AMNESTY INTERNATIONAL

THE UN COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

AMNESTY INTERNATIONAL'S OBSERVATIONS ON THE DRAFT GENERAL RECOMMENDATION No. 37 ON GENDER-RELATED DIMENSIONS OF DISASTER RISK REDUCTION IN A CHANGING CLIMATE

I. Introduction

Amnesty International suggests that **paragraph 2** mentions Indigenous women explicitly: "(…) Situations of crisis exacerbate pre-existing gender inequalities and also compound intersecting forms of discrimination that affect some women, such as women living in poverty, women with disabilities, **[Indigenous women]** and older women, to a different degree or in different ways than men or other women."

In **paragraph 5,** we suggest adding a reference to 'impunity'. "Another dimension of gender inequality is the heightened risk of violence faced by women and girls in the aftermath of disasters. In the absence of social protection schemes, in situations where there is food insecurity, limited opportunities for income generation **[and impunity],** women and girls are often exposed to sexual violence and exploitation as they attempt to access food and other basic necessities for family members and themselves".

In **paragraph 6**, we suggest adding a reference to 'harmful gender stereotypes', 'agency' and 'empowerment': "The categorization of women as a passive 'vulnerable group' in need of protection from the impact of disasters **[is a harmful gender stereotype]** and fails to consider or promote the important contributions to disaster risk reduction, post-disaster management and climate resilience already being made by diverse groups of women. Well-designed disaster risk reduction and climate resilience initiatives that include consideration to **[agency, empowerment]** and full and effective participation by women provide an opportunity to advance substantive gender equality, while ensuring that sustainable".

We suggest the Committee clarify that where "**diverse groups of women**" or "**different groups**" are mentioned, this includes Indigenous peoples, ethnic, religious and linguistic minorities, LBTI women, disabled, youth, elderly, refugee and internally displaced women. We also recommend that the Committee refer to "diverse groups of women", rather than just "women", where appropriate throughout the general comment.

II. Objectives and scope

Amnesty International is concerned that the wording "The General Recommendation does not cover the gender-related dimensions of climate change adaptation and mitigation in general. It focuses on the obligations of States parties and other stakeholders under the Convention to take effective measures..." may be misread to say that mitigation does not fall within 'obligations of State parties.'

We suggest that the Committee include a new paragraph affirming that **"[States parties are obliged under the Convention to take all appropriate measures, including reducing greenhouse gas emissions to the most feasible extent, to prevent and mitigate climate change. The impact of climate change will be felt within and beyond each State's borders[1]. It will cause significant damage and failure to mitigate is likely to increase the frequency and intensity of climate-related disasters. Climate change has disproportionate negative impact on women and girls, and undermines the achievement of gender equality. Each State party has an element of control over the promotion and protection of the human rights of people affected by climate change since the State can limit greenhouse gas emissions caused by actors within its jurisdiction. Therefore, each state that fails to take adequate steps within its ability therefore fails to uphold its obligations under CEDAW].**

In **paragraph 12** we suggest substituting "implementing **gender-sensitive** disaster risk reduction policies" for **"[gender responsive]".**

III. The CEDAW Convention and other relevant international frameworks

In **paragraph 15** we suggest adding Goal 3: "important targets on gender equality in Goal 5 and **[Goal 3],** as well as…"

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

In **paragraph 19(a)** we suggest adding reference to female-headed households: "(a) Equality and non-discrimination, with priority being accorded to the most marginalized groups of women and girls, such as those from indigenous and minority groups, women and girls with disabilities, **[female-headed households]**, older women, women and girls living in poverty in both rural and urban settings, and migrants and refugees".

A. Equality and non-discrimination

In **paragraph 21**, Amnesty International suggests substituting gender-sensitive policies for 'gender responsive' policies: "including the adoption of participatory and **gender-sensitive policies** related to disaster risk reduction strategies and programmes across every sector" for "**[gender responsive policies]**".

