Contributing during Crisis

A study on women’s right to participate in processes linked to natural disasters

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### Abbreviations

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Full Form</th>
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<tbody>
<tr>
<td>CEDAW</td>
<td>Convention on the Elimination of All Forms of Discrimination against Women</td>
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<td>CERD</td>
<td>Convention on the Elimination of Racial Discrimination</td>
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<td>CESCR</td>
<td>Committee on Economic, Social and Cultural Rights</td>
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<td>CO</td>
<td>Concluding observation</td>
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<td>CRC</td>
<td>Convention on the Rights of the Child</td>
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<td>DRR</td>
<td>Disaster Risk Reduction</td>
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<td>GR</td>
<td>General recommendation</td>
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<td>HRC</td>
<td>Human Rights Council</td>
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<td>ICJ</td>
<td>International Court of Justice</td>
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<td>ICCPR</td>
<td>International Covenant on Civil and Political Rights</td>
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<tr>
<td>NGO</td>
<td>Non-governmental organisation</td>
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<td>VCLT</td>
<td>Vienna Convention on the Law of Treaties</td>
</tr>
</tbody>
</table>
# Table of content

1. **INTRODUCTION** ............................................................................................................... 1

1.1. **SETTING THE SCENE** ................................................................................................. 1

1.2. **GENDER AND DISASTERS: AN ACADEMIC FIELD SLOW BUT STEADILY EMERGING?** .......... 4

1.3. **METHODOLOGY** .......................................................................................................... 6

1.3.1. **SOURCES EXAMINED AND THEIR STATUS** .............................................................. 6

1.3.2. **INTERPRETING LAWS** ............................................................................................. 9

1.3.3. **OTHER CONSIDERATIONS** ...................................................................................... 10

1.4. **READER’S GUIDE** ...................................................................................................... 10

2. **WOMEN’S RIGHT TO PARTICIPATE AND NATURAL DISASTERS** ................................. 11

2.1. **INTERNATIONAL DECLARATIONS AND FRAMEWORKS – RECOGNISING THE RIGHT TO PARTICIPATE?** ..................................................................................................................... 11

2.2. **THE RIGHT TO PARTICIPATE UNDER INTERNATIONAL HUMAN RIGHTS LAW** ............. 15

2.2.1. **THE CEDAW CONVENTION AND THE RIGHT TO PARTICIPATION** ............................. 16

2.2.2. **GENERAL RECOMMENDATIONS, AN AVENUE FOR EXPLORING THE CONTENT OF RIGHTS** ... 18

2.3. **PARTICIPATION’S INTERRELATEDNESS TO OTHER HUMAN RIGHTS** ............................. 20

2.4. **CONCLUDING REMARKS** .......................................................................................... 21

3. **STATE OBLIGATIONS** .................................................................................................... 23

3.1. **INTERNATIONAL FRAMEWORKS AND DECLARATIONS – RECOGNISING STATE OBLIGATIONS?** ..... 23

3.2. **STATE OBLIGATIONS UNDER INTERNATIONAL HUMAN RIGHTS LAW** .............................. 27

3.2.1. **THE DUTY TO RESPECT, PROTECT AND FULFIL** ................................................... 27

3.2.2. **STATE OBLIGATIONS UNDER CEDAW** ................................................................... 28

3.3. **DO STATES HAVE AN OBLIGATION TO REGULATE NGOs?** ............................................ 32

3.4. **CONCLUDING REMARKS** .......................................................................................... 36

4. **THE MONITORING PRACTICE OF THE CEDAW COMMITTEE** ........................................ 38

4.1. **CONCLUDING OBSERVATIONS – A METHOD FOR FOLLOWING UP STATE PRACTICE** .......... 38

4.2. **METHODOLOGICAL APPROACH** ................................................................................. 39

4.3. **IDENTIFYING PRACTICE - A QUANTITATIVE ANALYSIS** ............................................. 41

4.4. **IDENTIFYING PRACTICE - A QUALITATIVE ANALYSIS** .............................................. 45

4.5. **CONCLUDING REMARKS** .......................................................................................... 47

5. **CONCLUSION** ................................................................................................................. 49

6. **LIST OF REFERENCES** ................................................................................................... 52

ANNEX 1: **CONCLUDING OBSERVATIONS AND STATE PARTIES REPORTS 2012-2016** ............. 61
1. *Introduction*

1.1. *Setting the scene*

Floods, storms, earthquakes and extreme temperatures have not only been the most prevalent natural disasters the past ten year, but also those causing the highest death tolls. In 2008, the cyclone Nargis became one of Asia’s deadliest storms when it hit land in Myanmar and killed 138,000 people. Two years later the earthquake that struck Haiti made 2010 the deadliest year in terms of natural disasters in the past two decades with best estimates placing the death toll at 200,000 and the number of people left homeless over 1 million.

Occurrences like these continue to increase in both frequency and severity and have immense impacts on entire populations. Nevertheless, it is a well-established fact that natural disasters disproportionately affect populations due to social-, economic- and culturally constructed vulnerability factors. What some have called varying “vulnerability bundles”, impact how hard individuals and groups are affected by disasters as well as their ability to handle the aftermath. Among those worse affected are women who due to factors like traditional cultural values, socially constructed vulnerability factors, or subordinate positions in patriarchal systems tend to *inter alia* experience higher mortality rates, increased risk of health problems, are more prone to gender-based violence, and have difficulties in accessing compensation or recovery schemes. Despite the diversity of these issues, it can be argued that they have one common denominator – they are all primarily consequences of factors underlined by gender inequalities and discrimination against women.

Reports addressing the situation of women in Nepal following the 2015 earthquakes clearly illustrate these challenges. Weak property rights are making it difficult for widows to access the government’s reconstruction grant; women living in makeshift tents in camps have

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1 IFRC 2016, pp. 232-238.
2 IFRC 2009, p. 12.
3 IFRC 2010, p. 11.
5 Enarson and Morrow 1998, p. 2
6 UN Women National Committee Australia, 2017.
8 CEDAW Committee’s draft general recommendation no. 35, para. 5.
9 Trohanis et al. 2011, pp. 3-4; Briceno 2002, p. 4;
10 Oxfam 2016, pp. 4-5.
become easy targets for gender-based violence;\textsuperscript{11} and though data on human trafficking is difficult to produce, an increase of girls and women falling victims of this industry following the earthquakes have been reported.\textsuperscript{12}

Tackling deep-entrenched gender relations is not a matter that should be taken lightly, nor is it realistic that progress will occur overnight. Nevertheless, to ensure that women’s rights are not continuously at a risk of being violated in the aftermath of a natural disaster, initiatives attempting to address the root causes behind women’s so-called ‘vulnerability bundles’, as well as focus on integrating women into all aspects of disaster management need to be emphasised. One way of doing this is through participation in decision-making processes, where women will be able to highlight and address issues specific to women such as maternity health and gender-based violence, which falls the risk of being overlooked or neglected by men. Additionally, as some have indicated, relief and reconstruction phases present a “window of opportunity” for empowering women\textsuperscript{13} and can bringing about change in traditional gender-dynamics.\textsuperscript{14}

To accomplish the goal of including women in these processes, it is essential that the image of women primarily being ‘victims’ is addressed.\textsuperscript{15} The negative connotations behind this word suggests that women are first and foremost seen as passive recipients of aid and humanitarian assistance, instead of active change agents that can play an important role in responding to emergencies and rebuilding societies. This tendency of ignoring and discounting women’s contribution has often been at the detriment of effective response by both State and non-state actors to disasters, because assistance is neither targeted nor based on the expertise that women have.\textsuperscript{16} The underlying assumption of this research is first and foremost a rebuttal of this ‘victimisation’ of women that continues to be prominent to this day. Instead the message of this thesis is that women should be seen as active participants that are part of the solution, not merely economically and emotionally dependent actors waiting for assistance to arrive.

Despite recent positive developments within international human rights law and political frameworks and declarations emphasising the need for gender-dimensions, particularly asymmetrical relations between women and men in terms of participation, power and access to

\textsuperscript{11} Standing et al. 2016, p. 192.
\textsuperscript{12} Norlha 2015, p. 2.
\textsuperscript{13} Enarson 2001, pp. 14-18; Norlha 2015, p. 2.
\textsuperscript{14} Acar and Ege 2001; Mishra 2009.
\textsuperscript{15} Fordham 1999, p. 15.; Trohanis et al. 2011, p. 4.
\textsuperscript{16} Trohanis et al. 2011, p. 7.
resources, to be highlighted in disaster management and recovery, which will be explored in chapter two, relief and reconstruction efforts continue to be male-dominated.\textsuperscript{17} Formal representation and decision-making is predominantly left to men, while women’s role tend to be informal and socially invisible, such as being a caregiver at the household-level.\textsuperscript{18} The danger this marginal role poses is that women are often not represented nor are their opinions sought out in matters related to managing the aftermath of a disaster. Therefore, traditional gender stereotypes that assign women an inferior position in many societies are likely to be reinforced and their needs easily ignored, dismissed or overlooked.\textsuperscript{19} This is a further argument for why women’s participation in processes linked to natural disasters is essential and needs to be prioritised.

My interest for this topic began in 2016 during a six-months trainee position at the Norwegian Embassy in Nepal. Less than a year after the two devastating earthquakes that killed nearly 9,000 people, injured over 22,000 and damaged or destroyed close to 800,000 homes, the country was struggling to recover and rebuild.\textsuperscript{20} Daily news coverage focused on the lack of progress and initiative from the government, as well as bureaucratic hurdles put in place that prevented foreign actors from providing much needed reconstruction assistance to people still living in makeshift tents.

Through my work at the Embassy I was fortunate to meet organisations focusing on women’s rights and I saw the important contributions they were making not only to the promotion and protection of women’s rights, but also to the reconstruction processes in local communities. Work-migration to Malaysia and the Gulf countries is normal especially among men living in rural areas, which meant that when disaster struck women were left to take lead in many areas.\textsuperscript{21} Despite the important contributions that women were clearly making locally, their ability to participate in the reconstruction process did not reach the national level. When Nepali media outlets published interviews or statements from the governmental agency in charge of leading and managing the reconstruction efforts, the National Reconstruction Authority (NRA), men were always the ones quoted. Additionally, at meetings or conferences discussing the reconstruction, you would only find Nepali men. Not once during my six months in

\textsuperscript{17} Enarson and Pease 2016.
\textsuperscript{18} Trohanis et al. 2011, p. 4.; Scanlon 1998, p. 49.
\textsuperscript{19} Acar and Ege 2001; UN Division for the Advancement of Women 2001, p. 4.
\textsuperscript{20} MoHA and NEOC 2015.
Nepal did I hear a female NRA employee commenting on the progress of the reconstruction. A quick glance at the agency’s website explains why. Among the 95 members of the Central Reconstruction Advisory Council, only two women were represented, and of the 18 people that made up the Steering Committee, the executive body of the NRA, no women had been granted a seat. While reasons for not including women at this decision-making level might be based on numerous factors, it nevertheless showed how women’s fundamental right to participate is still being challenged in a patriarchal country like Nepal. This observation combined with my academic background in political science, as well as a strong belief that women must be seen as strong and important actors that have just as much to contribute with as men, sparked an interest for examining the following research question:

*How is women’s right to participate in processes linked to natural disasters recognised and protected under international human rights law?*

To address and attempt to draw conclusions on this matter, the following sub-questions will be focused on:

- **I:** How is women’s right to participate in processes linked to natural disasters recognised under international human rights law?
- **II:** What obligations do States have to ensure women’s right to participate in processes linked to natural disasters?
- **III:** Is the CEDAW Committee following up the practical implementation of rights that they are developing normatively?

### 1.2. Gender and disasters: an academic field slow but steadily emerging?

Before the 1990s, research examining the social relations of gender during disasters were in the words of American disaster sociologists Elaine Enarson and Betty Hearn Morrow “conspicuously unexamined”, with the exception of a few classic texts. According to scholars like Maureen Fordham, until then differences had been “problematised” and suppressed in favour of egalitarianism that tended to categorise all those affected by disasters as a homogenous group.

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23 Enarson and Morrow 1998, p. xii.
24 Schroeder 1987; Rivers 1982.
called victims. Other authors had noted how despite gender issues not being factored into the equation during humanitarian assistance, the general vulnerability of women was a fact. Some saw this vulnerability as a consequence of women being “more parochial and less competent, like children, dependent on the better judgement of men”, using this as a justification for disregarding the needs of the former over the latter. Others recognised how disasters simply “lay bare the essence of personal and social life”, in other words, highlighted and magnified pre-existing inequalities. While literature today still to some extent reflect both arguments, the importance of viewing disasters through a gender-lens and recognising the role women can play in response and reconstruction efforts are no longer disregarded. Finlay’s words that “women’s meanings and experiences have been epistemologically excluded” and that disasters have “been represented as gender-neutral and women have been portrayed rarely and negatively”, therefore no longer reflect the discourse.

Enarson and Morrow were among the first scholars that significantly contributed to the emerging focus on women and natural disasters. Their 1998 edited book, *The gendered terrain of disaster: through women’s eyes*, brought together the few but increasing number of disaster researchers that employed a gendered focus and established a baseline of the field from Western academics’ point of view. The wider aim was to place gender higher on the agenda for those operating within the disaster field, both practitioners and planners, by providing them with concrete ideas for how to incorporate women and gender issues more thoroughly in their work. While this was not ground-breaking material, it was the first time such findings and research had been brought together, a clear indication of how inadequate the focus on women had been in this field. Since then, research has continued to emerge, and it is widely recognised by both researchers and practitioners that the integration of gender aspects into humanitarian assistance and disaster management is essential. Nevertheless, to this day, the body of research continues to be limited.

