

Women's Rights Obligations of States in the Context of Climate Change

Synthesis of Statements on Climate Change by the Committee on the Elimination of Discrimination Against Women (2020 Update)



The Committee on the Elimination of Discrimination Against Women (CEDAW) is mandated to monitor the implementation of the International Convention on the Elimination of All Forms of Discrimination Against Women (ICEDAW), which has been ratified by 189 States. By ratifying the ICEDAW, States commit to “pursue by all appropriate means and without delay a policy of eliminating discrimination against women,” including by guaranteeing the equality of men and women in their national constitutions or legislation and taking measures to eliminate discrimination against women in rural areas and in the fields of education, employment, healthcare, economic and social life, and marriage and family relations.

The Committee has three main functions: the State reporting procedure; General Recommendations and Statements; and the Communications procedure (a quasi-judicial complaints mechanism). This note describes the work of the CEDAW on climate change under each of those functions.

The CEDAW has not issued any decisions on climate change under its communications procedure, nor are there any pending cases before the CEDAW related to climate change.

General Recommendations and Statements

Prior to 2018, the CEDAW had referred to climate change briefly

in two General Recommendations (GRs) (General Recommendation No. 27 on older women and No. 34 on the rights of rural women), but had not done so in a comprehensive manner. In 2018, the CEDAW was the first human rights treaty body (HRTB) to adopt a General Comment focused on climate change, when it adopted General Recommendation No. 37 on [“the gender-related dimensions of disaster risk reduction in the context of climate change.”](#)

This important document explains how the ICEDAW applies in the context of disaster risk reduction and climate change, describing how women's rights are impacted by disasters and the greater risks, burdens, and impacts experienced

by many women and girls in the context of disasters due to pre-existing gender inequalities. The General Recommendation particularly emphasizes women's participation and empowerment in the context of climate change, highlighting women's role as agents of change: "The categorization of women and girls as passive 'vulnerable groups' in need of protection from the impacts of disasters is a

negative gender stereotype that fails to recognize the important contributions of women in the areas of disaster risk reduction, post-disaster management and climate change mitigation and adaptation strategies." The GR also stresses the importance of preventive measures, emphasizing that "limiting fossil fuel use and greenhouse gas emissions and the harmful environmental effects of extractive industries such as

mining and fracking, and the allocation of climate financing, are regarded as crucial steps in mitigating the negative human rights impacts of climate change and disasters."

The CEDAW also joined with four other HRTBs in adopting a landmark [Joint Statement on human rights and climate change](#) in September 2019.

Joint Statement by the CEDAW and four other HRTBs on human rights and climate change

The CEDAW, the Committee on Economic, Social and Cultural Rights, the Committee on the Rights of the Child, the Committee on Migrant Workers, and the Committee on the Rights of Persons with Disabilities jointly adopted a statement on human rights and climate change in September 2019. The statement articulates the legal obligations of the 196 States that have signed the relevant UN human rights treaties (ICEDAW / women's rights, ICRC / children's rights, ICESCR / economic, social, and cultural rights, ICRPD / rights of persons with disabilities, and ICMW / rights of migrant workers), in the context of climate change.

The statement warns that climate impacts threaten the right to life, the right to adequate food, the right to adequate housing,

the right to health, the right to water, and cultural rights. It also underscores that some groups are more vulnerable to the risk of harm than others: "those segments of the population already marginalised or in vulnerable situations or that, due to discrimination and pre-existing inequalities, have limited access to decision-making or resources, such as women, children, persons with disabilities, indigenous peoples and persons living in rural areas." Further, it recognizes the agency of those most impacted by climate change and emphasizes an inclusive, multi-stakeholder approach with wide participation in climate policy-making.

The statement stresses that States must, as a matter of human rights law, implement emissions cuts reflecting the highest possible ambition, including by phasing out fossil fuels, promot-

ing renewable energy, combating deforestation, and ensuring financial flows, investments, and incentives are consistent with low-emissions pathways. It also underscores the obligations of States to regulate private actors and hold them accountable for climate harms occurring domestically and extraterritorially. It warns States that: "Failure to take measures to prevent foreseeable human rights harm caused by climate change, or to regulate activities contributing to such harm, could constitute a violation of States' human rights obligations."

