender disparity in education place women at a disadvantage when extreme weather events happen. Women are less able to adapt to the situation given their low level of education relative to men. Climate change effects also add to the burden of women in performing their role of managing the household, including budgeting limited income, water collection, and fixing homes destroyed by disasters. The socio-cultural norms that prevent women and girls from learning the necessary survival skills also put them in a more risky situation. Women are also rarely able to participate in decision-making processes in their communities, mostly because a lot of their time is spent at home, and even more time will be devoted to household management and less to public participation as climate change-related effects like droughts and floods further burden women with more chores at home.

Discrimination in the area of health¹⁰⁷ is also an important concern as some communities favor men and boys in the provision of goods and medicines during disaster situations. The discrimination of rural women¹⁰⁸ in terms of access to information and health services is also highlighted in cases where these women have limited mobility to access health and other public services necessary to have an adequate standard of living. Further, discrimination in legal capacity to own and administer property and assets is seen in instances when men have to leave their families to work in another place. This leaves women who have unequal land and property rights in some societies to manage what is left of the family livelihood. Their inability to access services and facilities, like lack of education or training to perform the jobs that their husbands left, adds to their existing burdens.

The increased incidences of gender-based violence in post-disaster situations are also violations of women's rights. Most of these cases of gender-based violence are caused by lack of livelihood and source of income of women that make them vulnerable to traffickers; some cases of domestic violence are caused by the psychological strain of disasters on men.¹⁰⁹ The

104. CEDAW, *supra* note 94, art. 10.

105. *Id.* art. 5.

106. *Id.* art. 7.

107. *Id.* art. 12 (1).

108. *Id.* art. 14 (2).

109. *Id.* art. 6.

CEDAW explicitly mandates State Parties to eliminate the trafficking in women and the exploitation and prostitution of women.¹¹⁰ Further, the CEDAW states that any form of gender-based violence constitutes discrimination against women, and that State Parties have the duty to work towards its elimination.¹¹¹

The violations of women's rights discussed above do not constitute a complete list, since these are in relation to the situations described above, which, as mentioned, are only parts of a bigger picture. It is noticeable that the CEDAW, ICCPR, and ICESCR do not make any mention of the environment or of climate change. Thus, it is fair to state that the above-described human rights violations will occur whether climate change is factored in or not. However, it is also true that the existing gender inequalities, which the CEDAW seeks to address, contribute to or aggravate the violations of women's rights. As such, an examination of the rights contained in the CEDAW and other human rights instruments is necessary in determining the actions that states need to take to provide remedy for violations.

B. UNFCCC: Addressing Climate Change

The UNFCCC was adopted in 1992 as a response to the effects of climate change as evidenced by global warming caused by the concentration of heat-trapping gases, such as carbon dioxide, methane, and nitrous oxides.¹¹² As discussed earlier, scientists attribute the higher frequency of droughts, hurricanes, floods, and forest fires to the increasing global temperature.¹¹³ The UNFCCC, then, became the principal international instrument on climate change aimed at stabilizing the concentration of greenhouse gases in the atmosphere "at a level that will prevent dangerous anthropogenic

110. CEDAW, *supra* note 94, art. 6.

111. See U.N. Committee on the Elimination of Discrimination Against Women (CEDAW), *CEDAW General Recommendations No. 19: Violence against Women*, U.N. Doc. A/47/38 (1992).

112. United Nations Framework Convention on Climate Change, Fact sheet: An introduction to the United Nations Framework Convention on Climate Change (UNFCCC) and its Kyoto Protocol, *available at* http://www.cinu.mx/minisitio/cop16/unfccc_and_kyoto_protocol.pdf (last accessed July 22, 2015).

113. *Id.*

interference with the climate system.”¹¹⁴ Today, the Convention enjoys universal membership with 196 State Parties.¹¹⁵

An examination of the text of the UNFCCC shows that it does not have any provision that pertains to gender or women. In the early years of the climate negotiations, gender balance was not even a consideration. It was only in 2001 when the UNFCCC Conference of Parties (COP) decided to ensure gender balance in the negotiations.¹¹⁶ This will be explored further in a later section.