26 Bhatt 1995, p. 3.
27 Wiest et. al 1994, p. xi.
29 Quarantelli 1994, p. 4.
30 Finlay 1998, p. 143 and 149.
1.3. Methodology

Despite the legal nature of the research question for this thesis, a multidisciplinary research approach will be employed to understand the practical application of the right to participate to processes linked to natural disasters. As the relationship between processes linked to natural disasters and the right to participate is embedded in both a socio-political and legal context, a combination of these two approaches will mean that the analysis can move beyond a strictly black-letter law discussion to instead the legal tradition of law in context. This multidisciplinary approach will, based on an understanding of potential challenges linked to the implementation of rights in what are tough and demanding situations for States to handle, not only allow us to examine the law as it is, de lege lata, but also how it should be, de lege ferenda. The thesis will in other words explore both legal questions linked to inter alia the duties of States, as well as normative questions that examine what the right to participate entails. As the various chapters will employ different methodological approaches depending on their aim, I have decided to incorporate information on these approaches in their respective parts. The following section will therefore only set forth some of the key methodological choices that have been made for the thesis as a whole.

1.3.1. Sources examined and their status

A qualitative desk study that examines both primary and secondary sources has been the approach taken in this thesis. As the overall goal is to examine the legal framework surrounding a specific right that women have and its application to a certain context, the primary sources for this thesis will be international human rights treaties, particularly the Convention on the Elimination of All Forms of Discrimination against Women (henceforth CEDAW or the Convention). These treaties have the status as ‘hard law’, which as Abbott and Snidal describe entails “legally binding obligations that are precise […] and that delegate authority for interpreting and implementing the law.”

Discourse on women’s rights and natural disasters is still relatively new though, which means that while the right to participate is thoroughly embedded in hard law, the contextual application of this right to participate in processes linked to natural disasters is unlikely to have been explicitly elaborated and concretised in this body of law. Consequently, when interpreting treaties and their application to these situations, what is known as ‘soft law’

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32 McConville and Chui 2007, pp. 1-5.
33 Abbott and Snidal 2000, p. 421.
sources, primarily *general recommendations* produced by treaty bodies, will be used as supporting documents. While there appears to be no widely accepted definition of soft law, it can be argued that they are “rules of conduct, which in principle, have no legally binding force but which nevertheless may have practical effects.”\(^{34}\) As these instruments are not recognised as one of the principle sources of law in Article 38 of the *Statute of the International Court of Justice*, debates surrounding their status have been heated. Nevertheless, considering the outputs of these treaty bodies are frequently referred to in jurisprudence by a variety of Courts, the authoritative nature and real legal significance of these instruments have, seems to have been well-established.\(^{35}\) An example of this is the advisory opinion by the International Court of Justice (ICJ) on the *Legal consequences of the construction of a wall in the OccupiedPalestine Territory*. In this document, ICJ describes how concluding observations made by the Human Rights Council (HRC) in relation to obligations established by the *International Covenant on Civil and Political Rights* (ICCPR) where used as authoritative interpretations of the State’s obligations.\(^ {36}\) In addition to this practice, which provides a practical illustration of the significance placed on outputs created by the HRC, the ICJ explicitly elaborated on the status of interpretations made by treaty bodies in the *Diallo* case:

> “Although the Court is in no way obliged, in the exercise of its judicial functions, to model its own interpretation of the Covenant on that of the Committee, it believes that it should ascribe great weight to the interpretation adopted by this independent body that was established specifically to supervise the application of that treaty.”\(^ {37}\)

The reason why specifically general recommendations will be used as an important source when interpreting treaties, is because of the nature of these documents. They serve the purpose of explicating rights recognised in human rights treaties, in other words, elaborating on the meaning of treaty obligations as well as providing guidance on how an abstract right can be implemented in practice. When interpreting human rights treaties, these documents can therefore be essential supporting documents. The work treaty bodies like the Committee on the Elimination of Discrimination against Women (the CEDAW Committee or the Committee) does in producing soft law instruments like these general recommendations, what other treaty bodies

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\(^{34}\) Snyder 1993, p. 32.

\(^{35}\) Rodley 2013, p. 639.

\(^{36}\) CCPR/C/79/Add.93 and CCPR/CO/78/ISR.

refer to as *general comments*, can therefore play important roles for better understanding the content of both rights and obligations. As the CEDAW Committee itself has noted, “the Convention is a dynamic instrument that accommodates the development of international law”, and since its first session the Committee has “contributed to the clarification and understanding of the substantive content of the Convention’s article”.\textsuperscript{38}

In addition to the soft law documents produced by the Committee that will be employed primarily as supporting documents for interpreting treaties, international frameworks and declarations will also be an important source of documents. As Chinkin and Freeman note, “resolutions of international institutions […] and instruments adopted by world conferences are not formally binding but are statements of political aspiration and commitment.”\textsuperscript{39} Despite the non-binding status of these documents, they constitute an important source for examining how discourse on the topic of women’s rights and natural disasters has evolved the last decades. As the examination of academic literature on this topic identified, women’s rights and natural disasters is a field increasingly receiving attention among both scholars and practitioners, and as the frameworks and declarations that will be explored in the subsequent chapters show, this also includes increasing attention among States world-wide. The reason why these documents will be examined, despite their non-legal status, is because political commitments have the potential to lead to the development of new norms and affect the formation of law. This can be done either through converting ideas into conventions that States can ratify, or through the emergence of new customary law. The *Standard Rules on the Equalization of Opportunities for Persons with Disabilities* is an example of the former, where the standards set out in this document formed the foundation for the *Convention on the Rights of Persons with Disabilities* that was later established. For the latter, the *Universal Declaration of Human Rights* is an example of a document that States are not bound by, but that includes numerous provisions that are now clearly recognised as binding customary law. Considering the focus on women’s rights in relation to natural disasters is still relatively new and is continuing to develop, it is both interesting and relevant for the discussion of this thesis to examine how discourse has developed through these documents.

\textsuperscript{38} CEDAW Committee’s draft general recommendation No. 35, para. 2.

\textsuperscript{39} Chinkin and Freeman 2012, p. 28.
1.3.2. Interpreting laws

One of the goals of this thesis is to examine what the general right to participate means specifically in processes linked to natural disasters, which means that treaty interpretation will play an essential part. Setting out the basic rules for treaty interpretation is Article 31 and 32 of the Vienna Convention on the Law of Treaties (VCLT). Article 31, which lays out the ‘general rule of interpretation’, states how: “a treaty shall be interpreted in good faith in accordance with the ordinary meaning to be given to the terms of the treaty in their context and in the light of its object and purpose”. Despite relevant considerations for treaty interpretation and their hierarchy being set forth by Article 31, as well as Article 32 that addresses ‘supplementary means of interpretation’, a variety of ‘schools’ on treaty interpretation has emerged. Considering Hart’s well-recognised argument that, “there is a limit, inherent in the nature of language, to the guidance which general language can provide”, these different approaches to treaty interpretation can play an essential role in how a treaty is read and understood.

Three main schools of interpretation have been established: the textual, the intentionalist, and the teleological. This thesis has chosen to apply the latter in its interpretation of treaties due to the belief that human rights treaties should not be seen as static but flexible instruments. As Smith has argued, “the written text enshrines what was agreed at the preparatory stage, not necessarily the entire scope of the philosophy underpinning it.” As new challenges emerge in society, it is important that these instruments can be interpreted in light of such developments, which this school allows for. Instead of focusing on the ‘ordinary meaning’ of the treaty, which the textual school does, the teleological school focuses instead on the ‘purpose’ behind the treaty. This type of ‘dynamic interpretation’ has become the mainstream practice of human rights interpretation, which can be reflected both in the jurisprudence of international and domestic courts, as well as human rights literature. Considering the aim of this thesis is to explore how the fundamental right to participate applies to natural disasters, this type of dynamic interpretation will be most suitable.

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40 VCLT, Art. 31(1).
41 Hart 1994, p. 126.
42 Fitzmaurice 1958.
43 Smith 2012, p. 182.
44 Crona 2009, p. 2.
1.3.3. Other considerations

It is important to note that while I have attempted to remove all personal bias in my analysis, as Montgomery highlights, even a supposedly neutral observer will be at risk of having her vision clouded by her own sub-conscious bias.\textsuperscript{45} Considering my experiences in Nepal and with women’s rights, this sub-conscious bias is likely to be quite strong, however, as I will primarily be evaluating the legal framework surrounding the right to participate and not conduct a case study on how \textit{inter alia} the Nepali State is protecting women’s right to participate, this bias is unlikely to have a strong impact on my analysis.

1.4. Reader’s guide

The thesis is divided into five main chapters that each seek to explore certain aspects of the research question. Starting off, \textit{chapter one} sets the scene by presenting the research question and highlighting why it is important that women’s right to participate under international human rights law is upheld in relation to processes linked to natural disasters. Next, it explores how the academic field of gender and disasters has slowly emerged as well as the methodology of the thesis, so that the reader will have a clear point of departure for further reading. \textit{Chapter two} continues by examining the key element of this thesis, the fundamental right women have to participate and how this right can be applied to natural disaster processes. Through both tracing normative debates on this topic, as well as examining international human rights law, the chapter attempts to evaluate how the right to participate in these situations is recognised under international human rights law. Building on the material presented in chapter two, \textit{chapter three} examines the matter of State obligations and looks specifically at what obligations States have in relation to ensuring the aforementioned right. As the primarily focus in chapter two and three has been the legal framework surrounding this right, \textit{chapter four} will focus on practical implementation by examining whether treaty bodies, here represented by a case study of the CEDAW Committee, follow up their normative development of rights with an increased emphasis on State parties upholding these rights. The thesis ends with \textit{chapter five}, which based on the material and analysis presented in the various chapters, will attempt to answer the research question of this thesis.

\textsuperscript{45} Montgomery 2011, p. 93.
2. Women’s right to participate and natural disasters

The right to participate in political and public life forms the foundation for not only democratic societies, economic development and social inclusion, but is also critical for the advancement of all human rights. Enshrined in numerous human rights treaties, this right to participate ensures that people are given a chance to shape their own futures and hold governments accountable through aspects such as voting, running for election and having a say in decision-making. In addition to these crucial aspects directly linked to political and public participation, the right to participate is also inextricably linked to other fundamental rights such as the right to health and the right to education, which will be explored further towards the end of this chapter.

Building on the necessity recognised in chapter one to include women in processes following natural disasters, this chapter will examine the right to participate and its practical application to disaster contexts. Divided into three main parts, the chapter will first explore how discourse on women’s fundamental right to participate, particularly within the disaster sphere, has evolved the past decades through a variety of international frameworks and declarations that governments have committed to. After this exploration, the chapter will move on to explore whether these normative developments are reflected in existing international human rights law. In this section, emphasis will be on identifying the specific provisions within the CEDAW Convention that establish a right to participate and see how these apply to processes linked to natural disasters. The third section will look at how the right to participate is not only a right that stands on its own, but also how it can be seen as a factor inextricably linked to the realisation of other rights. Combined, these three sections will provide the material needed to answer sub-question one of this thesis: How is women’s right to participate in processes linked to natural disaster recognised under international human rights law?

2.1. International declarations and frameworks – recognising the right to participate?

Before evaluating how discourse on women’s right to participate in processes linked to natural disasters has developed the last decades, it is important to clarify how this task has been approached. Two choices have been made to 1) establish a time-period for the examination, and 2) identify the documents that will be examined. With regards to the former, it has already been

46 The right to political and public participation is protected by the following conventions: ICCPR, Art. 25; ICESCR, Art. 8; CEDAW, Art. 5(c); CRC, Art. 15; CRDP, Art. 4(3), 29, 33(3); CRMW, Art. 41 and 42.
identified how the academic field of gender and disasters started emerging in the early 1990s. Since it seems safe to assume that developments within the political sphere will follow those that are made academically, not the other way around, the research conducted in this section has chosen to use the early 1990s as a starting point and the end of 2016, when the work on this thesis commenced, as a cut-off point. While there is no dearth of documents that could be useful for this study, only major international frameworks and declarations that have either been endorsed by the UN General Assembly or received widespread support through political commitments worldwide from primarily States, but also from non-actors, have been examined. This choice was made due to the argument presented in the methodology section, that aspects expressed in such documents have the potential over time to establish new norms and influence the interpretation of existing law. Though such developments have not occurred with the documents that will be examined in this section, it seems safe to assume that the ideas established over time in these international frameworks and declarations may have an impact on the normative development of rights related to this topic.