The statement concludes by saying that the HRTBs will continue to "keep under review" the impacts of climate change on rights. Therefore, we can expect that climate change will continue to be a topic of focus in the work of the CEDAW.

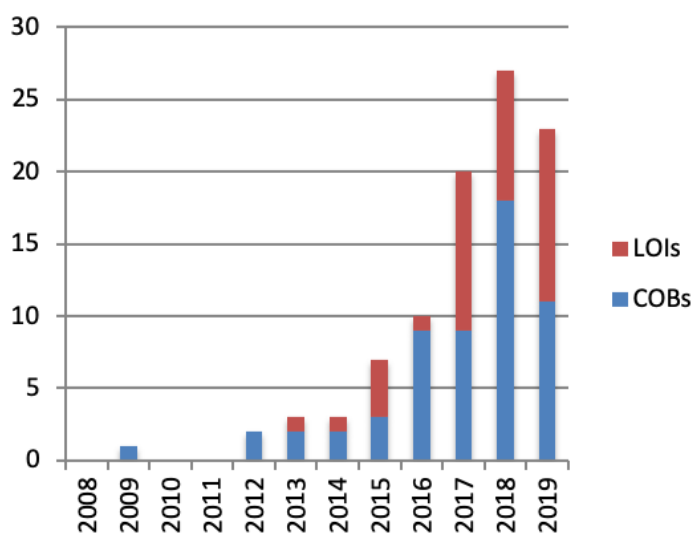


Figure 1: CEDAW's climate change references in Concluding Observations and Lists of Issues, 2008 – 2019

State Reporting Procedure

In its State reporting procedure, the CEDAW has been the most active HRTB on climate change, with a total of 57 climate-related Concluding Observations (COBs) and 39 climate-related Lists of Issues (LOIs) (see Figure 1). It adopted its first COB on climate change in 2009 to Tuvalu and has continued to gradually increase its attention to this issue through 2019, with 2018 being the high-point.

There was a slight drop in the number of climate COBs in 2019, but CEDAW was still the HRTB with the highest number of climate recommendations to States in that year.

Figure 2 shows the distribution of CEDAW's COBs referring to climate change between 2008 and 2019, according to the type of State.¹ Small Island Developing States (SIDS) and Least Developed Countries (LDCs) received the

highest number of climate recommendations from CEDAW (33 COBs). This group received 58% of all of CEDAW's climate COBs. For example, the CEDAW called on Cabo Verde to “ensure that women are meaningfully involved in the development of legislation, national policies and programmes

on climate change” (CEDAW, Cabo Verde, 2019).

33% of all SIDS and LDCs reviewed by CEDAW received a COB on climate, whereas only 10% of developed States and 14% of “other developing States” reviewed by CEDAW received a COB on climate. This proportion of SIDS and LDCs receiving climate recommendations is the highest among the HRTBs. CEDAW also has the lowest proportion of its climate COBs that were addressed to developed countries (12% of all climate COBs issued by CEDAW, compared to 55% by CESCR and 22% by CRC).

Figure 3 shows the categorization of CEDAW's climate COBs as mitigation, adaptation, international cooperation, procedural rights, and climate response measures. Figure 4 shows the further categorization according to sub-themes.