C. The Nairobi Forward-looking Strategies and the Beijing Platform for Action

As early as 1985, the Nairobi Forward-looking Strategies has recognized that “changes in the natural environment will be critical for women”¹¹⁷ and that the effects of these changes will be felt more by those in areas with limited water sources like arid and semi-arid areas, as well as areas where the population is continuously increasing.¹¹⁸ The effect on women of loss of livelihood due to disasters and environmental degradation is also highlighted along with the need to ensure that women have access to alternative livelihoods, enjoy equality with men to participate in wage-earning employment, and are able to participate in planning and implementation of programs for improved sanitation in communities, especially in rural areas.¹¹⁹ It also acknowledges the need to provide information to women about environmental management and conservation, as well as to ensure their participation at the national and international levels.¹²⁰

In 1995, the Fourth World Conference on Women adopted the Beijing Platform for Action, considered as “the most progressive blueprint ever for

114. UNFCCC, *supra* note 2, art. 2.

115. United Nations Framework Convention on Climate Change, Status of Ratification of the Convention, *available at* https://unfccc.int/essential_background/convention/status_of_ratification/items/2631.php (last accessed July 22, 2015).

116. Christiana Figueres, et al., *Foreword* to WOMEN'S ENVIRONMENT & DEVELOPMENT ORGANIZATION, GENDER EQUALITY AND THE UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE: A COMPILATION OF DECISION TEXT (2013).

117. U.N. General Assembly, *Nairobi Forward-looking Strategies*, *supra* note 95, ¶ 28.

118. *Id.*

119. *Id.* ¶¶ 224-25.

120. *Id.* ¶ 227.

advancing women's rights."¹²¹ The implementation of the Beijing Platform for Action is aimed at achieving gender equality in all dimensions of life.¹²² It lists "women and the environment" as one of the 12 critical areas of concern that must be addressed by states in advancing women's rights.¹²³ Among the issues raised in the Beijing Platform for Action are those related to climate change, such as rising sea levels, ozone depletion due to the increased greenhouse gas concentrations, natural disasters, and the consequent environmental degradation.¹²⁴ It emphasizes the impact of environmental degradation to women's health, well-being, and quality of life considering their role and situation in rural and agricultural settings.¹²⁵ Such differential impacts are attributable to less access to training, land, natural, and other productive resources.¹²⁶ The Beijing Platform for Action also notes the absence of women in policy and decision-making processes relating to natural resource and environmental management, conservation, protection, and rehabilitation.¹²⁷ It likewise affirms the key role of women in the formulation of strategies for these areas, especially those who have vast experience and knowledge in natural resource management.¹²⁸

Through the Beijing Platform for Action, governments commit to create a "new development paradigm that integrates environmental sustainability with gender equality and justice within and between generations."¹²⁹ To achieve this, the Beijing Platform for Action provides for strategic objectives like increasing women's access to information and education, involving more women in environmental decision-making, reducing risks to women caused by environmental hazards, and integrating a gender perspective in sustainable resource management mechanisms, production techniques, and infrastructure development.¹³⁰ Another important objective is to have adequate research to assess the vulnerability and exposure of women to environmental hazards,

121. U.N. Women, *The Beijing Platform for Action: inspiration then and now*, available at <http://beijing20.unwomen.org/en/about> (last accessed July 22, 2015).

122. *Id.*

123. U.N., *Beijing Platform for Action*, *supra* note 96, ch. 4, § K.

124. *Id.* ¶¶ 246-47.

125. *Id.* ¶ 247.

126. *Id.*

127. *Id.* ¶ 249.

128. *Id.* ¶ 250.

129. U.N., *Beijing Platform for Action*, *supra* note 96, ¶ 248.

130. *Id.* ¶ 253.

especially poor women, indigenous women, and women belonging to minorities.¹³¹

Much like CEDAW, both the Nairobi Forward-looking Strategies and the Beijing Platform for Action do not mention climate change. But it must be noted that the implications of environmental degradation to women's rights that are described in these two documents are similar to the impacts of climate change on women. Hence, the identified strategies to address them may very well be applicable.