In the 1990s, at the same time as disaster literature on the gendered aspects of disasters began emerging, attention to this matter also started increasing in various international forums. During the Rio Conference on the Environment and Development in 1992 women’s “vital role in environmental management” and how essential “their full participation is” was recognised in what resulted in the Rio Declaration on Environment and Development. This Declaration consists of 27 fundamental principles that States were encouraged to base future decisions and policies on, in order to account for the impacts their actions would have on the environment. 47 The role of women in power and decision-making was further developed in the 1995 Beijing Declaration and Platform for Action, which highlights how women’s equal participation in political life not only plays a “pivotal role in the general process of the advancement of women”, but also how it is a “necessary condition for women’s interests to be taken into account”. 48 To address the structural and attitudinal barriers preventing women from participating, which were clearly recognised by the Platform, two strategic goals and subsequent actions to be taken by governments were established. In these, the focus was on both being given access to decision-making processes as well as retaining the capacity needed to participate in these and hold leadership positions. 49

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48 Beijing Declaration and Platform for Action, para. 18.
49 ibid., strategic goal G.1 and G.2, para. 190-196.
While the important role women have in disaster contexts was recognised in both the Rio Declaration and the Beijing Platform, it was through the establishment of three international frameworks focusing on disaster risk reduction (DRR), that gender equality and women’s empowerment in this field gradually received even greater attention. *The Yokohama Strategy and Plan of Action for a Safer World*, established during the first World Conference on Disasters Reduction in 1994, was the first attempt to establish international guidelines on how to prepare for, prevent and mitigate disaster impacts. Through a set of principles, the Yokohama Strategy focused particularly on coping mechanisms and emphasised the importance of taking advantage of local knowledge and experience.\(^50\) Except for one sub-paragraph that encourages States to empower women,\(^51\) no further reference to women and the role they should play in disaster response and recovery was included.

In the decade that followed, a fundamental shift from focus on response and recovery to the preparation and mitigation of natural disasters can be identified as having taken place. This shift can be clearly seen in *the Hyogo Framework for Action 2005-2015*, which emerged as the global blueprint for DRR following the second World Conference on Disaster Reduction in 2005. In this ten-year plan that was endorsed by the UN General Assembly,\(^52\) five priority actions were outlined and guiding principles as well as practical methods for increasing resilience towards disasters were set forth. While community participation was highlighted as in the Yokohama Strategy, the Hyogo Framework went further and also acknowledged the importance of applying a gender perspective to all aspects of DRR and emphasised the need for “equal access to appropriate training and educational opportunities for women”, as well as the promotion of “gender and cultural sensitivity training”.\(^53\) When this Framework came to an end, the international community renewed their commitment to DRR at the third World Conference on Disaster Risk Reduction in 2015 through the adoption of a new one, *the Sendai Framework for Disaster Risk Reduction 2015-2030*. Building on lessons learned from a decade of implementing the Hyogo Framework, this new framework placed an even stronger emphasis on the participation of women in processes linked to disasters. This can be illustrated through the following statement: “women and their participation are critical to effectively managing disaster risk

\(^{50}\) Yokohama Strategy and Plan of Action for a Safer World.  
\(^{51}\) ibid., section II, para. 11(Q).  
\(^{52}\) The Hyogo Framework was endorsed by A/RES/60/195. The Sendai Framework was endorsed by A/RES/69/283.  
\(^{53}\) Hyogo Framework, section 3, Activity ii (m), p. 10.
and implementing gender-sensitive disaster risk reduction policies, plans and programmes.”

This emphasis is reflected in both the Sendai Framework’s **guiding principles** as well as the corresponding **priorities for action**. The latter goes even further than the principles by emphasising how decision-making processes need to be inclusive and how women should not only participate, but also “publically lead and promote gender-equitable and universally accessible approaches during the response and reconstruction process.”

Regardless of whether the implementation and adherence to these frameworks have been or will be successful in the future, the fact that these frameworks so clearly recognised how essential women’s participation is in processes linked to natural disasters, makes their contribution crucial. These widespread political commitments to women’s right to participation can not only contribute to strengthening the realisation of the general right, but also its application to all situations. Further evidence of these commitments can be found in various agreements adopted the last three years. During the Conference of State parties to the UN Framework Convention on Climate Change in 2014, *the Lima Work Programme on Gender* was adopted. This documents sets forth a two-year work programme developed to promote gender balance and guide “the effective participation of women” in all bodies created by the Convention. One year later, the preamble of *the Paris Agreement* emphasised how gender equality and the empowerment of women should be taken into consideration when climate change is being addressed. Finally, at the World Humanitarian Summit in 2016 the core commitment addressing the need for ‘gender-responsive humanitarian programming’ received the third highest amount of endorsement out of a total of 32 commitments that were established. This was a clear recognition of the widespread calls that were made at the Summit “for gender equality, women’s empowerment and women’s right to become pillars of humanitarian action”.

That discourse on women’s right to participate within the context of natural disasters has evolved tremendously the past two decades, particularly in international discourse focusing on disaster risk reduction, there is no question of. From barely being mentioned in the Yokohama Strategy to establishing a clear recognition of not only the important role women can

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54 Sendai Framework, para. 36 (a)(I). In addition to this paragraph, the increased focus on women can be illustrated through the increased use of the word ‘women’. The Hyogo Framework only uses this word twice, one of these in a footnote, whereas in the Sendai Framework ‘women’ are mentioned five times.
56 Lima Work Programme on Gender, para. 3.
57 The Paris Agreement has as of March 29th 2017 been ratified by 141 Parties.
58 World Humanitarian Summit 2016b, p. 17.
59 World Humanitarian Summit 2016a, p. 5.
play, but also how essential it is to take proactive measures to ensure their conclusion, States worldwide seem to have, at least officially, acknowledged that their participation needs to be prioritised. Evaluating or establishing a direct link between this increasing recognition and acknowledgment from States, and the interpretation of how international human rights law recognise the right to participate in process linked to natural disasters, is difficult. Nevertheless, considering the numerous documents that focus on this, it seems safe to assume that the acknowledgement of the important role women have in processes linked to natural disasters and the subsequent need to include them, has been firmly established and will continue to remain an aspect of future political commitments made in this field.

2.2. The right to participate under international human rights law

Equality and non-discrimination are essential to the protection of women’s rights, and have been thoroughly embedded in the international human rights regime since its inception. Nevertheless, discrimination continues to persist, which shows that while removing de jure barriers may be the first step towards achieving de facto equality, it is not sufficient enough to remove what the CEDAW Committee calls “practices and procedures which inadvertently promote men”. Though equality and non-discrimination are fundamental principles enshrined in the core human rights treaties, the CEDAW Convention, which has been called a “landmark treaty in the struggle for women’s rights” and “an international bill of rights for women”, have been the primary treaty working progressively to develop existing norms and obligations aimed at eliminating discrimination as well as allocating specific rights that will contribute to achieving “full equality between men and women”. Though the text of the Convention is quite general, read in conjunction with the growing body of literature produced by its monitoring body, the CEDAW Committee, which some say have taken an “integrated, progressive and comprehensive approach […] to interpret women’s human rights”, the Convention has become a documenting encompassing a wide range of topics. What makes the Convention particularly interesting, according to the UN Division for the Advancement of Women, is the fact that it operates

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60 CEDAW and CERD explicitly prohibit discrimination on the grounds of gender and disability. The following conventions include provisions addressing the right to equality and non-discrimination as a cross-cutting concern: ICCPR, Art. 2 and 26; ICESCR, Art. 2(2); CRPD, Art. 5; CRC, Art. 2; and CRMW, Art. 7.

61 CEDAW Committee’s general recommendation No. 32, para. 15.

62 UN and Boutros-Ghali 1996, p. 5.

63 CEDAW Convention, preamble.

64 UN Division for the Advancement of Women 2001, p. 2.
based on “the recognition of the universal reality of patriarchy” and the assumption that “deep-rooted and multi-faceted gender inequality” continues to persist in the world.\textsuperscript{65} Due to its essential role in the protection and promotion of women’s rights, this Convention will form the basis for the subsequent section which will first examine how a right to participate is enshrined in the CEDAW Convention and whether this right can apply to natural disasters, before exploring whether the Convention’s treaty body has produced any material supporting the arguments presented in the first section. Though the focus will be on how the right to participate in enshrined only in this Convention, it is important to reiterate how this right is upheld by provisions in numerous human rights conventions. Especially Article 25 of the ICCPR clearly sets out how all citizens have a right to participate in the public and political life of a State.\textsuperscript{66}

\textbf{2.2.1. The CEDAW Convention and the right to participation}

Though CEDAW Article 7 and 8 are the primary articles establishing a right to participate, Article 14, which addresses the rights of rural women, is also relevant considering the topic of this thesis. Article 7 outlines how women have a right to participate “in the political and public life of the country […] on equal terms with men”, which includes the right to vote, hold public office, participate in policy formulation as well as organisations “concerned with the public and political life of the country”.\textsuperscript{67} Article 8 on the other hand, establishes how this right to participate applies not only nationally, as Article 7 outlines, but also internationally.

The extent and content of these two articles have previously been elaborated on by \textit{General recommendation No. 23 (GR 23)}, which addresses the role of women in political and public life. In this document, which reiterates the undisputable right that women have to participate, the Committee notes how the Convention places a special emphasis on women’s participation in decision-making already in its preamble, where it highlights how “the maximum participation of women on equal terms with men in all fields” is required not only for a country to develop at its fullest but also for the general “welfare of the world”.\textsuperscript{68} While Article 7 of the Convention specifies particular areas within the political and public life where participation on equal terms with men should be ensured, it is important to recognise how the wording “in particular” is used when referring to these areas. This implies that the list is not exhaustive, which

\begin{flushright}
\textsuperscript{65} ibid., p. 4.
\textsuperscript{66} ICCPR, Art. 25.
\textsuperscript{67} CEDAW, Article 7
\textsuperscript{68} CEDAW Committee’s general recommendation No. 23, para. 1-2.
\end{flushright}
was confirmed in GR 23 through the following statement: “article 7 extends to all areas of public and political life and is not limited to those areas specified in subparagraphs (a), (b) and (c).”69 This notion is backed up by a general recommendation currently being drafted, which the research will come back to in the next section, where it was highlighted how the guarantees of equality set forth by Article 7 and 8 support the promotion of women’s leadership and participation also in the field of disaster risk reduction.70

While these two articles clearly establish the general right that women have to participate, Article 14 is also particularly relevant when examining this general right in the context of natural disasters, because it emphasises how rural women have a right “to participate in […] development planning at all levels”.71 Considering the effects of natural disasters are often worse in rural areas, as in the case of Nepal where the six worst-affected districts are all situated in rural hilly and mountain areas,72 this Article provides an additional recognition of how women living in these areas need to be included in decision-making process that will decide the future of these communities.

When it comes to the right to participate, the text of the Convention does not explicit mention this right in the context of disasters. Therefore, two things need to be addressed, 1) whether the Convention leaves room for inferring rights into a new field, and 2) if the Convention is applicable during a state of emergency, since this is likely to be declared after major natural disasters. For the former point, Article 2 and 3 are the relevant provisions to examine, as Article 2 recognises how State parties should condemn discrimination “in all its forms”,73 and Article 3 how appropriate measures should be taken “in all fields”. The way both articles use the words “in all” indicate how the Convention in its adopted form is non-exhaustive and that new fields or ways of discrimination can emerge. This notion was recognised in General recommendation No. 28 (GR 28), where the CEDAW Committee refers to “the spirit of the Convention” and how it “covers other rights, which are not explicitly mentioned in the Convention.”74

69 CEDAW Committee’s general recommendation No. 23, para 5.
70 CEDAW Committee’s draft general recommendation No. 35, para. 28-30.
71 CEDAW, Art. 14.2(a).
72 FAO 2015; Reliefweb 2015.
73 CEDAW Convention, Art. 2.
74 CEDAW Committee’s general recommendation No. 28, para. 7.
With regards to the second point, applicability during a state of emergency, what needs to be identified is whether derogations are allowed. Some conventions include derogation clauses that allow State parties during what may be deemed as a public emergency that “threatens the life of the nation”, to take measures that derogate “from their obligations under the present Covenant”\(^75\) within certain limitations and restrictions. The CEDAW Convention contains no derogation clause, which means that it applies in all situations. This was also highlighted by the Committee in GR 28, which recognises how “the obligations of State parties do not cease […] in state of emergency due to […] natural disasters” and how in such situations “State parties should adapt strategies and take measures addressed to the particular needs of women”.\(^76\) While the absence of a derogation clause in itself should leave no room open for interpreting the applicability question in a different way, the statement made by the Committee further clarifies this point that the Convention applies at all times.

2.2.2. General recommendations, an avenue for exploring the content of rights

The recognition of a right to participate, how the Convention is non-exhaustive and its’ non-derogable nature sets forth a clear justification for arguing that women have a right to participate in processes linked to natural disasters. To support this argument, we can examine whether the Convention’s treaty body has produced corroborating outputs.

State parties’ responsibility to address gender-related dimensions of disaster risk reduction have previously been addressed by the CEDAW Committee in primarily concluding observations and general recommendations,\(^77\) but also in a statement made by the Committee on the topic of gender and climate change in 2009.\(^78\) Nevertheless, it was not until 2016 that the Committee began working on a general recommendation dedicated solely to this matter. Following a general discussion in February 2016, the Committee published *Draft general recommendation No. 35 on gender-related dimensions of disaster risk reduction in a changing climate* (draft GR 35) in October of the same year, and invited interested parties to submit comments.

\(^75\) ICCPR, Art. 4.1.

\(^76\) CEDAW Committee’s general recommendation No. 28, para. 11.

