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

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## I. INTRODUCTION

There is a significant amount of accumulated data from around the world on how women and men are affected by environmental crises and natural disasters, and how they cope with the personal and social consequences of such events. Some information on the nature and effectiveness of the roles women and men play in the management of environmental and the mitigation of natural disasters as individuals and members of communities, is also available (Enarson and Morrow, 1998). Even a cursory look at such data indicates that there is ample reason to be disproportionately concerned about the conditions and roles of women in such circumstances. This is partly because natural disasters and their aftermaths, in creating anxiety, insecurity, disruption of normal life activities, scarcity of resources and/or inability to access existing resources, make life harder for communities. Weaker, dependent and subordinate groups often have to bear the worst of the catastrophe. Such groups are likely to suffer more from both the direct consequences of the natural disaster because they are less well-informed, less well-prepared and less well-protected, and also from its indirect impact in public and private life as the disaster is transferred and compounded via economic, social, political and family relationships. To put it bluntly, there is a 'double suffering' emanating from natural as well as from social, economic and cultural forces that define the way they experience events like natural disasters. Women in patriarchal societies, developing economies and traditional cultural contexts are precisely in this position. What is more, the conditions of mass anxiety, helplessness and insecurity felt in the face of overwhelming, life-threatening danger often strengthen the communities' need to stick to age-old, familiar patterns of behaviour and reject tolerance for difference and dissent. Under such circumstances, gender-based prejudices, patriarchal values and behaviour patterns are likely to gain new vigour and scope. Therefore, looking at things from where women are situated, requires that first and foremost, women's conditions and status in disaster and post-disaster circumstances be evaluated from a women's human rights perspective. Women's role in disaster mitigation can only be discussed objectively and ethically on the basis of such analysis. This paper intends to look at some dimensions of women's conditions and roles in environmental management and disaster mitigation by linking them up with women's human rights concerns as the latter are elaborated in the fundamental women's human rights text, the Convention for the Elimination of All Forms of Discrimination Against Women (CEDAW).

The purpose of the exercise is twofold. One aim is to underline the essential need for gender-based analyses in environmental management and disaster mitigation to be firmly based on a women's human rights perspective in order to avoid developing outlooks and strategies that can be counterproductive for women. Secondly, by pointing to the integrated, progressive and comprehensive approach that the CEDAW and its monitoring body, the Committee on the Elimination of Discrimination Against Women (Committee), takes to interpret women's human rights, the paper will attempt to make suggestions as to how this binding international agreement to which 168 states are party, can be utilized not only to help improve women's conditions in disaster circumstances, but also to contribute to women's overall empowerment and gender equality via disaster response and environmental management.

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

As in all cases, here too, there is every reason to be on the look out so that effectiveness does not come at the cost of reinforcing women's subordinate status, and that practicality or implementability do not override respect for and promotion of women's fundamental human rights. For already there is reason to fear that natural disaster situations (as in other crises) often emerge as occasions in which stereotypical role perceptions and tradition-bound behaviour patterns resurface or are strengthened. For instance, some studies have revealed that "women's caregiver roles [have] expanded dramatically at all stages of disaster response" (Enarson and Morrow, *ibid*: 6), and that though "women's formal and informal networks were central to both household and community recovery" they often remained invisible to disaster responders (*ibid*: 6). It is also obvious that in the more visible aspects of post-disaster activities, women only take up background positions. For instance, rather than actively participating in search and rescue operations -which are predominantly male-dominated areas (Dobson, cited in Fothergill, 1998)- or taking decision-making positions in community rebuilding efforts, women tend to fulfil traditional stereotypical roles as emotional caregivers predominantly in the private sphere, with much of their activity thus remaining invisible. The burdens of caregiving that are largely placed on the shoulders of women, contribute to stress, fatigue and overall declines in emotional well-being of women during disasters, and studies have shown that such symptoms are most highly experienced by housewives who exclusively take up the traditional role of caregiving (Fothergill, *ibid*: 19).

