

WATERLEX CONTRIBUTION

Draft General Recommendation No. 35 on the Gender-related dimensions of Disaster Risk Reduction in a Changing Climate

January 2017

WaterLex welcomes CEDAW Draft General Recommendation No. 35 on Gender-related dimensions of Disaster Risk Reduction in a Changing Climate and considers this topic fundamental for the realisation of many rights, including the rights to water and sanitation and related human rights.

In light of the close linkages between gender, climate change and water, WaterLex encourages further consideration for water, sanitation and hygiene by the Committee in its General Recommendation N^o 35 and recommends the following:

Paragraph 2 and 3

WaterLex recommends to emphasize in the General Recommendation No. 35, and in particular at paragraph 2, the need to characterize and identify the barriers faced by women in accessing their rights in a situation of climate change, in order to address the structural barriers they face. As raised by the Special Rapporteur on the human right to safe drinking water and sanitation, progress towards gender equality in practices requires the identification of root causes of inequalities and the dismantling of structural barriers that prevent the equal enjoyment of rights on the basis of gender,¹ bearing in mind that the factors of discrimination may change over time.²

> Understanding women's specific needs and experiences is also important for adequately addressing women's rights in situations of disaster, including the rights to water and sanitation in situations where water and sanitation sources are decreased such as natural disasters related to climate change. WaterLex therefore recommends to refer to the report on Gender by the Special Rapporteur on the human right to safe drinking water and sanitation, by adding, at the end of paragraph 3, the following sentence:

"It is therefore important to better understand and share experiences about the kinds of responses that can be developed across the diverse range of emergencies, including the most adequate and effective adaptations and interventions."³

Paragraphs 18 to 20

> WaterLex suggests to add a reference to the principle of access to information section IV on General Principles, although section VI. C. partly tackles this issue. To enable meaningful participation of diverse groups of women, access to sufficient information is key, namely in the context of climate change. It is important to recall that women and men must be equally informed of issues that may affect them, including water scarcity but also of various governmental processes, such as policy development, implementation and monitoring.

¹ A/HRC/33/49, para 13.

² Idem, para 12.

³ Idem, para 13.

WaterLex therefore suggests to add the principle of access to information into the section on General Principles (para 18-20) and also include the right to access to information in chapter B (participation and empowerment).

> Paragraph 19(a) should include internally displaced women and girls in the list of marginalized groups of women and girls:

*“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, older women, women and girls living in poverty in both rural and urban settings, and migrants, refugees **and internally displaced women and girls.**”*

Paragraph 25

> Given the importance of achieving substantive equality, WaterLex suggests to include the word “substantive” into the title (A) as follows: “**Substantive** equality and non-discrimination”.

> As explained above, under Paragraph 2, WaterLex recommends to emphasize the need to characterize and identify the barriers faced by women, also in Paragraph 25(a) by adding the words “characterized and” in the following sentence: “[...] States parties should take steps to ensure that all women, [...] are **characterized and** adequately protected from intersecting forms of discrimination”.

> WaterLex suggests to add reference to the role women play in collecting water for the household in many societies. The following adjustment is suggested at paragraph 25(c): *Uphold the right to work and rights at work, recognise and value women’s contributions to caring, farming and domestic work, **including fetching water.** [...]*

Paragraph 27

> WaterLex proposes to include reference to water into the list of sectors where women’s leadership and participation in planning and program design for gender equality to reduce risk is of particular importance: *“These articles support actions to promote women’s leadership and participation in planning and program design for gender equality in sectors that reduce risk (e.g., agriculture, urban planning, economics, government, health, education, and environmental resource management, **water resource management in particular**), [...]*

Paragraph 34

> WaterLex suggests to emphasize that certain mechanisms and data can already exist at national level and can be used for collecting, managing, analyzing and applying SADD also in situations where this was not the initial intended purpose of those mechanisms or data. Therefore, the first recommendation of paragraph 34(a) could read (changes in bold): *“Establish **and identify existing** national and local mechanisms for collecting, managing, analyzing and applying sex, age and regionally disaggregated data (SADD) to inform national and regional disaster risk reduction policies, programmes, legislation and budgets.”*

Paragraph 35-36

> Given the need for an integrated approach and ongoing coordination among all sectors concerned,⁴ WaterLex suggests to add “environment”, “water” and “other sectors concerned” to the following sentence at paragraph 35 (changes in bold):

*“Programmes of action, budgets and strategies need to be coordinated both across sectors – trade, **environment, water**, development, energy, agriculture, education, health, planning, and other sectors concerned - and at different levels of government – local and sub-national, national, regional and international – in order to ensure an effective and human rights-based approach to disaster risk reduction.”*