\(^77\) Concluding observations on Jamaica, CEDAW/C/JAM/CO/6-7, para. 31 and 32(b); concluding observations on Grenada, CEDAW/C/GRD/CO/1-5, para. 35 and 36(b); concluding observations on New Zealand, CEDAW/C/NZL/CO/7, para. 36(c); general recommendation No. 27, CEDAW/C/2010/47/GC.1, para. 25; general recommendation No. 28, CEDAW/C/2010/47/GC.2, para. 11.

\(^78\) In this statement, it was recognised how: “All stakeholders should ensure that climate change and disaster risk reduction measures are gender responsive (…). Women’s right to participate at all levels of decision-making must be guaranteed in climate change policies and programmes.” CEDAW, 2009.
by 31 January 2017.\textsuperscript{79} The objective of this document is to “provide guidance to State parties on the implementation of their obligations [...] in the context of disaster risk reduction”,\textsuperscript{80} where women’s participation is among the key focus areas. Considering how highly relevant this document is for this thesis, the author has chosen to refer to this document, despite it being merely a draft.

When using a document that is not a finalised version, it is important to emphasise how all observations and arguments based on this material need to be checked and verified once the document has been finalised. While amendments will undoubtedly be made in the final version of draft GR 35, the substance of the specific paragraphs discussing the right to participate in relation to processes linked to disasters, is deemed unlikely to witness substantial changes. This assumption is based on an examination of the 29 submissions made by States, non-governmental organisations (NGOs), and other stakeholders to draft GR 35. While several of the submissions comment on the paragraphs addressing women’s right to participate in processes following natural disasters, these are predominantly positive and are not requesting the Committee to decrease focus on this issue. This can be illustrated through two of the submissions made by NGOs. Even though these actors are not parties to the Convention, they are welcome to submit comments to the drafting process in the same way as States are. Action Aid’s submission highlights how important women’s participation in decision-making during disasters are and how they encourage the Committee to strengthen the paragraphs addressing it “to give greater emphasis to this important aspect”.\textsuperscript{81} Women Enabled International is another organisation commenting on the paragraphs addressing participation. No objection is made to the existing paragraphs, instead, they ask the Committee to also “consider discussing other reasons why it is important to include women”, emphasising the unique experiences various groups of women have that can “help inform comprehensive DRR policy”.\textsuperscript{82}

Once finalised and adopted by the Committee, this document has the potential to play an important part to the thousands of women that are affected by disasters every year. Though States are in most cases not obligated to accept or follow the interpretations and recommendations presented in these soft law documents in the same way as hard law, the way the Committee extensively addresses and recognises what can perhaps best be described as a consistent trend

\textsuperscript{79} CEDAW Committee’s draft general recommendation No. 35.
\textsuperscript{80} ibid., para. 9.
\textsuperscript{81} Action Aid 2017, para. 8.
\textsuperscript{82} Women Enabled International 2016, p. 4.
of undervaluing and failing to recognise the contribution women can make in society, will make it more difficult for States to continue these actions, or lack thereof.

2.3. Participation’s interrelatedness to other human rights

The right to participation is not only a right that stands on its own, but also one that is inextricably linked to numerous other rights. Women’s right to participate in processes following natural disasters is a clear illustration of this interrelatedness and indivisibility of human rights. Health problems for example have been identified as one of the prevalent issues in post-disaster contexts that disproportionately affect women. Despite the well-established right to health, which has been recognised inter alia by the Committee on Economic, Social and Cultural Rights (CESCR) to entail “the right to a system of health protection which provides equality of opportunity for people to enjoy the highest attainable level of health”, women are often not provided with the adequate services that they need. Only through participation in decision-making processes can women be certain that this right is ensured. When evaluating to what extent women’s right to participate is protected by international human rights law, it is therefore essential to recognise this interrelatedness and how though perhaps not explicitly stated in conventions, the right to participate might be indirectly protected through provisions that establish other rights.

Participation is not only a fundamental right, as well as an interrelated right needed to realise other rights, but also as a guiding principle of entire conventions, such as the Convention on the Rights of the Child (the CRC). While the right children have to participate stands on its own through Article 12 of the CRC, which highlights a child’s right to freely express their views in “all matters affecting the child” as well as how “due weight” should be given to these considerations, participation can also be seen as an underlying principle essential for the realisation of all other rights established by the CRC. Only through a child’s participation can for example Article 21(a) be upheld, which addresses the matter of adoption and outlines how “the persons concerned”, including the child, should be given a chance to express their view.

This interrelatedness between the right to participate and numerous other rights, underlines the fundamental and essential nature of this right. It is important to acknowledge though that being given a chance to participate does not necessarily mean that the participation will be

83 CESCR’s general comment No. 14, para. 8.
84 CRC, Art. 12(1).
meaningful. As recognised by the Declaration on the right to development, this aspect of participation being meaningful, in addition to free and active, is essential and should form the foundation of all participation. As expressed by the Human Rights Committee’s Special Rapporteur on the human right to safe drinking water and sanitation, “[t]rue participation requires meaningful opportunities to freely and actively influence decisions, not mere superficial consultations or information sharing”. This notion was clearly recognised in the book Water is life, edited by Hellum, Kameri-Mbote and van Koppen, where studies of women’s right to water show how in a society built on customary norms that assigning women an inferior position, participation can easily end up being an added burden instead of an avenue for women to address their concerns.

Though recognising the essentialness of participation being meaningful and how it could have contributed to this debate by adding an extra layer to the dimension of the right to participate, I have chosen to not emphasise it in this thesis due to two reasons. First, what the term ‘meaningful’ entails is a debate in itself that requires more focus and attention than this thesis has the capacity to. And secondly, a belief that for women to be ensured that their right to participate is upheld, focus needs to first be on what this right entails and what the State is required to do to ensure it.

2.4. Concluding remarks

In addressing the research question examined in this chapter, we can start by breaking it down to two basic questions: 1) do women have a right to participate?; and 2) does the CEDAW Convention apply in all situations? As this chapter has presented, the clear answer to both questions are yes. Women have a right to participate. This is an undisputable fact clearly and thoroughly established by international human rights law. Not only have we shown how the CEDAW Convention protects women’s fundamental right to participate in all aspects of political and public life, but we have also shown how the right to participate can be inextricably linked to numerous other rights. It therefore seems safe to argue that due to its essential role in the advancement of arguably all human rights, the right to participate is one of the most fundamental rights that not only women, but all people have.

85 A/RES/41/128.
86 A/HRC/24/44, para. 76.
87 Hellum et al. 2015, p. 372.
When regards to the second question, this chapter has shown how though women’s right to participate in processes linked to natural disasters is not explicitly mentioned in the text of any of the nine core human rights treaty, the non-derogable nature of the CEDAW Convention ensures that women’s right to participate applies always. No exceptions. While the law seems very clear on this, one can assume though that the lack of explicit reference to this might lead to some States de-prioritising it, or choosing not to draw the link between inter alia Article 7 and 8 of the Convention and the non-derogable nature of the Convention. Hopefully, once the Draft general recommendation on the gender-related dimensions of disaster risk reduction in a changing climate is finalised by the CEDAW Committee, it will become even more difficult for State parties to ignore this right.
3. State obligations

As opposed to in international law, which is based on the idea of ‘consent between equals’ in the form of a contract based on reciprocity, international human rights law is built on the concept of individuals being the right-holders and States the duty bearers. In terms of obligations, this means that once a State has ratified a human rights convention, they are bound to respect, protect and fulfil the rights enshrined in these. Building on the contextual application of women’s right to participate in processes linked to natural disasters, this chapter will focus on what the corresponding obligations of States are.

Consisting of three main sections, this chapter is built on a similar structure to chapter two. First, the same international frameworks and declarations that were examined in chapter two will be examined, however, now the focus will be to identify how the recognition of State obligations in relation to women’s right to participate in processes linked to natural disasters has evolved. Next, international human rights law will be analysed to see whether these normative developments can be reflected or interpreted as established through international human rights law, before the final section takes a special look at State parties obligation in relation to NGOs. As a result of these observations and examinations, a conclusion will be proposed to sub-question two of this thesis: *What type of obligations do States have to ensure women’s right to participate in processes linked to natural disasters?*

3.1. International frameworks and declarations – recognising State obligations?

Women’s right to participate in processes linked to natural disasters was first recognised by the Beijing Platform in 1995, however, it was not until a decade later that an international disaster risk framework recognised the important role that women can play in response and reconstruction processes. Whether the recognition of the correlating duties witnessed a similar development through these international frameworks and declarations, is what this section will examine. By using the same international frameworks and declarations analysed in the previous chapter, it is likely that slight repetition and overlap will occur, however, it will allow us to evaluate whether the normative developments and recognition of both rights and corresponding duties occurred simultaneously.
As noted earlier, the Rio Declaration from 1992 was among the first declarations that specifically recognised how essential women’s role and participation in environmental management is.\(^8\) Despite this recognition, State responsibilities were not concretised in the Declaration. Of the 27 principles laid down, 18 referred specifically to either something the State ‘shall’ or ‘should’ attempt to do in relation to a principle,\(^9\) while the remaining nine consisted merely of statements emphasising the importance of *inter alia* women’s participation. This notable absence of a specific reference to what the State should do to achieve the aims of these principles, makes it likely to assume that States did not prioritise them. In many cases, committing to a declaration like this one can be argued to primarily be a political tool used either to gain the goodwill of the international community or political capital. While a State might agree with the principles laid down by such a declaration, the often non-binding nature in these documents combined with a lack of incentives for spending human and financial resources, makes it likely to assume that a State will not allocate too much time and focus on them.

Where the Rio Declaration fell short, the next milestone for women and disasters, the 1995 Beijing Platform adopted at the Fourth World Conference on Women, made important strides towards recognising that the obligations States have to fulfil women’s right to participation, also apply during emergency situations. As a global framework, this Platform has been a key factor for advancing women’s rights through its emphasis on 12 “critical areas of concern”.\(^9\) Not only did the Platform emphasise the need to ensure that women are able to participate in decision-making processes at all levels of public and political life through two of its strategic goals,\(^9\) but in strategic objective K.1. the Platform also connects this focus on the inclusion of women to “environmental decision-making at all levels.”\(^9\) As the purpose of the Platform was not only to identify key areas of concern, but also to provide guidance on how to address these concerns, important normative developments were made when it comes to the discussion of State obligations in relation to natural disasters. Though the Platform is based on a political commitment and therefore not legally binding to States, the almost universal commitments made to the principles and actions outlined, suggests that the international community

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\(^8\) Rio Declaration on Environment and Development, principle 20.

\(^9\) The following principles in the Rio Declaration on Environment and Development include a reference to State responsibility: 2, 5, 7-16, 19, 22, 24, 26 and 27.

\(^9\) Beijing Declaration and Platform for Action, introduction.

\(^9\) Strategic objective G.1. of the Beijing Declaration and Platform for Action is to “take measures to ensure women’s equal access to and full participation in power structures and decision-making” and G.2. is to “increase women’s capacity to participate in decision-making and leadership”.

\(^9\) Beijing Declaration and Platform for Action, strategic objective K.1.
were starting to recognise that States have a responsibility to protect women’s rights in relation to natural disasters.

How important the development of this Platform was for the field of women and disasters in the 1990s becomes especially evident when comparing its content with the Yokohama Strategy. While the former framework addressed women’s rights in multiple areas and established clear links between the right to participate and environmental decision-making, the latter, which was established the preceding year and focuses solely on the field of disasters, placed no emphasis on women at all. In this attempt to develop international guidelines on disaster risk reduction, women’s role was only briefly referred to in relation to stimulating “genuine community involvement and empowerment of women and other socially disadvantaged groups”.

Considering the two frameworks were established only one year apart, it is interesting how there is such a substantial difference between them in the way women is [not] addressed. One potential reason for this could be how new the focus on disaster risk reduction was, while the field of women’s rights on the other hand had been on the agenda for decades and therefore been able to develop and expand. As the literature review in the first chapter showed, it was not until the mid-1990s that discourse among disaster researchers shifted from viewing women as merely victims and aid-dependants to actors that have something to contribute with in disaster contexts.

When the next disaster risk reduction-framework, the Hyogo Framework, was adopted by States worldwide in 2005, positive developments on the front of women and natural disasters could be witnessed. More specifically, it was recognised how “a gender perspective should be integrated into all disaster risk management policies, plans and decision-making processes” and how “equal access to appropriate training and education opportunities” should be provided for women. When it came to establishing concrete actions that States have to ensure this though, the Framework remained silent. Not until 2015 and the adoption of the Sendai Framework, did an international disaster risk framework outline specific actions that States should make to ensure that women’s right to participate is upheld following natural disasters. While also this framework is based on a political commitment and thereby not legally binding, the widespread commitments by States and endorsement by the UN General Assembly that the framework was given, illustrates the legitimacy of this document.

93 The Yokohama Strategy and Plan of Action for a Safer World, para. 11(Q).
94 The Hyogo Framework for Action, para. 13(d) and 18(m).
While referring to women in relation to various aspects, the primary focus of the Sendai Framework was to ensure the establishment of an enabling environment where women can be empowered to participate and lead processes on an equal ground with men. Examples of this in the text includes the emphasis on establishing a people-centred approach where “governments should engage with relevant stakeholders, including women […] in the design and implementation of policies, plans and standards.”\(^95\) Additionally, under priority 4, which sets forth one of four focus areas and correlating activities that States should implement, emphasis is placed on how “empowering women […] to publicly lead and promote gender equitable and universally accessible response, recovery, rehabilitation and reconstruction approaches is key.”\(^96\) In other words, it can be argued that the commitments developed in this third international disaster risk reduction framework had finally concretised what was first indicated in the Beijing Platform, that States have a responsibility to protect and uphold women’s rights following natural disasters.