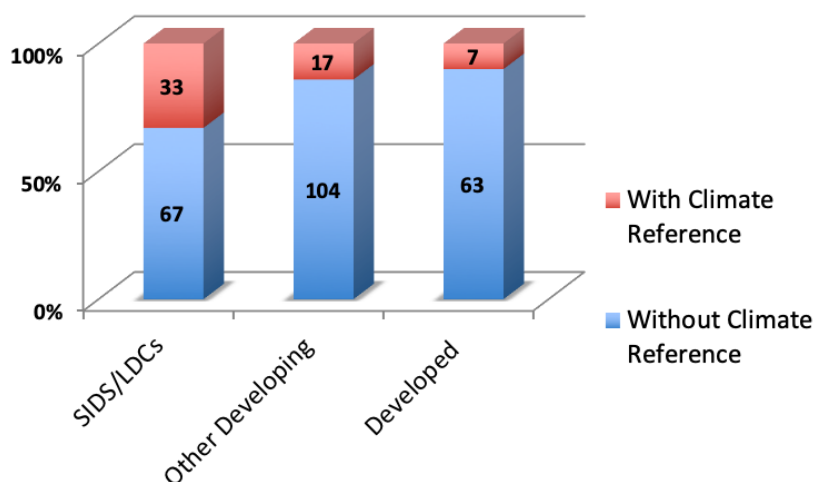


Figure 2: CEDAW's climate change references in Concluding Observations, by country type, 2008 – 2019

As can be seen, CEDAW addressed mitigation in only eight recommendations, which corresponds to only 14% of all COBs issued by CEDAW with a reference to climate change.

Nevertheless, the CEDAW has made very strong and specific recommendations to States on mitigation, addressing drivers of greenhouse gas emissions such as the export of fossil fuels, deforestation, and soil degradation and harmful activities of the private sector. For example, in 2017, CEDAW expressed its concern regarding the fact that “continuing and expanding extraction of oil and gas in the Arctic by the State party and its inevitable greenhouse gas emissions undermines its obligations to ensure women’s substantive equality with men, as climate change disproportionately impacts women” (CEDAW, Norway, 2017). Similarly, CEDAW called upon Guyana to “review its climate change and energy policies, particularly those relating to the extraction of oil and gas, and develop a disaster risk reduction strategy that takes into account the negative effects of climate change on gender equality and on the lives of women and their families” (CEDAW, Guyana, 2019).

CEDAW has also underlined the need to halt fracking due to its harmful effects on women and the environment, for instance recommending that the United Kingdom consider a “complete ban on fracking” (CEDAW, United Kingdom, 2019). More recently, CEDAW also expressed concerns about the climate impact of financial flows (CEDAW LOI to Switzerland, 2019).



Figure 3: CEDAW’s climate change references in Concluding Observations, by category, 2008 – 2019

To date, CEDAW has made only one recommendation that falls into the category of climate response measures. This category refers to measures taken by States to combat climate change that have had an adverse impact on human rights. CEDAW’s recommendation to Australia stated: “Adopt a human rights-based approach in the development of climate change responses” (CEDAW, Australia, 2018). It is surprising that this is the only recommendation from any of the HRTBs dealing with response measures, given that the HRTBs have often addressed human rights violations in the context of development projects. It is expected that this theme might receive more attention in the coming years, particularly as

the imperative of a just transition is increasingly recognized by States and stakeholders.

A high proportion of CEDAW’s climate recommendations addressed adaptation, which correlates with the high proportion of SIDS and LDCs who received climate recommendations from CEDAW. A large proportion of these recommendations on adaptation deal with disaster risk reduction (DRR), reflecting the heavy emphasis of CEDAW’s General Recommendation on disasters and DRR in the context of climate change.

For example, the CEDAW recommended that Mozambique “ensures that a gender perspective is integrated into the development