[1] The Committee has previously affirmed that obligations of States under CEDAW apply to "persons within their territory or effective control, even if not situated within the territory". CEDAW Committee, 'General Recommendation 28 on the Core Obligations of States Parties under Article 2' (2010), CEDAW/C/GC/28 para. 12

In **paragraph 22**, we suggest developing the section on intersectional forms of discrimination to state: "**[Intersectional forms of discrimination based on other attributes such as age, economic status, marital status, disability, migration status, sexual orientation and gender identity, indigenous or minority status, may limit access to education, information, political power, resources, and assets for preventing disaster or for recovering from the effects of disasters, including climate change associated impacts. The barriers that women facing intersectional forms of discrimination may experience realizing their rights in this context may differ in form or severity from those faced by other people, including other women, and may be less visible. Different or additional action may be required to ensure women facing intersectional forms of discrimination can access their rights. Special consideration should therefore be given to the situation of women facing intersectional discrimination in disaster risk reduction efforts, including in relation to participation and empowerment, the development of relevant policy and plans at all stages, allocation of resources, the provision of capacity building, and the creation of any special temporary measures]**".

We also propose that the Committee introduce an additional paragraph between **paragraphs 24 and 25** regarding women temporarily accommodated in camps: **"[The particular needs of women and girls may not be adequately taken into account where women and men are temporarily accommodated in camps, bunkhouses or other temporary forms of accommodation post-disaster, particularly where such accommodation is designed without the participation of diverse groups of women. Women may be reluctant to leave their tents or unable to realize their right to freedom of movement or access their other rights when camp designs are not gender and culturally [and disability] responsive (where for example, purdah walls are not prioritized, or bathrooms are too exposed) or may be more at risk to violence]".**

In **paragraph 25 (c),** we suggest adding a reference to 'family friendly initiatives'. "They should measure women's unpaid productive and care work to design policies and programmes to reduce and redistribute the burden (e.g. awareness raising programs on equal sharing of domestic work and unpaid care work, **[family friendly initiatives],** introduction of time saving measures, and inclusion of appropriate technologies and infrastructure)". We also ask the Committee to clarify the meaning and context of "time-saving measures" as those per se do not necessarily challenge traditional gender roles and/or relief women of particular tasks and allow them to dedicate time to their own priorities.

B. Participation and empowerment

In **paragraph 30 (a), (c) and (e)** we suggest adding a reference to diverse groups of women: "Adopt targeted temporary special measures as set out in article 4 of the Convention as one element of a coordinated and continuously monitored strategy to achieve the equal participation of **[diverse groups of women]** in all sectors related to disaster risk reduction".

In **paragraph 30 (c)**: "Promote the equal representation of **[diverse groups of women]'** in disaster risk reduction fora at the national, local and community level to enable them to influence disaster risk reduction policy and implementation.

In **paragraph 30 (e**)**:** "Allocate adequate resources to building **[and strengthen]** leadership capacities of **[diverse groups of]** women and create an enabling environment to strengthen their

active and substantive role in disaster risk reduction **[and climate change]** at all levels and across all relevant sectors".

In **paragraph 30,** we suggest adding a subparagraph (f) that states**: "[Ensure women and girls can exercise their sexual and reproductive rights, have access in particular to sexual and reproductive health information and services, and protection from violence; these are the foundational elements which facilitate women's participation and empowerment in the realm of climate change]".**

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

B. Policy coherence

In **paragraph 36**, we suggest adding a sub-clause **(e)** along the following lines**:** "**[Ensure disaster risk reduction policies factor in the particular situation of women, men, girls and boys in detention, in care homes, and in orphanages, particularly in relation to safety audits, evacuation plans and post-crisis response**.**]**".

In **paragraph 36(c),** we suggest including a reference to autonomies and Indigenous leadership structures after "subnational government **[(including autonomies and all leadership structures of indigenous peoples, and ethnic, religious and linguistic minorities)]".**

C. Resources

In paragraph 37, we suggest substituting the reference to 'gender-sensitive programmes' with 'gender responsive programmes': "that increase women's exposure to the harmful impact of disaster risks and to **gender-sensitive** programmes specifically targeted at climate change adaptation and disaster risk reduction" for **"[gender responsive]"**.

D. Business Actors and Extra-Territorial Obligations

In this section we suggest adding a paragraph to the effect: **[Companies have a responsibility to respect human rights wherever they operate. [1] In order to meet this responsibility they should have a human rights due diligence process in place directed to identifying, preventing and mitigating impact on human rights enjoyment (or promotion or protection) which may be associated with their activities. [2] This includes reducing the carbon emissions associated with their operations. Companies that operate in a disaster-prone area should undertake enhanced due diligence to identify and prevent or mitigate the particular risks to human rights enjoyment which may be associated with their activities in the event of a disaster. This process should be implemented in a non-discriminatory and gender responsive manner and with due regard to the different risks and challenges that may be faced by women and men. [3] Companies should also ensure their activities do not exacerbate those risks or the severity of the impacts. They should have emergency mechanisms in place so that in the event of a disaster they can respond swiftly and effectively to minimise or remediate harm. In addition,**

they must fully cooperate with local and national authorities and any international bodies invited by the government to provide assistance] [2].