D. The MDGs on Gender Equality and Environmental Sustainability

The MDGs consist of eight goals that countries of the world hope to achieve by 2015.¹³² A set of indicators has been developed to determine the progress of each country as regards each goal.¹³³ Among the MDGs are the promotion of gender equality and empowerment of women (MDG3) and environmental sustainability (MDG7).¹³⁴

MDG3, which calls to "promote gender equality and empower women," seeks "to eliminate gender disparity in primary and secondary education, preferably by 2015, and in all levels of education, no later than 2015."¹³⁵ While this is the sole target of MDG3, the recent MDG reports have gone on to assess related issues such as gender disparity in the labor market, policies to support greater participation in the job market, and women's political participation.¹³⁶ MDG7, which aims to "ensure environmental sustainability," has four targets, namely: (1) the integration of sustainable development principles in national policies and programs and reversal of loss of environmental resources; (2) reduction of biodiversity loss and achieving a significant reduction by 2010; (3) reduction by half of populations without sustainable access to safe drinking water and basic sanitation; and (4) significant improvement of the lives of at least 100 million slum dwellers by 2020.¹³⁷

131. *Id.* ¶ 256.

132. See U.N. Statistics Division, Official list of MDG indicators, available at <http://mdgs.un.org/unsd/mdg/Host.aspx?Content=indicators/officialist.htm> (last accessed July 22, 2015).

133. *Id.*

134. *Id.*

135. U.N., Goal 3 Fact Sheet, *supra* note 97.

136. U.N., MDG REPORT 2014, *supra* note 47, at 21-23.

137. U.N., Goal 7 Fact Sheet, *supra* note 98.

At this point, it is worth noting that that while these two goals are related, the targets set seem to exclude, or at least do not expound on, the intersection between gender equality and environmental issues. A perusal of the MDG reports and the list of MDG indicators show that all eight MDGs are assessed as distinct categories.¹³⁸

CEDAW outlines the aspects of discrimination against women that States Parties should seek to eliminate. While it does not make specific reference to climate change and environmental issues, it is clear that women's rights violations occasioned or aggravated by climate change-related events engage state obligation to provide adequate remedy. The UNFCCC does not contain any provision referring to the plight of women or other vulnerable sectors in the context of climate change. The Nairobi Forward-looking Strategies and the Beijing Platform for Action provide the link between women's rights and environmental issues and may be taken into consideration for purposes of climate change programming. And even if they do not particularly point to climate change, but instead consider environmental degradation in general, establishing this link is, in itself, a big contribution in the discourse on women's rights. Interestingly, the MDGs, which came later than these two documents, did not include a target that addresses the situation of women affected by environmental problems.

Having examined the legal framework and policies related to gender and climate change, the next Chapter will look at the current responses and efforts to determine gaps in securing women's rights in light of climate change.

V. EFFORTS TO ADDRESS ISSUES GENDER AND CLIMATE CHANGE

There is a need for U.N. bodies and agencies to tackle gender and climate change together and to try to address the various intersecting issues identified earlier. The CEDAW Committee and the UNFCCC COP are the foremost bodies that have the specific mandates on women's rights and climate change. In order to determine the extent of the responses to gender and climate change, this Chapter examines the COP reports on the matter. Likewise, the Periodic Reports to the CEDAW Committee and the regional reports on the implementation of the Beijing Platform for Action are surveyed to ascertain the efforts of States to deal with these issues.

A. *Gender in the UNFCCC Process*

138. U.N. Statistics Division, *supra* note 132.

The COP is the supreme decision-making body of the UNFCCC.¹³⁹ The COP, consisting of all State Parties to the UNFCCC, usually meets on an annual basis to “review the implementation of the [UNFCCC] and any other legal instruments that the COP adopts and take decisions necessary to promote the effective implementation of the Convention.”¹⁴⁰ Prior to the conduct of the COP 7 in 2001, gender was not one of the issues tackled in the COP. In 2001, one of the decisions of the COP was to improve the participation of women in the bodies established under the UNFCCC and its Kyoto Protocol.¹⁴¹ This came with the recognition that women are disproportionately affected by the effects of climate change and that they are underrepresented in decision-making processes which limits their capacity to contribute solutions and apply their expertise.¹⁴²