The policies and measures put in operation during such times to cope with the situation can be oblivious -if not deliberately disrespectful- to women's human rights, and as such help reinforce gender-based inequality and discrimination in the community. For instance, while the literature is full of evidence indicating gender-specific needs of women in disaster situations, often their representation is left to men on the assumption that women are "more parochial and less competent, like children, dependent on the better judgement of men" (Shapiro, cited in Fuller, 1994: 24). This type of belief has led to the reality that "many aspects of women's lives are simply ignored or dismissed as unimportant compared with most aspects of men's lives" (*ibid*: 25) in disaster situations. Identifying the specific needs of women in disaster situations is critical not only to provide better health, child and elderly care services to ameliorate the burden women are expected to carry as 'taken for granted caregivers', but also to improve women's ability to participate in rescue and recovery efforts and in community based decision making processes following disasters. To the extent that the latter activities are important for

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

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

## **II. WHAT IS CEDAW?**

The Convention For the Elimination of All Forms of Discrimination (CEDAW) is, as it has often been called, a fundamental bill of rights for women. Its unique character among the existing human rights instruments is largely based on the fact that it is not only concerned exclusively with promoting and protecting women's human rights on a wide range of areas, but also that it basically operates from the recognition of the universal reality of patriarchy. This Convention is based on the assumption that a deep-rooted and multi-faceted gender inequality exists in the world, rather than on the conception of an abstract society as a "tabula rasula" where things can conceivably be shaped according to how they "ought to be". While the latter approach is characteristic of most other human rights instruments, CEDAW has evolved as a document of states' commitment to eradicate an existing state of affairs deemed as essentially unacceptable. Thus, the very nature of the Women's Convention begs for immediate identification of concrete problem areas; formulation of policy and implementation of pro-active measures to combat existing gender-based discrimination by the states that have acceded to it.

The Women's Convention thus addresses the specific areas and forms of discrimination in and through which human rights of women are violated and/or are unavailable for women's enjoyment. In this context, the Convention clearly emphasizes both public and private sphere relations and rights, and specifically underlines the almost universal differences between de jure and de facto equality of women in the world.

Furthermore, CEDAW points to social traditions, customs and culture as important agents that restrict human rights of women in many societies. These are identified as factors that help perpetuate de facto inequality. Accordingly, the Convention expresses a clear stand against the use of social and cultural forces such as traditions and religion to legitimate violations of women's human rights. By the same token, utilizing

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

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

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

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

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

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

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

The most recent General Recommendation is on health. It provides a whole range of policy and legal interventions to make health a reality for all women - a fundamental human right that has to be fully respected. Previously, the Committee issued a General Recommendation on Women and Aids, and another one on the particular situation of Disabled Women. Through this instrument, the Committee is continually updating the Convention with new issues and new insights. The Committee also issued a General Recommendation on articles 7 and 8 of the Convention, enlarging their meaning and underlining the use of all necessary measures and positive actions as to correct the unequal sharing of power and decisions in political and economic life of individual countries.

### **III. HOW CAN CEDAW HELP?**

First and foremost, CEDAW, as a binding international law instrument, can be used to put the issue of women's human rights squarely on the agenda of discussions and policy efforts directed at environmental management and natural disasters at both international and national levels. Developments in human rights in general, and women's human rights in particular, have been significantly aided and motivated by international legal and political instruments throughout history. Today, CEDAW is a treaty widely ratified by states in all regions of the world, providing a basic blueprint for governments and civil societies to use in operationalizing and standardizing women's human rights. Since its coming into force in 1981, CEDAW has been used as a platform from which women's human rights have been launched and progressively expanded. While the text of the Women's Convention is a rather general one, in conjunction with the General Recommendations of the Committee which elaborate and interpret the specific articles of the Convention, it has come to apply to many topics that have emerged as having a critical bearing for women's human rights in the contemporary world. For example, concerns such as HIV/AIDS, alcohol and tobacco consumption from a gender perspective, and as issues that may involve discrimination and human rights violations for women, have been systematically integrated into the work of CEDAW in the recent years.

The efficient and targeted use of the main monitoring mechanism of CEDAW, the reporting process, has, over the years, evolved to increasingly involve civil society alongside governments. This has been another force in expanding the human rights perspective to new subject areas.

The immanent functioning of the new additional monitoring mechanism Optional Protocol, as it is ratified by more states, will also add to the monitoring and implementation effectiveness of the Convention. Direct transfer of information from women at the grassroots level to the international body, through the complaints procedure now available to women, will, no doubt, bring to light new areas of concern that have so far not found their expression on the international arena and will help initiate response from the authorities.