In **paragraph 39,** we suggest the following addition in relation to corporate responsibility**:** "(…) To ensure that private sector initiatives in the field of disaster-risk reduction and climate adaptation promote and protect women's human rights, they must be participatory, gender-responsive and subjected to continuous human rights-based monitoring and evaluation. **[Private or public-private initiatives, including in the context of the Sustainable Development Agenda, must take be implemented within a framework that guarantees corporate respect for human rights and effective accountability if the private actors involved infringe on human rights]".**

E. Capacity Development and access to technology

In **paragraph 41**, we suggest substituting "gender sensitive" for "**[gender responsive]**".

In **paragraph 42(a),** in addition to ensuring that early warning systems are gender responsive, we also suggest adding **"[and to men, women, boys and girls who may otherwise be overlooked or particularly vulnerable, including in detention, care homes and orphanages]".**

In **paragraph 42(d),** we suggest adding a reference to equality, gender stereotypes and discrimination: "awareness- raising among men and women, girls and boys on gender [**equality],** roles, [**gender stereotypes, discrimination],** rights and capacities in relation to disaster risk reduction and climate resilience**".**

VI. Thematic areas of concern

A. Health

In **paragraph 47**, we propose that the Committee consider adding a recommendation calling on States parties to **"[take steps to ensure that women and girls have access to essential pre- and post-natal care and new-born care, which can be particularly precarious in times of disaster]**".

We suggest the Committee to change the reference in **paragraph 47 (c)** of "sexually transmitted diseases" to **"[sexually transmitted infections]**". This language is used by WHO and UNAIDS.

B. Adequate standard of living

In **paragraph 48 and 51 (a)** we suggest adding "**[and girls]**" after "women".

D. Social protection

In **paragraph 57(a)** we suggest substituting "gender sensitive" for "**[gender responsive]**".

[2] Suggested footnotes to the suggested text:
[1] See UN Guiding Principles on Business & Human Rights; and OECD Guidelines for Multinational Enterprises.
[2] UN Guiding Principles on Business and Human Rights, Principles 15(b) and 17.
[3] UN Guiding Principles on Business and Human Rights, Principle 18 and Commentary.

E. Sustainable Urban Development

In **paragraph 58,** we suggest adding **"[safety, mobility]"** after "health". In **paragraph 60(a)** we suggest adding "**[leisure, sports, recreational activities, cultural life and the arts]"** after "education".

F. Rural settings

In **paragraph 64(b),** we suggest adding **"[In particular, involve Indigenous women in order to value and incorporate their traditional knowledge]**".

G. Marriage and family life

After **paragraph 65,** we suggest an additional paragraph to the effect of: **"[Where registration is required to access humanitarian assistances or services in emergency/post disaster contexts, women may also face particular obstacles in registering including because they may not have the required documentation. Certain groups of women, such as poor women and women with disabilities may be particularly affected, and less likely to be able to access assistance. Where assistance continues to be provided using the 'head-of-household' model, women may be rendered dependent on their husbands or other male relatives for emergency assistance; women who have been abandoned by their husbands may not be able to access any aid where their husband is claiming elsewhere]"**.

H. Gender-based violence against women

In **paragraph 70,** we suggest adding a new first subparagraph to highlight the "**[need for women to be involved in planning, monitoring and evaluating implementation of disaster risk response strategies at all levels to reduce gender-based violence, including in relation to evacuation plans, disaster response (including planning on any IDP camps or temporary accommodation) and recovery]**".

In **paragraph 70 (b)**, we recommend adding: "**[Develop infrastructural systems to ensure women can report violence and protect women from retaliation for reporting violence]** and provide accessible spaces for all women willing to report gender-based violence, and ensure that appropriate information on different forms of violence that are prevalent within situations of disaster are provided. Support women who want to report gender-based violence **[including with financial, psychological counselling, social services and other support needed for them and their children]**, and guarantee that their right to confidential, effective and rights-based process for accessing justice is upheld. **[In particular, ensure that women who are refugees or migrants are not hindered from reporting gender based violence for fear of facing deportation]".**