During the World Humanitarian Summit that took place in 2016, the year after the establishment of the Sendai framework, the notion that States have a responsibility to ensure women’s participation in disaster response and recovery was further emphasised. The overarching theme of the Summit that emerged was gender equality and women’s empowerment, and widespread commitments were made by States outlining the specific action they will take to align with i.e. the following commitments:\(^97\)

- “empower women and girls as change agents and leaders, including by increasing support for local women’s groups to participate meaningfully in humanitarian action”;
- “ensure that humanitarian programming is gender responsive”; and
- “fully comply with humanitarian policies, frameworks and legally binding documents related to gender equality, women’s empowerment, and women’s rights.”

These commitments are a further illustration of how States themselves have now recognised that they should take action to ensure that women’s rights are protected following natural disasters. Based on the international frameworks and declarations presented here, that have received widespread commitments by governments, it seems clear that while the link between

\(^{95}\) Sendai Framework for Disaster Risk Reduction, para. 7.

\(^{96}\) ibid., para. 32.

\(^{97}\) All commitments made by States and other actors can be viewed at: [http://www.agendaforhumanity.org/explore-commitments/indv-commitments](http://www.agendaforhumanity.org/explore-commitments/indv-commitments) [last accessed: 10 April 2017].
women’s rights and natural disasters began emerging in the early 1990s, it took a while longer before correlating actions that States should make in relation to this were recognised. Whether these normative developments on State responsibility that have been identified within international frameworks and declarations can be reflected or seen as covered by obligations that State parties have under international human rights law, is what the following section will examine.

3.2. State obligations under international human rights law

As identified in the previous section, a variety of international frameworks and declarations developed the last few years have outlined how States should take action to ensure that women become an integral part of all aspects related to disaster risk reduction, management and recovery. Additionally, a special emphasis in these documents has been to create an enabling environment where women are empowered and able to participate in decision-making processes on the same basis as men. The important question though is whether the principles and measures agreed upon in these international frameworks and declarations are seen as embedded in international law and as such part of the State obligation to respect, protect and fulfil the right to participate. To examine this, the following section will first provide some reflections surrounding the concept of human rights obligations, before the CEDAW Convention will be examined to identify the type of obligations related to participation and natural disasters that the Convention sets forth. Considering the important role that NGOs play in response and recovery efforts following natural disasters, the final section will examine whether States have a responsibility to regulate these NGOs.

3.2.1. The duty to respect, protect and fulfil

There can be no right without a corresponding duty. When a State party has ratified a human rights treaty, it is bound by international law to do what this treaty says. However, as the language of human rights provisions is often imprecise, uncertainty can arise surrounding the obligations that State parties are required to comply with. One attempt to rectify this ambiguity has been made by the CESCR, through their former Special Rapporteur Asbjørn Eide. The tripartite typology that he formed sets forth a multi-layered model of State obligations, which entails the obligation to ‘respect’, ‘protect’ and ‘fulfil’ human rights.\(^\text{98}\) Though initially established for economic, social and cultural rights, this model has now been widely adopted within

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\(^\text{98}\) E/CN.4/Sub.2/1987/23
the UN system, as can be seen through numerous references to it on the website of the UN, as well as through the practice of treaty bodies.\textsuperscript{99} The first aspect, ‘respect’, which can be seen as a \textit{negative} obligation, requires the least of a State party as it entails primarily an obligation to not violate any rights through State actions. ‘Protect’ on the other hand, places a \textit{positive} obligation on State parties to ensure that individuals within their jurisdiction do not have their rights violated by a third party. While a State party cannot be held liable for all violations that are made by other actors, those that happen due to the shortcomings of a State in protecting individuals, also known as “the indirect horizontal effect on human rights”, can be attributed to the State.\textsuperscript{100} The final one, ‘fulfil’, requires the most of a State party, because it entails a proactive responsibility to engage in activities that will result in a greater enjoyment of rights by individuals.

The following section will examine how State parties’ obligations are addressed and assigned in CEDAW. While interesting observations could potentially have been made by examining how State parties’ obligations are addressed in other conventions as well, the time and word limits for this research prevents it. Nevertheless, it can be argued that the CEDAW Convention is the most relevant convention to examine for this study due to three main reasons. First and foremost, the almost universal ratification of the CEDAW Convention and the recognition that the Convention is the primary treaty working progressively to establish new norms and obligations, makes the content of the document essential to explore. Secondly, the Convention’s treaty body appears to be the primary actor within the UN system currently working on the topic of women’s right and natural disasters. And finally, the concept of \textit{lex specialis derogare legi generali}, which establishes the superiority of special rule over a general one,\textsuperscript{101} means that if human rights provisions related to women’s right to participate are at conflict, the special nature of the CEDAW Convention to women’s rights would prevail over other conventions.

\subsection*{3.2.2. State obligations under CEDAW}

Article 2 of the CEDAW Convention has been described as the “very essence” and how it is crucial for the “full implementation” of the Convention.\textsuperscript{102} This Article, as well as Articles 1, 3,

\begin{flushleft}
\textsuperscript{99} OHCHR 2017; E/C.12/1999/10, para. 46.  \\
\textsuperscript{100} Mégret 2010, p. 131.  \\
\textsuperscript{101} McCarthy 2008, p. 101.  \\
\textsuperscript{102} CEDAW Committee’s general recommendation No. 28, para. 41.
\end{flushleft}
4, 5 and 24 form the ‘framework articles’ of the Convention and as Byrnes describes, they set out the “broad aspirations of the Convention and the accompanying legal obligations in all fields, at the international and national level”.\(^{103}\) It is therefore necessary to read all other articles of the Convention in conjunction with these to fully understand the scope and content of the rights codified by the Convention. In other words, though Articles 7 and 8 are the ones explicitly addressing the right to participate in public and political life, it is important to first examine and understand the general interpretative framework for the Convention that is set out through the abovementioned articles.

In the Commentary to CEDAW, Andrew Byrnes identifies four steps that are essential to understand when examining what obligations State parties have to achieve the Convention’s goal of eliminating discrimination and ensuring the substantial equality of women.\(^{104}\) First, State parties have an obligation to pursue “a policy [emphasis added] of eliminating discrimination against women”.\(^{105}\) The word ‘policy’ entails more than taking measures to address discrimination, which the Committee noted in their GR 28, where they stated that it also includes establishing a framework for identifying discrimination, as well as monitoring and evaluating the measures that are implemented to address it.\(^{106}\) While legal measures are highlighted, Article 2 also clearly sets forth the obligation to employ non-legal measures. This brings us to the second point, that “all appropriate means” should be taken. As Byrnes argues, these words underline how State parties are required to adopt a comprehensive range of measures.\(^{107}\) While one could argue that the ambiguity of the word ‘all’ might potentially leave the door open for State parties to define what they consider to be “appropriate” or what should be counted as “all”, this has been extensively addressed by the Committee in GR 23, which the thesis will come back to when addressing Articles 7 and 8. The third essential aspect of State parties’ obligations is that they should be addressed imminently, a notion underlined by the words “without delay” in Article 2.\(^{108}\) The Committee reiterated this when they expressed how delay may not occur “on any grounds, including political, social, cultural, religious, economic, resource or other considerations or constraints”.\(^{109}\) The fourth and final aspect links to the notion of achieving results. It is

\(^{103}\) Byrnes 2012, p. 72.
\(^{104}\) ibid., pp. 75-78.
\(^{105}\) CEDAW, Art. 2.
\(^{106}\) CEDAW Committee’s general recommendation No. 28, para. 28.
\(^{107}\) Byrnes 2012, p. 77
\(^{108}\) CEDAW, Art. 2.
\(^{109}\) CEDAW Committee’s general recommendation No. 28, para. 29.
not enough that State parties employ both negative and positive obligations aimed at eliminating discrimination and ensuring the implementation of initiatives aimed at removing all barriers for women so that they are able to participate on an equal ground with men.\textsuperscript{110} In relation to both aspirations, making an effort is not enough, the Convention also establishes a requirement to achieve results. This means that State parties’ failure to remove ‘obstacles’, which can be either legal, cultural or social, that discriminate or prevent women from fully enjoying their human rights, substitute a violation of the Convention.\textsuperscript{111} It is therefore clear that the Convention establishes a guarantee of not only \textit{de jure} rights, but also \textit{de facto}. In other words, it is emphasised how formal equal opportunities are not enough, these need to be combined with an enabling environment where women have the knowledge and possibility to take advantage of these.

As recognised in \textit{general recommendation No. 25} (GR 25), this aspect of establishing substantive equality is particularly important because simply guaranteeing women the same treatment as men will not necessarily lead to \textit{de facto} equality.\textsuperscript{112} The reason for this is that biological, social and culturally constructed differences between men and women have the potential to affect women’s enjoyment of their rights. To achieve substantial equality, the Convention has therefore recognised through Article 4 that temporary special measures that call for non-identical treatment between men and women will not be deemed discriminatory, but can be employed to achieve this goal.\textsuperscript{113}

In addition to the abovementioned general State obligations that apply for the Convention as a whole, to identify what obligations are linked directly to the right to participate, the respective articles covering this right, Articles 7 and 8, must be examined. In Article 7, the term take “all appropriate” means or measures, which can be found in no less than twelve of the articles enshrined in CEDAW, is an interesting term to explore in relation to what it means for State parties obligations. For the CEDAW Committee, the identification and removal of all barriers for women’s participation is the main aspect that they have highlighted. According to the Committee, this obligation can be met either through legislative means or initiatives that “lead and guide public opinion and change attitudes” that discriminate against women.\textsuperscript{114} Furthermore, the Committee recognises not only how State parties can adopt the temporary special

\textsuperscript{110} Article 2 of the CEDAW Convention outlines a variety of measures that State parties should undertake.

\textsuperscript{111} UN Division for the Advancement of Women 2001, p. 5.

\textsuperscript{112} CEDAW Committee’s general recommendation No. 25, para. 8.

\textsuperscript{113} CEDAW, Art. 4.

\textsuperscript{114} CEDAW Committee’s general recommendation No. 23, para. 28.
measures discussed above, but that they also have an obligation to ensure that these measures “are clearly designed to support the principle of equality”.\textsuperscript{115} The Committee’s interpretation of the Convention in other words clearly outline how proactive measures need to be made to ensure equal participation and provides a variety of suggestions for initiatives that State parties can employ. One of these is the responsibility they have to “appoint women to senior decision-making roles and […] to consult and incorporate the advice of groups” representing women’s views.\textsuperscript{116} Considering Article 7 is quite explicit in what State parties have an obligation to accomplish, but fail to indicate the measures that should be employed to accomplish this, the general recommendation is particularly important because it provides a clearer indication for States on how to practically implement the provisions in this Article.

It is clear that States have a legal obligation under international human rights law to ensure that women are able to participate in all aspects of public and political life, as exemplified in this section through Article 7 and 8 of the CEDAW Convention. In the same way as draft GR 35 was used in chapter two to examine the Committee’s views on the contextual application of the right to participate to processes following natural disasters, this document can also be used to identify what type of obligations the Committee recognises that State Parties have in relation to this. For the sake of clarity though, it is important to re-emphasise the draft status this document holds at the time of writing this thesis, which means that all observations and argument that are based on material from the draft need to be checked and verified once the document has been finalised. All material taken from draft GR 35 has therefore been explicitly referenced in the footnotes, to make this verification process easy.

While draft GR 35 was a good tool for confirming the interpretation that was made of the Convention in chapter two, the document does not go far with assigning explicit obligations to State parties. Under the section specifically addressing ‘participation and empowerment’, State parties are recommended to adopt initiatives to ensure that women are provided with equal opportunities.\textsuperscript{117} The specific measures include \textit{inter alia}: targeted temporary special measures and programmes to ensure participation;\textsuperscript{118} developing programmes that ensures participation among various groups of women;\textsuperscript{119} the provision and strengthening of adequate resources to

\textsuperscript{115} ibid., para. 15.
\textsuperscript{116} ibid., para. 26.
\textsuperscript{117} CEDAW Committee’s draft general recommendation No. 35, para. 26-30.
\textsuperscript{118} ibid., para. 30(a).
\textsuperscript{119} ibid., para. 30(b)
national institutions, groups and civil society,\textsuperscript{120} and the allocation of resources as well as the establishment of an enabling environment where women’s leadership capacities can be strengthened.\textsuperscript{121} Except for this, draft GR 35 primarily highlights the importance of ensuring the right to participate, as well as various aspects and measures that should be focused on in relation to this right. Among these measures, the document places a special emphasis on ensuring that “diverse groups of women” are able to participate,\textsuperscript{122} and the importance of developing mechanisms such as indicators and monitoring systems that track women’s participation.\textsuperscript{123} It can therefore be argued that the scope of obligations in relation to the matter discussed here will not be broadly expanded by draft GR 35, if it is adopted in its current form. What it will do though is offer specific suggestions for how the practical realisation of obligations that State parties have under the CEDAW Convention to ensure women’s right to participate can be upheld also in disaster contexts.