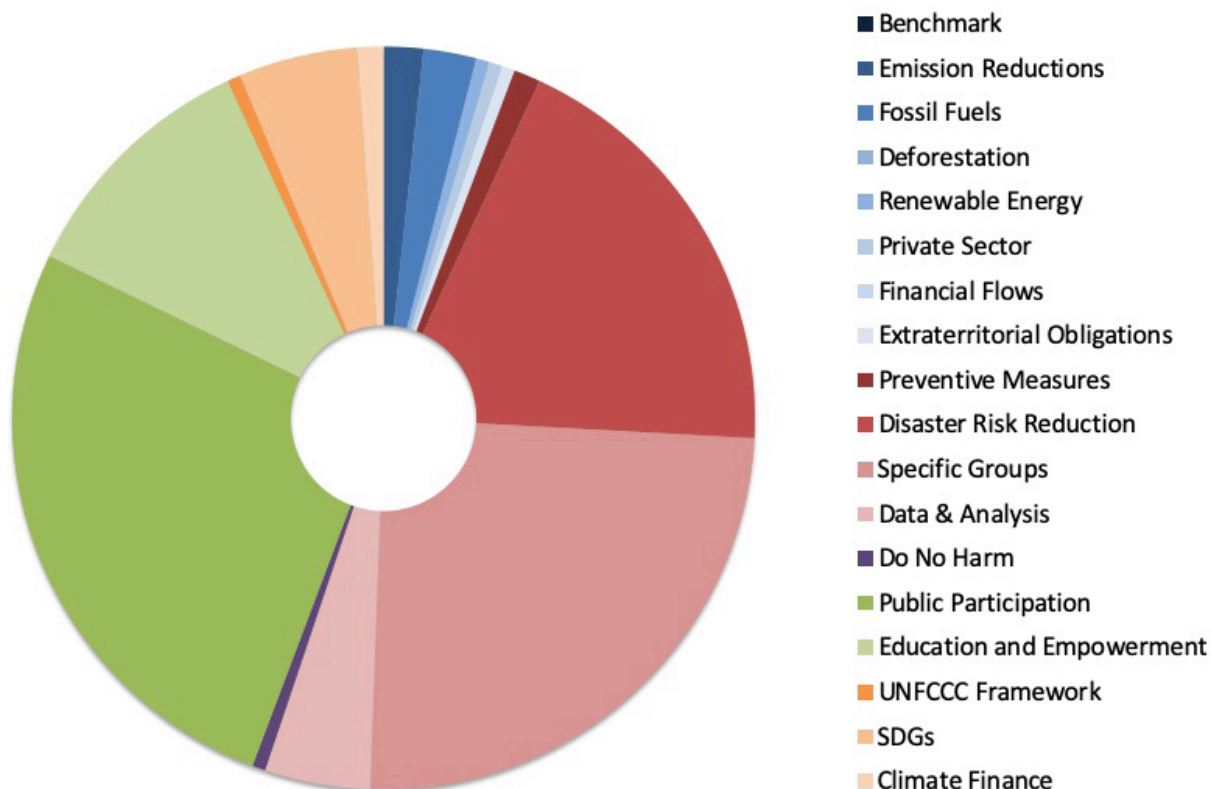


Figure 4: CEDAW’s climate change references in Concluding Observations, by sub-theme, 2008 – 2019

and implementation of policies and programmes on disaster risk reduction and climate change, conduct an assessment and address the impact of Cyclone Idai and Cyclone Kenneth on women and girls in the State party, consider the impact of foreign debt on the full enjoyment of women’s rights and adopt a new action plan on gender, environment and climate change” (CEDAW, Mozambique, 2019).

Further, the Committee gave a very detailed recommendation to Fiji to:

“ensure that women participate in the drafting of plans and strategies for disaster preparedness and that it:

(a) Set up public funds to support families in the wake of

disasters and create a system for the immediate supply of basic necessities, including water and sanitation, food and urgently needed medication, in case of emergency;

(b) Ensure that disaster preparedness plans include provision for setting up women-only shelters, where women can report cases of gender-based violence and obtain access to redress and rehabilitation” (CEDAW, Fiji, 2018).

As can be seen in Figure 4, a significant proportion of the recommendations on adaptation deal with the importance of addressing specifically the rights and interests of women in the context of climate change. The Committee also regularly highlighted the situation

of specific groups of women, such as Indigenous women (CEDAW, Suriname, 2018), Amerindian women (CEDAW, Guyana, 2019), pregnant women (CEDAW, South Korea, 2018), or rural women (CEDAW, Côte d’Ivoire, 2019; CEDAW, Cambodia, 2019).

For example, in relation to Suriname, the Committee recommended that the State “ensure the effective participation of women, in particular rural women, Maroon women and Indigenous women, in the formulation and implementation of policies and action plans on disaster risk reduction and climate change, not only because they are disproportionately affected by the effects of climate change and disasters but also as agents of change” (CEDAW, Suriname, 2018).