> 36 (a): WaterLex further suggests adding water into the list of sectors where States need to ensure improved coordination between sectors to achieve policy coherence: *“Improve coordination between different sectors involved in disaster preparedness, climate change, gender equality, health care, education, social protection, agriculture, environmental protection, **water**, urban planning etc. [...]*

> WaterLex suggests to add “education” and “water” in the list in paragraph 36(e) due to the impact of climate change namely on girls in schools. In regions affected by disasters due to water scarcity for example, girls in certain areas can be more prompt to miss school days to help fetch water on longer distances, taking more of their time and preventing them from attending school on a regular basis. Policies and programmes need therefore to also address the linkages between education and climate change namely in relation to the right to water and sanitation. The following adjustment is suggested (changes in bold):

*“Engage in a comprehensive gender audit of policies and programmes across different sectorial areas including trade and investment, **water and environment, planning**, food, agriculture, social protection, **education** and employment in order to identify any areas of inconsistency with a view to reinforcing efforts aimed at disaster risk reduction and climate resilience.”*

Paragraph 41-42

> WaterLex suggests to revise the numbering of paragraphs 41 and 42 as the document contains a duplication of these paragraphs (page 13).

Paragraph 44

> 44 (b) WaterLex proposes to add reference (b) to water resources to ensure that women have equal access to technology for preventing and mitigating damage not only to crops, livestock, homes and business but also to water resources: *“Ensure that women have equal access to technology for preventing and mitigating damage to crops, **water resources**, livestock, homes and businesses” [...]*

Paragraphs 45 to 47

> WaterLex recommends to address more specifically menstrual hygiene under the section VI. A. on Health. Access to sanitation facilities and menstrual hygiene management in

⁴ A/HRC/33/49, para 13.

situation of disaster is fundamental, especially for women and girls during menstruation. Adequate attention must be paid to issues related to menstrual hygiene and hygiene management during disaster preparedness and recovery within contextualized programmes and strategies. The different dimensions of these issues must be also taken into account, namely the cultural, biological and physical dimensions. In addition, WaterLex proposes to include reference to the quality aspects of drinking water that are essential to health.

A reference to these issues could be added in the recommendations under paragraph 47(b), which could read: “Invest in health systems and services and allocate essential resources to the underlying determinants of health such as ~~clean~~ **safe drinking** water, adequate nutrition, sanitation facilities **and menstrual hygiene management**”.

Paragraph 48

> In relation to paragraph 48, and particularly the last sentence that reads:

*[i]t has also been shown that women, who have the primary responsibility for preparing food and collecting fuel and water in many societies, are disproportionately impacted by a lack of available, **affordable, safe** and accessible **drinking** water and fuel sources due to the additional burdens in terms of time, physical hardship, increased exposure to violence and stress that this climate-related resource scarcity may entail,*

WaterLex suggests to emphasize the following: Due to their role in many societies, the burdens are also existent in situations where resettlement is needed due to climate change. In relation to the right to water, for example, women are therefore not only affected by climate change due to water scarcity but also due to new burdens that may arise in fetching water in a new environment.

WaterLex further suggests to add reference to the affordability and the quality of drinking water as these aspects are of special concern for women. The Special Rapporteur on the human right to safe drinking water and sanitation underlined that affordability is of special concern to women and girls, who often have less access to financial resources than men.⁵ Water cut-offs may excessively affect women as family caretakers, in particular in poor female-headed households.⁶ Women and girls need to have materials to manage their menstruation, which can be a particular burden for those living in poverty.⁷ Levels of access to water and sanitation services affect men and women unequally. Because of their domestic roles and responsibilities, women are in greatest physical contact with contaminated water and human waste.⁸

Paragraph 51

> In accordance with the above, WaterLex further recommends to include the affordability and safety/quality aspects with regards to State obligations to promote women’s equal rights to water, according to the follows: “Promote women’s equal rights to food, land and

⁵ Idem para. 37.

⁶ Idem para. 38.

⁷ Idem para. 39.

⁸ Idem para. 32.

*natural resources, including **drinking** water, and ensure that they have effective, **affordable and safe** access to these, even during times of scarcity;"*

Paragraph 58-60

> Finally, WaterLex suggests to include reference to **deprived-urban areas and informal settlements** with regards to sustainable urban development and planning. General Comment N. 15 (2002) on the right to water explicitly obliges States to ensure that deprived urban areas, including informal settlements should have access to properly maintained water facilities.⁹

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⁹ General Comment No. 15 (2002) para 16 (c)