



The Global Initiative

for Economic, Social and Cultural Rights

The Global Initiative for Economic, Social and Cultural Rights welcomes the opportunity to comment on the draft CEDAW General Recommendation No. 35 on the Gender-related dimensions of Disaster Risk Reduction (DRR) in a Changing Climate.

As was highlighted in our joint submission with APWLD and Landesa, we believe that the CEDAW Committee should broaden the scope of the General Recommendation to address the detrimental impacts of climate change on women beyond a focus on DRR. In particular, we consider that the General Comment should make a stronger call to States to act *to attenuate climate change and prevent the inevitable harm*, as they committed to do in the recent Paris Agreement. The myriad differential impacts on women will affect most of their human rights and exacerbate the inequalities already faced by women. This will have the effect of deepening women's poverty, increasing violence against women, increasing women's migration for work, increasing women's exposure to exploitation and trafficking and so on.

We believe that in this regard the General Recommendation should make greater reference to States' recently agreed to obligations under the Paris Agreement, including in paragraph 4 where States agree to 'pursue domestic mitigation measures.' CEDAW could indicate its support for the general goals of the Paris Agreement and encourage States to implement it expeditiously and ambitiously. While para 14 of the draft General Recommendation does refer to the Paris Agreement, it could be helpful and strengthen the General Recommendation to point out the specific references to 'gender-responsiveness,' namely:

Adaptation - Art 7(5) – 'Parties acknowledge that adaptation action should follow a country-driven, gender-responsive, participatory ... approach'

Capacity building - Art 11(2) – 'Capacity building should be participatory and gender-responsive'.

We would also like to raise these additional points which we hope will be valuable to the Committee in its deliberations:

Extraterritorial obligations of States

We welcome the language expressed in draft paras. 40 and 41 which address the Extraterritorial obligations (ETOs) of States parties, and we strongly encourage that this

language be retained. The CEDAW Committee has established an important record in terms of recognizing the ETOs of States on the Convention, including in its General Recommendation No. 30 on women in conflict prevention, conflict and post-conflict situations (section III A), General Recommendation No. 34 on the Rights of Rural Women (para. 13), as well as in CEDAW's 2014 Concluding Observations on India (UN Doc. CEDAW/C/IND/CO/4-5, at paras. 14 & 15) and CEDAW's 2016 2016 Concluding Observations on Switzerland (UN Doc. CEDAW/C/CHE/CO 4-5, at para. 41).

We feel that this recognition is in line with the ways in which other treaty bodies are addressing the concept of Extraterritorial obligations.¹ Similarly, as is currently recognized in the draft, General Recommendation No. 28 on the core obligations of States parties under article 2 reaffirms the requirement under article 2 (e) to eliminate discrimination by any public or private actor, which extends to acts of national corporations operating extraterritorially.

However, we would suggest a change to strengthen the language in **para. 41 (a)**, as follows:

Take immediate steps to manage water and other shared natural resources and to limit ~~the impact of carbon~~ **[greenhouse gas] emissions [and their impacts,] and ...**

Business actors

The importance of underscoring State obligations to monitor and regulate business actors, including with respect to impacts outside its territory, is paramount within the context of the current General Recommendation. We believe that the current language can be strengthened as follows:

¹ **For CESCR, please see:** 2016 Concluding Observations: France, UN Doc. E/C.12/FRA/CO/4 (24 June 2016); 2016 Concluding Observations: United Kingdom UN Doc. E/C.12/GBR/CO/6 (24 June 2016); 2016 Concluding Observations: Canada UN Doc. E/C.12/CAN/CO/6 (4 March 2016); 2014 Concluding Observations: China UN Doc. E/C.12/CHN/CO/2 (13 June 2014); 2015 Concluding Observations: Taiwan UN Doc. E/C.12/THA/CO/1-2 (19 June 2015); 2013 Concluding Observations: Austria UN Doc. E/C.12/AUT/CO/4 (29 November 2013); 2013 Concluding Observations: Belgium UN Doc. E/C.12/BEL/CO/4 (23 December 2013); 2013 Concluding Observations: Norway UN Doc. E/C.12/NOR/CO/5 (13 December 2013); 2011 Concluding Observations: Germany UN Doc. E/C.12/DEU/CO/5 (12 July 2011); 2010 Concluding Observations: Switzerland UN Doc. E/C.12/CHE/CO/2-3 (26 November 2010).