Procedural rights also received significant attention from CEDAW, and the majority of those recommendations dealt with the participation of women in climate policy-making. This is consistent with the very strong focus on women's participation in CEDAW's General Recommendation on the gender-related dimensions of disaster risk reduction in the context of climate change, which the Committee frequently references in its COBs. For example, the CEDAW recommended that Angola "ensure that all women, including rural women, migrant women and women with disabilities, are consulted in the development and implementation of national policies and programmes on agriculture, extractive industries, food security, climate change, disaster response and risk reduction" (CEDAW, Angola, 2019).

The Committee also urged Antigua and Barbuda to:

"ensure that the rights of women and girls are a primary consideration in devising measures relating to climate change and disaster response and risk reduction, and that such measures take into account the particular needs of disadvantaged groups of women, including older women, women with disabilities and migrant women;

(b) Continue to include an explicit gender perspective on all policies and programmes on climate change, disaster response and disaster risk reduction;

(c) Strengthen measures to ensure the effective participation of women in the development and implementation of policies and action plans on disaster risk

reduction, post-disaster management and climate change, and that women are represented in decision-making processes at all levels" (CEDAW, Antigua and Barbuda, 2019).

Compilation of Key CEDAW Statements on Climate Change

All Concluding Observations adopted by the CEDAW can be accessed here: bit.ly/CEDAWcobs.

Access the full General Recommendation 37 on "Gender-related dimensions of disaster risk reduction in the context of climate change" here: bit.ly/CEDAWGR37.

On the **reduction of emissions and the need to phase out fossil fuels (mitigation)**, the CEDAW has articulated that States must:

- limit fossil fuel use (CEDAW GR37);
- review climate change and energy policies, specifically their policy on extraction of oil and gas, to ensure they reflect the highest possible ambition (Joint Statement, 2019) and in order to prevent impacts on the life and health of women and girls, while working on a fundamental shift towards renewable sources of energy (CEDAW, Norway, 2017; South Korea, 2018; Guyana, 2019; CEDAW GR37);
- reduce greenhouse gas emissions, including those resulting from exports (CEDAW, Australia, 2018), and limit fossil fuels and the harmful environmental effects of extractive industries, such as mining and fracking (CEDAW GR37);

- review their policy on fracking and its impact on the rights of women and girls, and consider introducing a comprehensive and complete ban on fracking (CEDAW, United Kingdom, 2019);
- take effective steps to equitably manage shared natural resources and to address emissions from the land sector, including by combating deforestation (Joint Statement, 2019) and halting near-surface permafrost degradation and soil degradation (CEDAW GR37);
- regulate private actors, including by holding them accountable for harm they generate for affected groups both domestically and extraterritorially (Joint Statement, 2019; CEDAW, Fiji, 2018; CEDAW GR37);
- discontinue financial incentives or investments in activities and infrastructure that are not consistent with low greenhouse gas emissions pathways, whether undertaken by public or private actors, as a mitigation measure to prevent further damage and risk (Joint Statement, 2019; CEDAW LOI to Sweden, 2019).

On the **protection of rights from the impacts of climate change (adaptation)**, the CEDAW indicated that the ICEDAW requires States to:

- ensure that an explicit gender perspective is integrated into the development and implementation of policies and programs on disaster risk reduction and climate change (CEDAW, Mozambique, 2019; Antigua and

Barbuda, 2019), including gender impact assessments (CEDAW, Australia, 2018);

- ensure that effective monitoring and reporting systems are established by collecting, analyzing, and disseminating data across all areas relevant to DRR, climate change, and gender equality (CEDAW GR37; CEDAW, Australia, 2018; Samoa, 2018);
- develop policies and programs to address new and existing risk factors for gender-based violence against women within the context of DRR (CEDAW GR37), including setting up women-only shelters, where women can report cases of gender-based violence and obtain access to redress and rehabilitation (CEDAW, Fiji, 2018);
- integrate human mobility considerations into DRR policies (CEDAW GR37);
- take into account the greater vulnerability of women in the face of natural disasters and climate change, especially those living in areas below sea level and women facing multiple and intersecting forms of discrimination, including rural and Amerindian women and girls (CEDAW, Philippines, 2016; Guyana, 2019);
- take measures to address hunger and ensure food security for rural women in light of the effects of climate change (CEDAW, Cabo Verde, 2019), including temporary special measures with clear timelines to enhance access for women affected by natural disasters to their basic needs, such as education, food, water, hous-

ing, and natural resources (CEDAW, Nepal, 2018);