In the 44th Session of the CEDAW Committee in 2009, it issued a statement expressing its concern about the lack of a gender perspective in UNFCCC policies as well as in other climate change initiatives at the global and national levels.¹⁴³ In calling on State Parties to include gender equality as an overarching principle in UNFCCC agreements, the Committee pointed out that gender equality may be achieved by “including equal participation of men and women as well as accounting for the differentiated impacts on men and women [of] climate change and its response measures” in UNFCCC agreements.¹⁴⁴

In the COP 18 in 2012, concrete steps towards equal participation of men and women were taken. That year, the COP invited State Parties to commit to ensuring gender balance by nominating women to UNFCCC

139. U.N. Framework Convention on Climate Change, Bodies, *available at* <http://unfccc.int/bodies/items/6241.php> (last accessed July 22, 2015).

140. *Id.*

141. UNFCCC Conference of Parties, *Report of the Conference of Parties on its Seventh Session*, U.N. Doc. FCCC/CP/2001/13/Add.4 (Jan. 21, 2002).

142. UNFCCC, Gender and Climate Change: Connecting Climate and Gender, *available at* http://unfccc.int/gender_and_climate_change/items/7537.php (last accessed July 22, 2015).

143. U.N. Committee on CEDAW, Statement of the CEDAW Committee on Gender and Climate Change, *available at* <http://www.ohchr.org/Documents/HRBodies/CEDAW/Statements/StatementGenderClimateChange.pdf> (last accessed July 22, 2015).

144. *Id.*

bodies and to strive for gender balance in their delegations.¹⁴⁵ Subsequent developments included ensuring gender balance in UNFCCC training sessions and workshops, promoting inclusion of women in decision-making and expert bodies under the UNFCCC and the Kyoto Protocol, and ensuring selection of women in leadership positions.¹⁴⁶ In 2013 and 2014, the COP issued reports on gender composition primarily noting the gender balance in the UNFCCC and Kyoto Protocol bodies, representation of women from regional groups and other groupings, and the gender composition of Party delegations.¹⁴⁷ This is as far as the COP has gone in addressing gender and climate change.

B. Examining the Periodic Reports to CEDAW and Beijing+15 Reports

In a sampling of 15 Periodic Reports¹⁴⁸ to the CEDAW Committee, only the report of Mauritania makes reference to climate change.¹⁴⁹ In particular, Mauritania has plans to improve the conditions of women by involving them in policy and decision-making processes on food security and sustainable development, as well as raising their awareness on their role in dealing with climate change.¹⁵⁰ The 2012 report of Eritrea contains a section on rural women and environment.¹⁵¹ It highlighted Eritrea's efforts to raise awareness of women towards achieving a health viable environment, and its measures

145. UNFCCC Conference of Parties, *Report of the Conference of Parties on its Eighteenth Session*, 23/CP.18, U.N. Doc. FCCC/CP/2012/8/Add.3 (Feb. 28, 2013).

146. UNFCCC Subsidiary Body for Implementation, *Gender and climate change*, ¶ 4, U.N. Doc. FCCC/SBI/2013/L.16 (Nov. 16, 2013).

147. UNFCCC Conference of Parties, *Report on gender composition*, U.N. Doc. FCCC/CP/2013/4 (Aug. 27, 2013) & UNFCCC Conference of Parties, *Report on gender composition*, U.N. Doc. FCCC/CP/2014/7 (Oct. 28, 2014).

148. See Notre Dame Global Adaptation Index, *Country Rankings*, available at <http://index.gain.org/ranking> (last accessed July 22, 2015). This study examined the periodic reports of 15 countries that are most vulnerable to climate change based on the country rankings of the Notre Dame Global Adaptation Index (ND-GAIN) — Chad, Eritrea, Burundi, Democratic Republic of Congo, Central African Republic, Sudan, Niger, Haiti, Afghanistan, Guinea-Bissau, Liberia, Papua New Guinea, Congo, Yemen, and Mauritania. Of these 15 countries, only 13 reports were examined because Sudan is not a party to CEDAW and the report of Haiti in the OHCHR website is in French. *Id.*

149. U.N. Committee on CEDAW, *Mauritania Report*, *supra* note 3.

150. *Id.* ¶ 107.