For the HRCComm, please see: 2015 Concluding Observation: Republic of Korea UN Doc. CCPR/C/KOR/CO.4 (October 2015); 2015 Concluding Observations: Canada UN Doc. CCPR/C/CAN/CO/6 (July 2015); 2015 Concluding Observations: United Kingdom UN Doc. CCPR/C/GBR/CO/7 (July 2015); 2014 Concluding Observations: United States UN Doc. CCPR/C/USA/CO/4 (23 April 2014); 2012 Concluding Observations: Germany UN Doc. CCPR/C/DEU/CO/6 (12 November 2012).

For the CRC, please see: 2016 Concluding Observations: United Kingdom UN Doc. CRC/C/GBR/CO/5 (3 June 2016); 2015 Concluding Observations: Switzerland UN Doc. CRC/C/CHE/CO/2-4 (26 February 2015); 2012 Concluding Observations: Australia UN Doc. CRC/C/AUS/CO/4 (28 August 2012); 2012 Concluding Observations: Canada UN Doc. CRC/C/CAN/CO/3-4 (6 December 2012); 2011 Concluding Observations: Republic of Korea UN Doc. CRC/C/KOR/CO/3-4 (6 December 2011).

For CERD, please see: 2014 Concluding Observations: United States UN Doc. CERD/C/USA/CO/7-9 (25 September 2014); 2012 Concluding Observations: Canada UN Doc. CERD/C/CAN/CO/19-20 (4 April 2012); 2012 Concluding Observations: Canada UN Doc. CERD/C/CAN/CO/19-20 (4 April 2012); 2010 Concluding Observations: Australia UN Doc. CERD/C/AUS/CO/15-17 (4 April 2010).

Para. 39: 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 **[ensure accountability and]** be participatory, gender-responsive and subjected to continuous human rights-based monitoring and evaluation.

Para. 40(a): ~~Create conducive environments for~~ **Require** gender responsive private sector investment in disaster risk reduction, preparedness and recovery ...

Para. 40(b): Encourage women’s entrepreneurship and create incentives for women to engage in businesses involved in sustainable development and climate resilient livelihood activities in areas such as the clean energy sector and agro-ecological food systems. **[Businesses working in these areas should similarly be incentivized to engage and increase the numbers of women on staff, particularly in leadership positions].**

Additional comments

Para. 53: In the aftermath of disasters, girls and women, whose access to education is often already limited as a result of social, cultural and economic barriers, may face even greater obstacles to participation in education due to the destruction of infrastructures, a lack of teachers and other resources, economic hardship and security concerns. **[Women and girls also face barrier to education in situations of disasters due to the increased burdens related to care work, including vis-à-vis household chores and time caring for those ill or injured due to climate change induced diseases, etc.]**

Para. 65: Article 16 of the CEDAW Convention defines the principle of equal rights in marriage and family relations, and details various important elements of equality within marriage and the family. These include the right to enter marriage only with free and full consent, and equal rights to acquisition, management, ownership, inheritance, and transfer of property. These rights become particularly important in disasters, when political and economic disruption, generalized violence and poverty may motivate parents to marry off their daughters, or where surviving widows or partners of civil partnerships or de facto unions (where recognized) may not have legal rights to property, which results in increased inequality and a reduced ability to recover and develop climate resilient livelihoods, **[or, similarly, when women’s care responsibilities impedes their ability to migrate away from disaster areas].**

Section H on Gender-based violence against women: Suggest to include new recommendation as follows:

[(e) Provide training, sensitization, and awareness-raising of authorities, emergency services workers, and other personnel, underscoring the increased risks of gender based violence in situations of disaster and how to address them.]