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

As an international women's human rights instrument, CEDAW can play a substantial role in promoting policies and practices aimed at women's full enjoyment of their rights in disaster situations. Through its powers of monitoring of national policies and their implementation, the Committee has the potential to acquire information on real-life practices in disaster and emergency situations. Such powers, albeit not much used so far in the disaster context, have been successfully utilized to look into and improve women's positions in an ever-increasing array of topics and areas. Environmental management and disaster prevention, mitigation, and preparedness are however still largely uncharted territory so far as CEDAW is concerned.

Powers of CEDAW can be utilized to develop a women's human rights approach to disaster situations. One major avenue to be explored in this effort would be to integrate environmental management and disaster mitigation into the reporting process under CEDAW. Over the years, since its coming into force, many specific areas of violations of women's human rights that have not been mentioned in the text of the Convention have been, as mentioned above, added on to its substance. In fact, even the very central topic of violence against women does not appear in the text of the Convention, although it is very much in its spirit and has certainly been receiving very close scrutiny in the monitoring process. Thus, inquiries on the respect for and protection of women's human rights in environmental management and disaster situations need to be made part of the monitoring process as well.

In addition to the states' reporting, through information exchange with NGOs as in the informal NGO session with the Committee, the Committee can help create public awareness of the human rights dimension in environmental management and natural disasters. The Committee can also play a role in directing attention and higher visibility to these areas through the work of UN bodies and agencies (such as UNDP; UNESCO, UNHCR, UNIFEM, WHO etc.) with whom CEDAW has developed a close cooperation in the area of women's human rights. The Committee can ask these bodies and agencies, most of whom report to the Committee in closed session, to provide country-based information on matters that come under CEDAW. In this context, these bodies and

agencies can also be alerted by the Committee to interpret and promote in their own projects and programs in the area of environmental management and natural disasters, the women's human rights component. For instance, incorporation of modules that take into consideration women's needs and circumstances in disaster preparedness programs as well as in the 'training of trainers' has been found to have critical relevance for the implementability of these programs and for their ultimate effectiveness. In a study done in the aftermath of the 1992 Erzincan earthquake in Turkey, it was discovered that due to lack of childcare services and disregard of women's domestic responsibilities when developing schedules for preparedness training meetings, women's active participation in these sessions (Karanci and Rüstemli, 1995) was not secured, a situation which clearly contributed to women remaining less informed and less prepared for disasters. By the same token, incorporation of women's human rights modules into such training programs would enhance the empowerment of women in their communities, and international donors as well UN agencies can be alerted to this via the Committee.

Similarly, the Committee can be asked for, in its Concluding Comments to and in its 'constructive dialogue' with any state party where disasters have occurred, statistics and any other kind of information on how well such women's human rights, as their education (Article 10) and health (Article 12) rights, are ensured in these disaster circumstances vis-a-vis men, as well as how the state's environmental management policies and programs influence women vis-a-vis men. Furthermore, in accordance with Article 7 and General Recommendation number 23 of CEDAW (politics and public life), the Committee can demand gender balance in all kinds of planning, training and implementation efforts for environmental management and natural disasters, in order to ensure non-discrimination of women and enhance their empowerment. The Committee's insistence on women's participation in positions of equal number and power in state and local efforts and teams involved in environmental management and natural disaster can be expected to have significant consequences. A similar approach is already being taken by the Committee with respect to local, state, and international efforts of security provision and peace-keeping missions.

To the extent that it incorporates women's human rights in environmental management and natural disasters in its own work, the Committee will also have a chance to initiate efforts to mainstream this perspective in the work of other human rights Treaty Bodies in the UN system. The trend that has been developing in the last decade is for increasing cooperation amongst the various human rights mechanisms and particularly among the Treaty Bodies. In this context, mainstreaming the concern for women's human rights in environmental crises and natural disasters into the work of the Social, Economic and Cultural Rights Committee would have particular relevance in ensuring women's full enjoyment of their human rights.

The Committee's Concluding Comments have traditionally functioned as guidelines for governments who are responsible for taking into account the 'areas of concern' specified in these Concluding Comments, and mandated to act upon the related recommendations. Concluding comments have, however also been utilized by, particularly, women's NGOs and activists in the state parties as launching pads for public



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

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

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