151. U.N. Committee on CEDAW, *Eritrea Report*, *supra* note 3.

in increasing access to water of rural women.¹⁵² The report of the Central African Republic submitted in 2012 to the CEDAW Committee noted that malaria was one of the main causes of death of women and children, but it did not indicate whether the malaria cases were due to climate change-related events.¹⁵³ The other 10 periodic reports did not link any women's rights violations to environmental issues and climate change.

Bangladesh, another country that is vulnerable to climate change, recognized the link of climate change-related events to violations of women's rights in its periodic report submitted to the CEDAW Committee in 2010.¹⁵⁴ It listed as one of its development goals the protection of women from "the adverse effects of environmental degradation and climate change."¹⁵⁵ The report notes the country's experience with two cyclones that caused the disruption of life and livelihood of many, including women and children.¹⁵⁶ It also states that the "country experience confirms that women are more vulnerable to such disasters than men[.]"¹⁵⁷ and that the greater intensity and frequency of the occurrence of cyclones caused by climate change forms part of the country's emerging challenges.¹⁵⁸

C. Examining the Beijing+15 Reports

All the regional Beijing +15 reports in 2009 on the implementation of the Beijing Platform for Action contain a section on women and the environment — as this is one of the areas of concern that has to be reported on — with the exception of the report of the Economic Commission for Europe.¹⁵⁹ Thus, this Section will focus on the reporting on the programs, policies, and challenges related to climate change-related events.

The African Regional Conference report noted that African women remain very vulnerable to the adverse effects of climate change given their traditional role as users and managers of natural resources, primary care

152. *Id.* ¶¶ 302 & 306.

153. U.N. Committee on CEDAW, *Central African Republic*, *supra* note 3, ¶ 361.

154. U.N. Committee on CEDAW, *Bangladesh Report*, *supra* note 3.

155. *Id.* ¶ 29.

156. *Id.* ¶ 295.

157. *Id.*

158. *Id.*

159. *See generally* U.N. Economic Commission for Europe, *Europe Report*, *supra* note

givers, and laborers whose livelihoods are dependent on natural resources.¹⁶⁰ The report also highlighted the effects of climate change on food security in the region, health of women,¹⁶¹ and the lack of adequate information to adapt to the challenges of climate change.¹⁶²

The report of the Economic and Social Commission for Asia and the Pacific indicated that women, together with children and the elderly, are among the sectors most vulnerable to climate change thus, the need for gender mainstreaming in environmental, disaster management, and adaptation programs.¹⁶³ Other challenges include the lack of women's participation in government, including in matters relating to climate change¹⁶⁴ and disaster reduction.¹⁶⁵ The Economic and Social Commission for Western Asia noted that the absence of women-related statistics on climate change is a major obstacle for governments in formulating policies for the protection of women in this area.¹⁶⁶ Also, many women in the Arab region are not allowed to participate in policy and decision-making processes in environmental management, including matters related to climate change.¹⁶⁷ The report of the Economic Commission for Latin America and the Caribbean, while providing updates on the implementation of strategies on women and the environment, did not include an item on climate change-related issues.¹⁶⁸

The decision of the UNFCCC COP to ensure gender balance in climate negotiations is a step towards infusing a gender perspective in COP decisions. However, ensuring that policies and programs address the differential impacts of climate change to women is not solely achieved by

160. U.N. ECONOMIC COMMISSION FOR AFRICA, A FIFTEEN-YEAR REVIEW OF THE IMPLEMENTATION OF THE BEIJING PLATFORM FOR ACTION IN AFRICA (BPFA) + 15 FROM 1995-2009 9 (2010).

161. *Id.* at 19.

162. *Id.* at 88.

163. U.N. Economic and Social Commission for Asia and the Pacific, *Asia Report*, *supra* note 4, ¶ 2.

164. *Id.* ¶ 17.

165. *Id.* ¶ 32.

166. U.N. Economic and Social Commission for Western Asia, *Arab Report*, *supra* note 4, ¶ 25.

167. *Id.* ¶ 90.