Considering the soft-law status of the general recommendations that have been discussed here, it is important to be careful with drawing lines between general recommendations and clear legal obligations of State parties established by the CEDAW Convention. However, in this case, Article 7 and 8 on its own clearly establishes that women have a right to participate in all aspects of political and public life on equal grounds with men, and that State parties have an obligation to ensure that this happens, despite the scope and extent of these measures being a bit unclear without reading Article 7 and 8 in conjunction with GR 23. Since this right to participate also applies during a state of emergency such as following a natural disaster, as recognised in chapter two, it can be argued that the same obligation to ensure women’s participation also in disaster contexts can be placed on States. When the CEDAW Committee finalises draft GR 35, this document has the potential to become an important tool for State parties because of the way it clarifies how the practical implementation of the obligations established by the Convention can be implemented.

3.3. Do States have an obligation to regulate NGOs?

The Preamble of the Universal Declaration of Human Rights proclaims that: “every individual and every organ [emphasis added] of society […] shall strive by teaching and education to

\textsuperscript{120} ibid., para. 30(d).
\textsuperscript{121} ibid., para. 30(e).
\textsuperscript{122} ibid., para. 26.
\textsuperscript{123} ibid., para. 34(b)
promote respect for these rights and freedoms”. Upon the establishment of the UN human rights system 70 years ago, States were the main actors and allocating the primary duty of protecting and respecting human rights to States was the obvious answer. However, in today’s society where ten of the top 30 economic entities in the world are corporations, and States are losing the effective control of territories to armed groups, the question of what human rights obligations non-state actors have, has become an important question. Despite recent developments within the UN system on this topic, which can primarily be identified through the work of former UN Special Representative on business and human rights, John Ruggie, and UN statements addressing the human rights responsibilities of armed groups, States remain the duty-bearer. Consequentially, the question that then arises is whether States have an obligation to regulate non-State actors to ensure that these actors do not violate human rights? In the following section, the nine core human rights instruments will be examined to see whether they address this specific issue.

For the research of this thesis, the question becomes particularly relevant because of the proliferation of NGOs that have taken place the last decades and the important role that these organisations have when natural disasters strike. On the one hand, they play an essential part particularly in the way they quickly respond to emergencies, on the other hand though, problems may arise when States are unable or lack the necessary mechanisms to facilitate and regulate the assistance they provide. According to the International Federation of Red Cross and Red Crescent Societies, duplication of efforts resulting from a lack of coordination and failure to include locals in processes, which often leads to actions not being targeted to the specific needs of the local communities, are one of the most prevalent issues that can arise in such situations. An example of how the actions of some NGOs led to negative consequences for the recipient country was the earthquake in Haiti, where some NGOs have been accused of using the humanitarian situation in the country as a “training ground” for young inexperienced humanitarian workers, as well as excluding Haitians themselves from the reconstruction processes. This example shows how it is important to have a clear understanding of what obligations States have in relation to non-State actors.

125 See e.g. A/HRC/17/31.
126 UN Secretary-General 2011, para. 188.
127 IFRC 2011, p. 8.
128 Doucet 2011.
Precedence for States’ due diligence responsibilities in relation to non-State actors was established already in 1988 through the *Velazquez v. Honduras* case, where the Inter-American Court of Human Rights stated that human rights violations by third parties “can lead to international responsibility of the State […] because of the lack of due diligence to prevent the violation.” While a due diligence responsibility can probably be inferred from a variety of international human rights treaties, explicit reference to it can be found in Article 2(e) of CEDAW, which recognises how State parties should “take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise”. Among the nine core human rights treaties, the only other examples of a specific reference to State parties obligation in relation to non-state actors is Article 2(d) of the *Convention on the Elimination of Racial Discrimination* (CERD), which emphasises how State parties “shall prohibit and bring to an end […] racial discrimination by any person, group or organization”, and Article 4(b) that places an obligation on States to “declare illegal and prohibit organizations […] which promote and incite racial discrimination”. Considering this dearth in hard law, examining soft law instruments, particularly general recommendations addressing the abovementioned provisions, will be necessary to identify whether any further elaboration has been made on this matter.

The CERD Committee has produced two general recommendations related to Article 4, however, none of these elaborate on Article 4(b). One could argue though that this provision does not leave much room for interpretation, as it simply places a clear obligation on State parties to prevent organisations that promote racial discrimination from operating. Provision (d) in Article 2 on the other hand, with the notion of bringing to an end racial discrimination by any organisation “by all means appropriate”, leaves room for interpretation. When read in conjunction with the former, it is unclear whether States should simply prohibit these organisations that discriminate from operating in general or remove the discriminating acts. If it is the latter, this could be interpreted as States having not only an obligation to ensure that discrimination does not take place, but also to work proactively with NGOs to prevent discriminating acts. The latter is a clear example of how the ‘fulfil’ dimension of State parties tripartite duties to respect, protect and fulfil human rights.

The extent to which the two conventions have elaborated on these specific articles in their respective conventions can be argued is an illustration of the progressive nature and comprehensive approach that the CEDAW Convention applies to interpreting women’s human

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130 CEDAW, Art. 2(e).
rights. Through GR 28, the Committee not only clearly elaborate on how they interpret the core obligations placed on State parties through Article 2, but also expands on the specific provision that address State obligations in relation to non-State actors. Under the obligation to ensure that no women are subjected to discrimination by any private actor, emphasis is placed on the ‘protect’ dimension of the obligation typology discussed earlier. Additionally, it is highlighted how State parties need to act proactively, which is emphasised by what the provision in Article 2(e) explains as a need “to take all appropriate measures to eliminate discrimination”.\(^{131}\) Examples mentioned by the Committee includes the enforcement of laws and taking steps to eliminate practices that are based on prejudice.\(^{132}\)

State parties are in other words assigned a clear obligation by the CEDAW Convention to ensure that non-State actors do not practice discriminatory measures against women, as opposed to what can be argued is a lack of clarity on this matter in the CERD Convention. An important question though is whether this obligation is limited to preventing direct discrimination against women, or if States also have an obligation to place requirements on NGOs to promote the inclusion and equal participation of women, which is after all the essence of the CEDAW Convention.

By reading paragraph 13 of GR 28, which outlines how States are obliged to regulate activities of private actors, in conjunction with paragraph 16, where it is emphasised how discrimination can be both direct and indirect and that States have a responsibility to ensure that non-State actors practice neither of them, it would seem like the answer to this question is ‘too some extent’.\(^{133}\) While States do not appear to have a direct obligation to ensure that NGOs operating within their jurisdiction conduct their practice based *inter alia* on principles of equal participation that for example ensure that fifty per-cent of participants in community consultations are women, they should demand that the consultations are conducted in a way that will make it possible for women to participate in the same way as men. This notion can be backed up by the statement in GR 28 that addresses subparagraph (e) of Article 2, which states how measures should be adopted to “ensure the practical realization of the elimination of discrimination against women and women’s equality with men.”\(^{134}\)

\(^{131}\) ibid.
\(^{132}\) CEDAW Committee’s general recommendation No. 28, para. 9 and 10.
\(^{133}\) ibid., para. 16.
\(^{134}\) ibid., para. 36.
Two arguments can be presented for the conclusion that States have a non-derogable obligation to prevent NGOs from directly or indirectly discriminating. First, Article 2 of the CEDAW Convention can be seen as “the very essence of the obligations” that State parties have under the Convention, which means that reservations against this Article would be incompatible with the object and purpose of the Convention and therefore not permissible under Article 28(2). And secondly, the Convention applies at all times, also during a state of emergency. What is important to recognise though is that the argument presented here is contingent on States accepting the Committee’s interpretation presented in GR 28 of the core obligations assigned to State parties under Article 2 of the Convention. Additionally, this applies to non-state actors operating within the jurisdiction of the State. Since States that have been struck by natural disasters are often incapable of regulating the numerous actors operating within their borders, it begs the question of whether the ‘home’ State of an NGO operating in such a country has an extraterritorial obligation to ensure that these actors do not discriminate directly or indirectly. Though this question will not be investigated in this thesis, it is a question worth raising due to this ‘gap’ in human rights protection that might arise during disaster situations.

3.4. Concluding remarks

As the primary duty-bearers in the international human rights regime, States have an obligation to respect, protect and promote the rights of individuals. The question that often arises though is what these duties are and how the State is required to uphold them. This chapter has attempted to not only shed light on both these aspects in relation to the right recognised in chapter two that women have to participate in processes linked to natural disasters, but also to see how these State obligations have been recognised in international frameworks and declarations.

While the contextual application of the right to participate began emerging in the early 1990s through various international frameworks and declarations, it took a while longer before corresponding duties were outlined alongside the recognition of this right. When the Sendai Framework was adopted in 2015 though, clear activities that States should undertake were outlined to ensure this. The fact that this framework did not only receive widespread political commitments from States worldwide, but was also endorsed by the UN General Assembly, makes it safe to argue that States have now, at least officially on paper, recognised that they have a clear duty to ensure that this right is upheld.

135 ibid., para. 41.
The recognition of this duty is important, because though *inter alia* the CEDAW Convention places a clear obligation on State parties to ensure by all appropriate means not only that the right to participate is ensured in theory, but also in practice, the right to participate in processes linked to natural disasters is not explicitly mentioned in the Convention. This means that though the CEDAW Committee has recognised how these obligations also apply to natural disaster response and recovery processes, which they have done both through draft GR 35 as well as in concluding observations, which will be the focus of next chapter, the practical implementation of these obligations hinges on State parties’ recognition and willingness to take them on.

When it comes to the content of these obligations though, this is a bit less clear than the fact that there *are* specific obligations. As is typical with human rights provisions, though certain obligations are clearly established, there is usually always room for expanding on these. By using the words “in particular” before mentioning the specific areas that State parties are required to ensure women’s right to participate in, Article 7 of the CEDAW Convention is an example of this. In draft GR 35, the Committee emphasises aspects such as ensuring that not only women, but “diverse groups of women” are able to participate,\(^\text{136}\) as well as reiterates the need for establishing systems that will monitor their participation. Additionally, a variety of special measures are proposed that will both contribute to removing discriminatory barriers, as well as ensure the practical realisation of women’s right to participate in processes linked to natural disasters. In other words, once finalised draft GR 35 will be an important tool for both individuals, who will now have a clearer set of requirements that they can demand from State parties, as well as for State parties to the CEDAW Convention, who may use the suggestions set forth in this document to ensure the practical realisation of women’s right to participate.

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\(^{136}\) CEDAW Committee’s draft general recommendation No. 35, para. 26.
4. The monitoring practice of the CEDAW Committee

The research presented so far has provided an overview of the increased attention given to women’s right to participate in processes following natural disasters, which can be identified both in international frameworks and declarations, as well as in the work of international human rights treaty bodies. While the link between women’s right to participate and natural disasters has been a topic for discussion in a variety of international forums, within the UN-system the CEDAW Committee has been the primary driving-force focusing on this matter. The work of human rights treaty bodies like the CEDAW Committee, as discussed in the methodology section, is essential for the continuing development of the international human rights system. Not only do these bodies interpret and clarify the rights laid down by a convention, but they also assist and place pressure on State parties to ensure the practical realisation of these rights. Considering the thesis until now has focused primarily on evaluating and examining the legal framework surrounding the right to participate, this chapter will examine how such treaty bodies focus on practical implementation. More specifically, a quantitative and qualitative study of a selection of concluding observations will be made in order to explore how the CEDAW Committee in its examination of State parties’ reports address women’s right to participation in the context of natural disasters. Following an introduction on the role and function of concluding observations and their place in the State reporting procedure, the study will attempt to answer research question number three: Is the CEDAW Committee following up the practical implementation of rights that they are developing normatively?

4.1. Concluding observations – a method for following up State practice

The mandatory reporting procedure established by Article 18 of the CEDAW Convention constitutes one of the primary tasks of the CEDAW Committee. Following an initial report that should be submitted one year after ratification of the Convention, the Article outlines how State parties shall submit reports “at least every four years and further whenever the Committee so requests.”\textsuperscript{137} As Byrnes notes, this reporting process and the subsequent review both gives State parties a chance to evaluate its own progress in terms of implementing the Convention, as well as the opportunity to benefit from an objective assessment made by external experts.\textsuperscript{138} For the CEDAW Committee, the goal of this process is to identify the actual situation in the State,

\textsuperscript{137} CEDAW Convention, Art. 18.
\textsuperscript{138} Byrnes 2013, p. 32.
which means uncovering not only the progress that has been made, but also the obstacles and challenges yet to be addressed.\(^{139}\) To achieve this the Committee bases its assessment, which culminates in what is known as a concluding observation, not only on the State party’s report, but also material provided by other UN entities as well as so-called ‘shadow reports’ from civil society. Though concluding observations, sometimes referred to as concluding comments, are not legally binding \textit{per se}, as argued by Rodley, they along with other outputs created by committees have a real legal significance in the way they provide authoritative interpretations of the law and focus on the practical implementation of legal provisions.\(^{140}\) While scholars like Philip Alston have previously expressed concern regarding the quality of concluding observations and emphasised how they should be improved in terms of “clarity, degree of detail, level of accuracy and specificity”,\(^{141}\) others have argued that they are “the single most important activity of human rights treaty bodies.”\(^{142}\)

Though this chapter will not examine whether State parties follow up the concluding observations, but instead how the treaty body in its concluding observations follow up the norms they are developing through their general recommendations, it is still useful to have recognised the important standing of outputs like concluding observations. This is because the interdependent role they and general recommendations play, makes them two of the most important tools of treaty bodies. Despite their individual purposes, they can be seen as a two-step process where the latter primarily describes the committees’ interpretation of the law, and the former is a way for the Committee to directly assess the progress, or lack thereof, in a State party’s implementation of a treaty. Additionally, concluding observations are an avenue where specific recommendations can be assigned, which means that they are a tool for both assisting and placing pressure on State parties to ensure the realisation of rights.