- ensure the promotion and protection of the rights of women and girls with disabilities, Indigenous and minority women and girls, lesbian, bisexual, transgender, and intersex girls and women, older women, and those of other marginalized groups by including their rights in disaster healthcare policies and standards and ensuring access to health information and services within disaster preparedness and response programs (CEDAW GR37).

On **procedural rights**, the CEDAW recommended that States:

- ensure the effective and equal participation of all women, including rural and migrant women, older women, and women with disabilities, as agents of change (CEDAW, Suriname, 2018) in the

development and implementation of national policies and programs on agriculture, extractive industries, food security, climate change, disaster response, and risk reduction (CEDAW, Angola, 2019) at the local, national, regional, and international levels (CEDAW, Australia, 2018; CEDAW GR37).

- build on traditional, Indigenous, and local knowledge systems, as appropriate (CEDAW, Côte d'Ivoire, 2019);
- ensure access to justice for women by increasing awareness of available legal remedies and dispute resolution mechanisms, establishing appropriate and effective human rights accountability mechanisms, and ensuring the availability of effective remedies in case of human rights violations by private actors, occurring from activities both inside and outside a State's territory (CEDAW GR37);



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- ensure women have equal access to the Green Climate Fund (CEDAW, Marshall Islands, 2018);
 - strengthen women's rights by providing gender and women's rights organizations with adequate resources, skills, and authority to carry out DRR and response strategies to invest in gender-responsive social protection systems and services, reduce economic inequalities between women and men, and provide women with training opportunities in the area of DRR and climate change (CEDAW GR37; CEDAW, Australia, 2018; Chile, 2018; Marshall Islands, 2018);
 - step up efforts to empower rural women and women living in remote areas to cope with and adapt to climate change (CEDAW, Peru, 2014);
 - develop disaster management and mitigation plans in response to potential displacement and/or statelessness arising from environmental and climate change and ensure that women, including those living remotely, are included and may actively participate in planning and decision-making processes concerning such plans (CEDAW, Tuvalu, 2015).
- On **international cooperation and linkages with international frameworks**, the CEDAW has articulated that States must:
- integrate and coordinate with other existing frameworks such as the United Nations Framework Convention on Climate Change (UNFCCC), the 2030 Agenda for Sustainable Development, and the Sendai Framework, to ensure a consistent and effective approach in climate change initiatives (CEDAW GR37);
 - consider their human rights obligations in light of the goals and targets provided by the Sustainable Development Goals (SDGs), particularly in relation to Goal 5 on gender equality (CEDAW, Luxembourg, 2018) and Goal 13 on climate action (CEDAW, Fiji, 2018);
 - develop a national action plan on business and human rights on the basis of the 2030 Agenda (CEDAW, Australia, 2018; CEDAW GR37);
 - mainstream gender into international cooperation programs on DRR, sustainable development, and climate change and establish appropriate and effective human rights accountability mechanisms (CEDAW, South Korea, 2018; CEDAW GR37);
 - consider the impact of climate-related foreign debt on the full enjoyment of women's rights (CEDAW, Mozambique, 2019);
 - allocate a budget for a mechanism for implementing the SDGs (CEDAW, Luxembourg, 2018) and strengthen the role of women in implementing the 2030 Agenda for Sustainable Development (CEDAW, Iceland, 2016);
 - explore investment and employment opportunities for women through investments in renewable energy, while combating the adverse effects of climate change in the context of efforts to implement Sustainable Development Goals 5 on gender equality, 7 on affordable and clean energy, and 13 on climate action (CEDAW, Nigeria, 2017).

¹In this note, countries are categorized in line with the United Nations Framework Convention on Climate Change (UNFCCC) Annexes.



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