168. *See generally* U.N. Economic Commission for Latin America and the Caribbean, *Review of the Implementation of the Beijing Declaration and Platform for Action and the Outcome of the Twenty-third Special Session of the General Assembly in Latin America and Caribbean Countries*, U.N. Doc. LC/L.3175 (July 13-16, 2010).

having more women participate in policy and decision-making processes. There is a need for documentation, most especially at the state level, of these impacts on women. The minimal recording of statistics and data on the area of gender and climate change is also shown in the state reports to the CEDAW Committee and the regional reports on the implementation of the Beijing Platform for Action presented above. It bears stressing that such information is very important in climate change policy and program development because it identifies specific areas of concern affecting women in particular countries.

VI. CONCLUSION AND RECOMMENDATIONS

The impacts of climate change are felt differently by women due to the inequalities and discrimination that women face. Effects of climate change, while not human rights violations in themselves, still engage state obligations where there is a failure to guarantee the enjoyment of such rights. The existing international human rights instruments, particularly the ICCPR, ICESCR, and CEDAW, outline the panoply of rights that women have and the obligations of states. It does not matter if these instruments do not specifically mention that the rights of women should be protected during situations of environmental stress and climate change. The duties of State Parties to respect, protect, and fulfill human rights are not altered by the climate change phenomenon. The Nairobi Forward-looking Strategies and the Beijing Platform for Action are very useful documents as they clearly link women's rights and environmental issues. The recognition of the link between gender issues and climate change needs to be mainstreamed in U.N. bodies and policies.

Policy and program development in the area of gender and climate change at the national level would be difficult in the absence of data and information as regards the particular impacts of climate change to women in that country. This documentation is very important in policy reform, climate change mitigation and adaptation programming, disaster risk reduction and management, and determination of program priorities.¹⁶⁹ The lack of data in countries vulnerable to climate change, which are usually developing countries with high incidences of poverty, needs to be immediately addressed.

169. U.N. Commission on the Status of Women, *Review and appraisal of the implementation of the Beijing Platform for Action and the outcomes of the twenty-third special session of the General Assembly*, ¶ 336, U.N. Doc. E/CN.6/2015/3 (Dec. 15, 2014).

This Article proposes the following two recommendations in order to move towards better securing the human rights of women in the midst of climate change. First, the CEDAW Committee may want to consider issuing a Statement calling on the UNFCCC COP to further promote gender equality by going beyond ensuring gender balance in climate negotiations. The examination of the impacts of climate change on women should be included in the agenda. The Committee may also recommend that the U.N. consider assessing the MDGs not as compartmentalized objectives by having indicators that reflect the relationship of the different goals, including gender equality and environmental sustainability.

Second, the CEDAW Committee may also want to consider issuing a General Recommendation calling on states to document the impacts of climate change on women in the country, paying special attention to elderly, indigenous, rural women, as well as women with disabilities and those caught in the middle of armed conflict. Possible sources of information and fact-finding methodologies may also be indicated. The Committee may also provide guidelines for gender-sensitive programming on climate change adaptation and mitigation, and disaster risk reduction and management.

Climate change is a social justice issue. Its human rights implications must be addressed both at the global and domestic levels to ensure that the marginalized and vulnerable sectors of society do not suffer any further. We need to find solutions to at least slow down the effects of climate change and to provide remedies for those whose rights are affected. This must be done at the soonest possible time to make sure that this planet will still be liveable for all peoples of the world. Our generation needs the Earth, but it must be remembered that there will be other inhabitants of this planet after us who equally need a habitable place. As aptly stated by U.N. Secretary-General Ban Ki-moon, climate change “is the moral challenge of our generation. Not only are the eyes of the world upon us. More important, succeeding generations depend on us. We cannot rob our children of their future.”¹⁷⁰

170. Ban Ki-moon, U.N. Secretary-General, Address to the High-Level Segment of the U.N. Climate Change Conference at Bali, Indonesia (Dec. 12, 2007) (transcript available at http://www.un.org/apps/news/infocus/sgspeeches/search_full.asp?statID=161 (last accessed July 22, 2015)).