**4.2. Methodological approach**

The reason why I have chosen in this chapter to focus on the CEDAW Committee and how they are attempting to ensure that State parties follow up on their obligations, is because of the important role the Committee holds within the UN system regarding women’s rights. Considering they are the primary actor focusing on women and natural disasters, it is important that the

\(^{139}\) ibid.

\(^{140}\) Rodley 2013, p. 639.


\(^{142}\) O’Flaherty 2006, p. 27.
outputs of the Committee do not remain just words on paper, but are put into action. Ideally, a study examining the focus on practical implementation within the Committee would have included a comparative study that considered how recommendations were followed up from one cycle to the next both by the State party and the Committee itself. However, as the emphasis on ensuring women’s participation in processes linked to natural disasters is quite recent, this research has only been able to identify one State party, Tuvalu, that has received a specific recommendation linked to this topic, and that have also gone through a new review where the topic was addressed again. In the effort to identify other State parties than Tuvalu that fit this description, the concluding observations of a selection of States that have either experienced a major natural disaster since 1982, the year that the CEDAW Committee was established, and/or those that are highly susceptible to natural disasters, have been examined. From the former group, the 15 countries that have experienced the highest total deaths from a single natural disaster since 1982 were examined, from the latter, the 15 countries most susceptible to natural disasters according to the World Risk Index was chosen. While none of these countries fit the same brief as Tuvalu, the limited amount of countries that were examined makes it possible that potential case-studies have been overlooked. Since one case-study is inadequate for drawing any conclusions, this research has therefore taken another approach.

To examine whether and potentially how thorough the CEDAW Committee in its concluding observations are following up the norms they are developing through their general recommendations, both a quantitative and qualitative research approach have been taken. Through the former, we can identify how frequently the Committee addresses the matter of women’s rights in relation to natural disasters. While this is interesting to identify because it can potentially give an indication as to whether there has been an increase or decrease in attention to this matter, it will not shed light on the substance. To properly assess whether the Committee is not only addressing this matter more frequently, but also whether they are doing it in a way that...

143 According to EM-DAT, the international disaster database, the fifteen countries that have experienced the highest death toll following a natural disaster in the time period 1982-2016 are: Bangladesh, Myanmar, Russia, Venezuela, Italy, France, Spain, Honduras, India, Germany, the Philippines and Viet Nam. For a full list, see http://www.emdat.be/disaster_list/index.html [last accessed: 24 April 2017].

144 The World Risk Index is calculated by the University of Stuttgart, and ranks 171 countries according to their risk of experiencing a natural disaster. According to the World Risk Index, the fifteen countries most susceptible to natural disasters are: Vanuatu, Tonga, the Philippines, Guatemala, Bangladesh, Solomon Islands, Brunei Darussalam, Costa Rica, Cambodia, Papua New Guines, El Salvador, Timor-Leste, Maurititus, Nicaragua and Guinea-Bissau. For the full World Risk Index from 2016, visit: http://collections.unu.edu/view/UNU:5763 [last accessed: 24 April 2017].
can potentially lead to increased practical implementation of these rights, a qualitative approach is also necessary.

For this study, all 122 concluding observations made by the CEDAW Committee in the time-period 2012-2016 have been examined.\textsuperscript{145} These five years were chosen primarily because of two reasons, time-constraint and the increased attention to this matter. The recent developments in this area both within the Committee and in various international frameworks and declarations, clearly show that international attention to women’s rights in relation to natural disasters has increased exponentially the last few years. What impact these normative developments have had on the Committee’s way of addressing the matter is extremely relevant, as it can provide us with an indication as to whether a treaty body like the CEDAW Committee focuses mainly on the normative development of rights or also on the practical implementation. While examining a broader time-period could have made it possible to identify a trend more clearly, the limited amount of time allocated for this study prevented that. Nevertheless, it is the author’s hope that interesting observations will still be possible to discern.

To identify how often women’s rights in relation to natural disasters has been addressed in the 122 concluding observations that have been examined, the following list of keywords have been used as a search criteria: disaster, nature/natural, earthquake, tsunami, flood, storm and drought. Though the specific focus of this thesis is on the right to participate, for this study the author decided to also include reference to other rights. By expanding the focus area, this study will also be able to evaluate whether the right to participate is emphasised by the Committee. While the degree to which the topic of women’s rights and natural disasters has been addressed varies substantially, a minimum requirement for being included in this research is that at least one sentence addressing women specifically in relation to natural disasters has been included in the Concluding Observation. In other words, those concluding observations that simply mention \textit{inter alia} ‘disaster risk strategies’ in a list among other strategies but do not elaborate on how this strategy addresses women’s rights, have not been included.

\section*{4.3. Identifying practice - a quantitative analysis}

The first interesting observation that can be identified through a quantitative analysis of the concluding observations is that only 24 of the 122 that were examined address women’s rights

\textsuperscript{145} For a full list of the State parties that have been examined, see Annex 1. Only those concluding observations and State reports that have been specifically referred to in the thesis have been included in the list of references.
in relation to natural disasters. What is particularly interesting here is that eleven of these, almost half of the total number, were from 2016. This number, which equals 39.2% of all concluding observations created last year, is substantially higher than the previous years within the time-period examined. In 2015, only 18.5% of the concluding observations referred to women’s rights in relation to natural disasters, and the years before that this number was even lower with the numbers reaching only 8% in 2014, 9% in 2013 and 20% in 2012. Before drawing too many conclusions from these numbers though, it is important to recognise that the patterns described above may have been caused by a variety of factors. The most apparent one is that the State parties examined the various years will differ when it comes to their susceptibility to natural disasters. In theory, this means that all countries examined one year may never have experienced a natural disaster nor be at risk of experiencing one, which means that it would be irrelevant for the Committee to address it.

While this argument related to the susceptibility of natural disasters could have been a good explanation for the identified disparities, table 1 presented below appear to be disprove this argument. In addition to presenting the 24 concluding observations that mention women’s rights in relation to natural disasters and will be the primary focus of attention in this study, this table also states which number the State party in question is on the World Risk Index. As indicated by the table, the 24 State parties range from Vanuatu that holds the first position on the Index, to Grenada that currently holds the 167th position out of 171 States. Last year alone, which had the highest percentage of concluding observations mentioning women’s rights and natural disasters, five of these States were listed above 60th place on the Index. This indicates that susceptibility to natural disasters is not necessarily the primary driving force for the Committee when they decide to discuss the matter of women’s rights and natural disasters. Though there might also be other variables that affect the percentages identified above, the large margin between 2016 and the other years still clearly suggest that the Committee has increased the frequency of when women’s rights in relation to natural disasters is discussed.

\[146\] See Annex 1 for an overview of this.
Tabell 1: Concluding observations between 2012-2016 that mentions women’s rights in relation to natural disasters

<table>
<thead>
<tr>
<th>State party</th>
<th>Review Year</th>
<th>No. on World Risk Index</th>
<th>Mention of women and natural disasters in State Reports</th>
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</thead>
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<tr>
<td>Argentina</td>
<td>2016</td>
<td>129</td>
<td>No</td>
</tr>
<tr>
<td>Armenia</td>
<td>2016</td>
<td>92</td>
<td>Yes</td>
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<td>Bangladesh</td>
<td>2016</td>
<td>5</td>
<td>Yes</td>
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<tr>
<td>Bhutan</td>
<td>2016</td>
<td>60</td>
<td>Yes</td>
</tr>
<tr>
<td>Honduras</td>
<td>2016</td>
<td>30</td>
<td>No</td>
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<tr>
<td>Trinidad and Tobago</td>
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<td>Yes</td>
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N/A = not listed in the World Risk Index

A further confirmation of the fact that the Committee has increased the frequency of when women’s rights and natural disasters are discussed, can be found by examining the reports that State parties submit prior to their review. To expand the analysis conducted in this study,
the author has in addition to examining all 122 concluding observations created by the Committee within the time-period of 2012-2016, also examined the 122 corresponding State parties’ reports, submitted prior to the review and creation of the concluding observations. The aim of this was to identify whether there appears to be a link between what is written in the reports submitted by State parties and what topics the Committee choose to focus on in their concluding observations. In 2016, among the 28 State parties reports that were submitted for review, eight of them addressed the matter of women and natural disasters. In the same way as the analysis above, only those reports that included at least one sentence addressing women specifically in relation to natural disasters were counted.

The interesting observation here is that in the subsequent concluding observations to these eight reports, women and natural disasters were addressed in all of them. Additionally, the matter was brought up in the concluding observations of three States that had not mentioned it in their reports, but that had recently experienced natural disasters. The right column of table 1 presents these results. What is interesting here is that these numbers deviate substantially from the four preceding years within the time-period examined. From 2012-2015 22 of the reports submitted by State parties addressed women’s rights and natural disasters, yet only eight of the following concluding observations created to these reports brought up the topic, a substantially lower number than in 2016. While variables might also be affecting this result and the limited timespan makes it difficult to say anything on long-term trends, this suggests that the Committee’s focus on women and natural disasters in concluding observations increased exponentially in 2016. Considering both this observation as well as the identified substantially higher percentage of concluding observations from 2016 then previous years that addressed women’s rights and natural disasters, it seems safe to conclude that the Committee has increased the frequency of addressing the matter especially since 2016. Considering both this observation as well as the substantially higher percentage of concluding observations in 2016 that addressed women’s rights and natural disasters, this clearly indicates that the Committee has increased the frequency of when women’s rights and natural disasters is addressed. This coincides with the drafting process of GR 35 and indicates that the Committee has been following up the normative development of rights in GRs with a focus on the practical realisation of these rights in the concluding observations.

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147 For an overview of this, see Annex 1.
4.4. Identifying practice - a qualitative analysis

The results from the quantitative analysis seem to clearly indicate that the Committee has increased the frequency of addressing women’s rights and natural disasters in their concluding observations. However, to strengthen this argument it is important to also examine how the Committee address. To do this, two aspects of the content in the concluding observations have been examined: 1) whether specific recommendations regarding women and natural disasters have been given to the State party, and 2) the content of these recommendations.

Based on a qualitative analysis of the 24 concluding observations that mentioned women’s rights and natural disasters, listed in table 1, a structural pattern can be discerned in the way that CEDAW has chosen to address the matter. First, the Committee will recognise potential actions or measures that the State had taken in relation to women and natural disasters. An example of this it the Committee’s praise of Japan’s “leadership in disaster risk reduction and management and […] for mainstreaming gender perspectives into its policies on disaster risk reduction”.

Next, the Committee expresses ‘concern’ related to a specific situation or aspect. The most frequently addressed concern so far has been linked to the lack of participation, or lack of statistics on the participation of women in policymaking or decision-making process on disaster risk strategies. This can be illustrated by the following quote from the 2016 concluding observation on Bangladesh: “The Committee also expresses concern about the […] limited participation of women in policy making processes to mitigate disaster and climate change.”

In the same way as this concern was addressed in the concluding observation on Bangladesh, six other concluding observations from 2016 included similar statements. This means that out of the eleven concluding observations from 2016 that addressed women and natural disasters, 64% of these addressed the same aspect. The third and final element of the structural pattern is the outlining of specific recommendations. In 2016, all eleven concluding observations gave specific recommendations to the State parties. Also in this part, the right to participation was emphasised. While most recommendations also included other aspects, the

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148 CEDAW/C/JPN/CO/7-8, para. 44.
149 CEDAW/C/BGD/CO/8, para. 38.
150 The following six COs from 2016 include a stated concern about women’s right to participate: CEDAW/C/BTN/CO/8-9, para. 34; CEDAW/C/TTO/CO/4-7, para. 36; CEDAW/C/JPN/CO/7-8, para. 44; CEDAW/C/MNG/CO/8-9, para. 32(b); CEDAW/C/VUT/CO/4-5, para. 36; and CEDAW/C/HTI/CO/8-9, para. 39.
right to participation was the most widely addressed topic and could be found in ten of the eleven concluding observations from 2016.151

While this set-up that ends with a specific recommendation is a normal practice and not noteworthy in itself, the third element becomes particularly interesting because of two reasons when the results from last year are compared with the preceding years. The first interesting aspect is that in 2015 only two of the five concluding observations that mentioned women’s rights and natural disasters included specific recommendations,152 whereas the remaining three either ‘noted’ or ‘called upon’ the State for specific action.153 Both words can be argued to be weaker than the word ‘recommendation’, because they indicate that the Committee is merely wanting to highlight a certain factor but are not placing any requirements on State parties in terms of following them up. The concluding observation on Madagascar is an example of this, where the Committee merely notes with concern that “natural disasters […] have a disproportionate impact on women.”154 Among the eight concluding observations between 2012 and 2014 on the other hand, seven gave clear recommendations to the State parties,155 and only the concluding observation to Chile ‘called upon’ the State to do something specific.156 The second interesting aspect is the topic of what was addressed in these recommendations. As indicated in the section above, the focus was on the right to participation. Out of the 24 concluding observations that have been examined, 17 included a specific recommendation to either ensure or provide information on women’s participation and one ‘called upon’ the State to ensure this.157

151 These ten COs from 2016 include a specific recommendation addressing women’s right to participation in processes related to natural disasters: CEDAW/C/BTN/CO/8-9, para. 35; CEDAW/C/ARG/CO/7, para. 39; CEDAW/C/TTO/CO/4-7, para. 37; CEDAW/C/PHL/CO/7-8, para. 48(b); CEDAW/C/JPN/CO/7-8, para. 45; CEDAW/C/TTO/BDG/8, para. 39; CEDAW/C/HND/CO/7-8, para. 43(a); CEDAW/C/MNG/CO/8-9, para. 33(d); CEDAW/C/VUT/CO/4-5, para. 37; and CEDAW/C/HTI/CO/8-9, para. 40.

