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Women’s Human Rights in Disaster Contexts:
How can CEDAW help?

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* The views expressed in this paper, which has been reproduced as received, are those of the author and do not necessarily represent those of the United Nations.

I. INTRODUCTION

There is a significant amount of accumulated data from around the world on how women and men are affected by environmental crises and natural disasters, and how they cope with the personal and social consequences of such events. Some information on the nature and effectiveness of the roles women and men play in the management of environmental and the mitigation of natural disasters as individuals and members of communities, is also available (Enarson and Morrow, 1998). Even a cursory look at such data indicates that there is ample reason to be disproportionately concerned about the conditions and roles of women in such circumstances. This is partly because natural disasters and their aftermaths, in creating anxiety, insecurity, disruption of normal life activities, scarcity of resources and/or inability to access existing resources, make life harder for communities. Weaker, dependent and subordinate groups often have to bear the worst of the catastrophe. Such groups are likely to suffer more from both the direct consequences of the natural disaster because they are less well-informed, less well-prepared and less well-protected, and also from its indirect impact in public and private life as the disaster is transferred and compounded via economic, social, political and family relationships. To put it bluntly, there is a 'double suffering' emanating from

The literature on natural disasters points to the need to develop responses, policies and implementation practices that take into account the different ways in which women and men are affected by natural disasters and the varying responses they develop (Enarson, 1998: 158). Such information is expected to guide policymakers and implementors at national and local levels to come up with innovative, realistic and effective measures, which build on women's and men's different resources and capabilities. While efforts along these lines are, no doubt, called for, it is critical that innovative, realistic and effective policies and practices are also aware of and sensitive to women's human rights.

As in all cases, here too, there is every reason to be on the look out so that

community rebuilding and social change, lack of women's participation in them reinforce women's subordinate positions in the family and community. Women's participation in these, on the other hand, would be expected to contribute to their empowerment.

In many parts of the world, often social and cultural traditions of sex-based seclusion and segregation force women to remain in the private sphere, thereby not only inhibiting their participation in community rebuilding and rehabilitation processes (Bari, 1998), but also preventing aid workers from reaching women. In fact, larger numbers of women are necessary as disaster workers of all kinds to both pinpoint women's specific needs in disaster contexts, and to respond to these needs. This is an even more pressing need for societies with sex-segregated cultures where women's access and interaction with men are severely curtailed by traditional cultural values and practices. In such cases, the absence of female personnel in rescue and recovery may lead to women being seriously deprived of aid. Thus, incorporating women's needs into disaster preparedness plans and programs through securing women's participation at all stages of the design and implementation of these measures, is vital.

economic conditions and factors such as slow growth rates, recessionary pressures, demand of structural adjustment policies or political change to implement or help justify discriminatory practices against women are considered latent or manifest violations of the Conventions' premises.

CEDAW also operates with an understanding that failures, on the part of the state, to remove obstacles to women's chances of enjoying their human rights fully no matter where these may originate from, and/or "omissions" in taking legal and other measures that would ensure women's enjoyment of their human rights, are also discriminatory. Consequently, the Convention operates with an expanded rights conception that also holds state parties responsible for not taking necessary measures to prevent abuses of power by private parties and/or to protect women from unjust treatment whenever it happens.

The Convention is a legally binding document, which obliges Governments to eliminate discrimination against women by granting them legal rights as well as equal opportunities.

By ratifying the Convention, states parties agree to initiate constitutional, legislative, administrative and other measures to ensure equality and elimination of discrimination both generally and within specific contexts, such as political and public life, nationality, education, work, health, and family relationships.

One of the unique features of the Convention is its Article 4.1, which allows States to adopt temporary special measures of positive action so as to accelerate the improvement of the de facto situation of women. CEDAW operates with the assumption that governmental human rights obligations entail corrective and compensatory policies in favour of women because women are vulnerable to discrimination and have been subjected to it. The Convention requests the governments to undertake affirmative action designed to ensure equal enjoyment of rights, that is law, policies, measures or actions needed to redress the de facto inequalities.

The monitoring organ of the Convention is the Committee on the Elimination and Discrimination Against Women, composed of 23 independent experts representing all continents and all existing law systems. The main function of the Committee is to consider States parties' reports, a mandate it interprets widely and progressively.

Another substantial part of the work of the Committee is the formulation of General Recommendations based on its examination of the reports and information received from State parties. The Committee now issues General Recommendations on specific provisions of the Convention, and on the relationship between the articles and the so-called "cross-cutting issues" so as to provide State parties with more comprehensive guidance as to the potential significance of the Convention's content and language. In doing so, the Committee is developing a jurisprudence of the articles of the Convention.

The most recent General Recommendation is on health. It provides a whole range of policy and legal interventions to make health a reality for all women - a fundamental human right that has to be fully respected. Previously, the Committee issued a General Recommendation on Women and Aids, and another one on the particular situation of Disabled Women. Through this instrument, the Committee is continually updating the Convention with new issues and new insights. The Committee also issued a General Recommendation on articles 7 and 8 of the Convention, enlarging their meaning and

The Women's Convention, thus, is already a penetrating and effective instrument whose force needs to be utilized in the context of environmental management and natural disasters. Not only is there a need to improve and facilitate the effectiveness of women's capabilities and resources in environmental management and natural disasters, but also, equally critical is the need to ensure that women's human rights are not violated and/or overlooked in these efforts. While it has been suggested that further studies on women's capacities and resourcefulness in the aftermath of disasters and especially the inclusion of these into strategies and responses will, "as locally acceptable solutions", provide women with an avenue of empowerment (Delica, 1998: 111). One needs to be very cautious in adapting such measures wholesale. There is often a very fine line -if any at all- between what is a "locally acceptable solution", and what helps perpetuate women's subordination even more is that crises and emergency situations tend to provide excuses -if not outright legitimation- for violations of women's human rights. CEDAW needs to be invoked precisely to prevent this.

As an international women's human rights instrument, CEDAW can play a substantial role in promoting policies and practices aimed at women's full enjoyment of their rights in disaster situations. Through its powers of monitoring of national policies

agencies can also be alerted by the Committee to interpret and promote in their own projects and programs in the area of environmental management and natural disasters, the women's human rights component. For instance, incorporation of modules that take into consideration women's needs and circumstances in disaster preparedness programs as well as in the 'training of trainers' has been found to have critical relevance for the implementability of these programs and for their ultimate effectiveness. In a study done

campaigns to capture media attention to women's human rights and as legitimizing forces for these groups' demands from their own authorities. Incorporation of specific concerns and recommendations to ensure protection of women's human rights in disaster contexts and environmental management efforts in the Concluding Comments of the Committee would, no doubt, provide similar ammunition to activists for advocacy on the national level.

Last but not least, the CEDAW Committee can be encouraged to come up with a General Recommendation on women and environmental management and natural disasters to provide a comprehensive analysis of the relationship between women's human rights as they are enshrined under CEDAW and the circumstances, problems and opportunities women encounter with respect to their human rights in these contexts. Such a General Recommendation would need to identify, elaborate and interpret the relevant articles of the Convention in order to develop a to-the-point reference for states parties and civil society organizations in their efforts to implement the Convention in the area of environmental management and natural disasters. Clearly, the drafting of a General Recommendation by the Committee is contingent upon the accumulation of adequate scientific knowledge and concrete data on the subject. It is also subject to the development of an awareness and demand in the international civil society on the topic.

Bibliography

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