152 Specific recommendations where given in these two COs from 2015: CEDAW/C/TUV/CO/3-4, para. 32 and CEDAW/C/VCT/CO/4-8, para. 41.

153 The CO on Madagascar (CEDAW/C/MDG/CO/6-7, para. 42) merely ‘notes’ various aspects with concern. The following two COs calls upon the State for specific action, but do not give out a specific recommendation: CEDAW/C/MWI/CO/7, para. 41 and CEDAW/C/MDV/CO/4-5, para. 43.

154 CEDAW/C/MDG/CO/6-7, para. 42.

155 These seven COs included recommendations to the State parties: CEDAW/C/GRD/CO/1-5, para. 36; CEDAW/C/JAM/CO/6-7, para. 32; CEDAW/C/NZL/CO/7, para. 37; CEDAW/C/KHM/CO/4-5, para. 41; CEDAW/C/SYC/CO/1-5, para. 37; CEDAW/C/SLB/CO/1-3, para. 41; and CEDAW/C/PER/CO/7-8, para. 38.

156 CEDAW/C/CHL/CO/5-6, para. 39.

157 In the CO to Malawi (para. 41), the State was ‘called upon’ to “ensure the involvement of women […] in decision-making in relation to disaster management and disaster risk reduction”. Specific recommenda-
Ten of these recommendations were made in the eleven concluding observations from 2016, which suggests that a more streamlined and systematic approach is now being taken by the Committee. This assertion is backed-up by the fact that the two paragraphs addressing the impact of natural disasters on women in both Vanuatu and Haiti’s concluding observations are identical with the exception of a few minor linguistic changes.\footnote{CEDAW/C/HTI/CO/8-9, para. 39-40, and CEDAW/C/VUT/CO/4-5, para. 36-37.}

4.5. Concluding remarks

The goal of this chapter was to identify whether the CEDAW Committee follows up the practical implementation of rights that they have been developing normatively. To investigate this, a quantitative and qualitative analysis was conducted of the 122 concluding observations that were produced by the CEDAW Committee in the time-period of 2012 to 2016. Three interesting results can be discerned that all point towards the conclusion that the Committee has especially since 2016 increased their focus on women and natural disasters, by addressing it more frequently in their concluding observations, as well as employed a more streamlined and systematic approach to the topic in these documents. First, the quantitative analysis conducted showed how the percentage of concluding observations that address women and natural disasters increased exponentially in 2016 compared to the previous years. Secondly, the comparison made between State parties reports and the concluding observations produced by the Committee, indicate that a correlation between the two emerged in 2016. In the first four years of this study, 2012-2015, it does not seem like it mattered whether the State had raised the topic of women and natural disasters in their report for determining whether the Committee addressed it in the subsequent concluding observation. However, in 2016 this changed when the concluding observations of all State parties that had referred to natural disasters in their reports, had the matter addressed. The third element that point to the abovementioned conclusion is the more consequent use of specific recommendations. As portrayed in the previous section, whether the Committee gave out a specific recommendation or merely ‘called for’ or ‘noted’ certain aspects has been inconsistent during the time-period examined in this study. In 2016 though, the Committee gave out specific recommendations in the concluding observations of ten of the eleven State parties that had the matter of women and natural disasters addressed. 

\footnote{tions to ensure women’s participation was noted in the COs to the following countries: Argentina, Bangladesh, Bhutan, Honduras, Trinidad and Tobago, the Philippines, Japan, Mongolia, Haiti, Vanuatu, Saint Vincent and the Grenadines, Maldives, Tuvalu, Solomon Islands, Cambodia, Seychelles and Jamaica.
Combined, these three aspects clearly show how focus on the normative elaboration of the right to participate in processes following natural disasters that began in 2016, have been met by an increased focus in concluding observations on the practical implementation of women’s rights in relation to natural disasters. On a final note, it is particularly interesting to see how the primary focus within the field of natural disasters and women has been on the topic of this thesis, the right to participation. This clearly indicates how women’s right to participation in processes following natural disasters is a key priority for the CEDAW Committee.
5. Conclusion

The best way to respond to the increased vulnerability of women during natural disasters, is to ensure that their right to participate is recognised and upheld by States. Despite the right to participate being not only enshrined in numerous international human rights conventions, but also considered a general principle establishing the foundation as well as ensuring the advancement of all human rights, focus on addressing the application of this right to natural disasters remain scant. As this thesis has argued, ensuring women’s participation is not only crucial for the protection and promotion of women’s rights during natural disasters, but also to ensure the adequacy of response and reconstruction efforts. Such situations are often classified as a ‘state of emergency’ where derogation of rights often occur and an aspect such as participation is ignored when time is of the essence. This thesis is based on the belief that the first step to ensure increased participation is by States recognising the extent of and how the right to participate, as well as their corresponding duties, apply in disaster contexts. In an attempt to contribute to the emerging focus on women’s rights in relation to natural disasters, which has been identified as occurring both in literature and in international forums, this thesis has not only examined the contextual application of the right and corresponding duties enshrined in international human rights law, but also how the recognition among States of these two factors have evolved.

In the early 1990s, at the same time as disaster literature began focusing on the role of women in natural disasters, can we see that the matter gradually started being included in international frameworks and declarations. While one can argue that the first milestone for women and natural disasters came with the Beijing Declaration and Platform for Action in 1995, it was only recently that a clear recognition of both the right to participate and the corresponding duties of States to these situations occurred. The Sendai Framework for Disaster Risk Reduction established in 2015 both recognised how women should not only participate, but also “publically lead” response and reconstruction processes, as well as how States have a responsibility to take proactive measures to “empower women” so that this can be achieved.\(^{159}\) Though this framework is not legally binding, the widespread political commitments and UN General Assembly endorsement, presents a strong argument for how a norm or general principle is potentially beginning to establish. The strong emphasis the CEDAW Committee has had on especially the}

\(^{159}\) Sendai Framework for Disaster Risk Reduction, para. 32.
matter of women’s participation in processes linked to natural disasters since 2016 also indicates a potential correlation between the two, and how strong political commitments may impact the work of treaty bodies.

While none of the nine core human rights conventions explicitly recognise that women have a right to participate in processes linked to natural disasters, this thesis has shown that international human rights law both clearly establishes this right as well as the corresponding obligations that States have. Focusing primarily on CEDAW, the non-derogability of the Convention as well as the recognition of the Convention being non-exhaustive in its adopted form, has been set forth as the main arguments for the recognition of this. However, while the right can be argued is clearly enshrined in international human rights law, identifying the measures that States should take to ensure that the right to participate is respected, protected and fulfilled is more open to interpretation.

The very essence of CEDAW is to eliminate all forms of discrimination and ensure the substantial equality of women. As established by Article 2, State parties therefore have a clear legal obligation to “pursue by all appropriate means and without delay a policy of eliminating discrimination against women,” which entails both direct and indirect discrimination. To ensure that women are not discriminated against though, is not the same thing as an obligation to take active measures to ensure their inclusion, which CEDAW also seem to establish. In general recommendation No. 23, which addresses the two articles establishing a right to participate in public and political life, Articles 7 and 8, the CEDAW Committee has interpreted the provisions in these as including an obligation to take proactive measures to ensure the equal participation of women in public and political life. Through the Committee’s current process of drafting a general recommendation on women’s rights in relation to climate change and natural disasters, these proactive measures has been argued should include inter alia the strengthening of resources to groups focusing on women’s rights as well as ensuring that women’s leadership capacities are strengthened. Considering the general recommendation is the first extensive document addressing this topic, which has been created by a treaty body whose outputs hold a strong authoritative character and are essential for understanding the full scope of rights enshrined in the Convention, this document has the potential to become an important tool for ensuring the practical realisation of the right women have to participate in processes linked to natural disaster.

160 CEDAW, Art. 2.
161 CEDAW Committee’s general recommendation No. 35, para. 30(d) and (e).
Recognising the important role that treaty bodies like the CEDAW Committee has with not only explicating the rights established in conventions, but also assisting and placing pressure on State parties to focus on the practical implementation of rights, this thesis has also attempted to shed light on whether the Committee has followed up these normative developments of women’s rights in relation to natural disasters, with increased emphasis on the practical implementation of these rights. As the quantitative and qualitative study conducted in chapter four identified, the clear answer to this question is yes. While addressing women’s rights in relation to natural disasters is not a new thing for the Committee, three observations that back up this conclusion was identified. First, there has been an increased amount of concluding observations addressing women’s rights and natural disasters. Secondly, a correlation between what is addressed in State parties’ reports and the subsequent concluding observations seems to have emerged in 2016. And finally, the Committee appear to now employ a more streamlined and systematic approach to addressing the issue.

Coming back to the research question of this thesis, it would seem like women’s right to participate in processes linked to natural disasters is not only enshrined in international human rights law, but also clearly recognised by States through a variety of political commitments that have been made to international frameworks and declarations. Since there can be no right without corresponding duties, this thesis has also shown how States have an obligation to ensure that women’s right to participate is respected, protected and fulfilled. How this obligation should be realised though, is a bit less clear when reading the articles that uphold this right on their own. By examining outputs of treaty bodies like the CEDAW Committee though, this thesis has shown how not only are they essential for understanding the full nature of both rights and obligations, but they also play a crucial role in both assisting and placing pressure on State parties to ensure the practical implementation of rights.
6. List of references

International treaties and statutes


Judgements


Official documents issues by UN bodies

General Assembly


Committee on Economic, Social and Cultural Rights


Committee on the Elimination of Discrimination against Women
UN Committee on the Elimination of Discrimination against Women. Concluding observations on the seventh periodic reports of Argentina, 18 November 2016, CEDAW/C/ARG/CO/7.

UN Committee on the Elimination of Discrimination against Women. Concluding observations on the combined fifth and sixth periodic reports of Armenia, 18 November 2016, CEDAW/C/ARM/CO/5-6.

UN Committee on the Elimination of Discrimination against Women. Concluding observations on the eighth periodic reports of Bangladesh, 18 November 2016, CEDAW/C/BDG/CO/7-8.


UN Committee on the Elimination of Discrimination against Women. Concluding observations on the seventh and eighth periodic reports of the Honduras, 18 November 2016, CEDAW/C/HND/CO/7-8.

UN Committee on the Elimination of Discrimination against Women. *Concluding observations on the combined fourth to seventh periodic reports of Trinidad and Tobago*, 25 July 2016, CEDAW/C/TTO/CO/4-7.


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UN Committee on the Elimination of Discrimination against Women. *Concluding observations on the initial to fifth periodic reports of Grenada*, 23 March 2012, CEDAW/C/GRD/CO/1-5.


UN Committee on the Elimination of Discrimination against Women. General recommendation No. 25: article 4, paragraph 1, of the Convention (temporary special measures), 2004.


Economic and Social Council


Human Rights Committee


Human Rights Council


Office for Disaster Risk Reduction


**Secondary literature**


**Web sources**


Annex 1: Concluding observations and State parties reports 2012-2016

CO = Concluding observation  
WRI = World Risk Index  

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**2012 Session**

**November**

- **Chile**
  - 22 CEDAW/C/CHL/CO/5-6
  - Yes
  - CEDAW/C/CHL/5-6
  - No, but there was an earthquake and tsunami there in 2010.

- **Turkmenistan**
  - 84 CEDAW/C/TKM/CO/3-4
  - No
  - CEDAW/C/TKM/3-4
  - No

- **Equitorial Guinea**
  - 84 CEDAW/C/GNQ/CO/6
  - No
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- **Togo**
  - 33 CEDAW/C/TGO/CO/6-7
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- **Comoros**
  - 64 CEDAW/C/COM/CO/1-4
  - No
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  - No

**August**

- **Bahamas**
  - 122 CEDAW/C/BHS/CO/1-5
  - No
  - CEDAW/C/BHS/C1-5
  - No

- **New Zealand**
  - 116 CEDAW/C/NZL/CO/7
  - Yes
  - CEDAW/C/NZL/7
  - No, but there was a large earthquake there in 2012.

- **Bulgaria**
  - 120 CEDAW/C/BGR/CO/4-7
  - No
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  - No

- **Guyana**
  - 24 CEDAW/C/GUY/CO/7-8
  - No
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  - Yes

- **Indonesia**
  - 36 CEDAW/C/IDN/CO/6-7
  - No
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- **Meixco**
  - 95 CEDAW/C/MEX/CO/7-8
  - No
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- **Samoa**
  - Not listed in WRI
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  - No
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- **Jamaica**
  - 20 CEDAW/C/JAM/CO/6-7
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**March**

- **Brazil**
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