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Addressing Correlations Between Gender-Based Violence and Climate Change: An Expanded Role for International Climate Change Law and Education for Sustainable Development

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Addressing Correlations Between Gender-Based Violence and Climate Change: An Expanded Role for International Climate Change Law and Education for Sustainable Development

ACHINTHI C. VITHANAGE*

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I. INTRODUCTION

Barely teenage girls are forced into marriage by parents unable to feed their children due to climate change-induced food insecurity.¹ Young girls are removed from school for sex work in the immediate aftermath of extreme weather.² Vulnerable women are beaten by their husbands as temperatures rise under changing climate conditions.³ In recounting such stories of gender-based violence (GBV), a recent study by the International Union for the Conservation of Nature reveals evidence that climate change is increasing GBV. GBV refers to “violence that is directed against a woman because she is a woman or that affects women disproportionately,”⁴ while “violence against women”⁵ is understood to include all acts of GBV that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion, and other deprivations of liberty.⁶ GBV can occur throughout a woman's lifecycle, in the public or private sphere, at home, workplaces, or in educational institutions, and includes everything from early childhood marriage, genital mutilation and harmful traditional practices towards women, to sexual abuse, domestic violence, coercion, and exploitation, even if it is perpetrated by the state or

1. Itzá Castañeda Camey et al., *Gender-Based Violence and Environment Linkages: The Violence of Inequality*, Int'l Union for the Conservation of Nature [IUCN] 135–36, 140–42 (2020), <https://portals.iucn.org/library/sites/library/files/documents/2020-002-En.pdf> [https://perma.cc/E7FF-9L9P].

2. *Id.* at 142.

3. *Id.* at 139–40.

4. Rep. of the Comm. on the Elimination of Discrimination Against Women, at 1, U.N. Doc. A/47/38 (1993). The United Nations Human Rights Council broadens the GBV definition to “any harmful act directed against individuals or groups of individuals on the basis of their gender,” but also recognizes the disproportionate impact of GBV on women and girls. Rep. of the United Nations High Commissioner for Human Rights, *Analytical Study Focusing on Gender-Based and Sexual Violence in Relation to Transitional Justice*, ¶¶ 3, 5 U.N. Doc. A/HRC/27/21 (2014).

5. While this article focuses on GBV against women, the discussions and the recommendations included can, and should, be adapted for GBV against men, boys, and individuals who identify with an alternate gender concept, though how that might take place is beyond the scope of this article.

6. G.A. Res. 48/104, Declaration on the Elimination of Violence Against Women, art. 1 (Dec. 20, 1993).

with its condonement.⁷ GBV, in all its forms, undermines efforts towards two goals—gender equality and women’s empowerment—that have, in recent years, entered the mainstream discussions at international climate change fora due to the goals’ positive impacts on climate change action.⁸ At the same time, adverse consequences of climate change can unearth and exacerbate existing GBV issues or generate new ones. Thus, GBV and climate change are intimately connected problems where addressing one demands addressing the other.

Recognition of gender inequality, which is both a cause and consequence of GBV,⁹ and the climate change nexus is a developing focus in international legal frameworks. Indeed, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)¹⁰ and its Committee’s General Recommendations have specifically considered the gender-related dimensions of natural disasters, including those exacerbated by climate change.¹¹ As GBV is principally a women’s human rights issue, CEDAW and the human rights legal system seems best placed to address its emergence in the climate change context. While CEDAW has already forged pathways for state obligations protecting women’s rights to gender equality, non-discrimination, and preventing violence against women through due diligence requirements, including in the context of climate change, CEDAW’s ability to secure state

7. *Id.* art. 2; see also Padmini Murthy et al., *Violence Against Women and Girls: A Silent Global Pandemic*, in *WOMEN’S GLOBAL HEALTH AND HUMAN RIGHTS* 12–18 (Padmini Murthy & Clyde Lanford Smith eds., 2010) (discussing more examples of GBV).

8. See *5 Reasons Why Climate Action Needs Women*, U.N. CLIMATE CHANGE (Apr. 2, 2019), <https://unfccc.int/news/5-reasons-why-climate-action-needs-women> [<https://perma.cc/Z4MC-CMX8>].

9. Selim Jahan, *Violence Against Women, a Cause and Consequence of Inequality*, UNDP (Nov. 19, 2018), <https://www.undp.org/content/undp/en/home/blog/2018/violence-against-women-cause-consequence-inequality.html> [<https://perma.cc/4HS2-VKP4>].

10. Convention on the Elimination of All Forms of Discrimination Against Women, *opened for signature* Dec. 18, 1979, 27 U.S.T. 1909, 1249 U.N.T.S. 13 [hereinafter CEDAW].

11. See Comm. on the Elimination of Discrimination Against Women, *General Recommendation No. 35 on Gender-Based Violence Against Women*, ¶ 14, U.N. Doc. CEDAW/C/GC/35 (July 14, 2017) [hereinafter CEDAW Gen. Rec. 35]; Comm. on the Elimination of Discrimination Against Women, *General Recommendation No. 37 on the Gender-Related Dimensions of Disaster Risk Reduction in the Context of Climate Change*, U.N. Doc. CEDAW/C/GC/37 (Mar. 13, 2018) [hereinafter CEDAW Gen. Rec. 37].

compliance is significantly limited. In the interim, a host of other multilateral environmental agreements (MEAs) have sought to mainstream gender in their work, though few specifically engage with the GBV and climate change nexus. The international climate change regime, however, offers practical avenues for immediately incorporating GBV considerations, and have already done so to some extent, through existing monitoring and implementation frameworks such as Nationally Determined Contributions (NDCs), and climate finance mechanisms. The article also looks at an existing mechanism developed by the International Union for the Conservation of Nature (IUCN)—Climate Change Gender Action Plans (ccGAPs)—which warrants consideration for wide-scale adoption by the climate change regime.

At the same time, breaking down deeply embedded sociocultural norms that enable GBV is imperative to that effort. Education is a known tool to achieve that end.¹² Since 2015, the Sustainable Development Goals (SDGs) have shaped and propelled the global agenda on sustainable development.¹³ Inhabiting the realm of international soft law, the SDGs draw on a range of established and emerging international human rights and reshape them as global political commitments. Recognized among these rights are those of non-discrimination and gender equality for women, with SDG 5 explicitly seeking the elimination of violence against women and girls.¹⁴ SDG 4 further complements this by prioritizing education for sustainable development that unequivocally includes gender equality.¹⁵ Meanwhile, SDG 13 recognizes the need for climate change education.¹⁶ With the mutually reinforcing nature of SDG 5

12. *Education as a Vehicle to End Violence Against Women*, WORLD BANK BLOGS (Dec. 2, 2015), <https://blogs.worldbank.org/voices/education-vehicle-end-violence-against-women> [<https://perma.cc/SX9X-9V9Y>].

13. See G.A. Res. 70/1, *Transforming Our World: The 2030 Agenda for Sustainable Development* (Oct. 21, 2015).

14. *Id.* at 18 (Goal 5.2).

15. *Id.* at 17. Target 4.7 complements this with education on human rights and a culture of peace and non-violence, while Target 4.a promotes education facilities that are “gender sensitive and provide safe, non-violent, inclusive and effective learning environments for all.” *Id.*

16. *Id.* at 23. Target 13.3 calls for improving “education, awareness-raising and human and institutional capacity on climate change mitigation, adaptation, impact reduction and early warning.” *Id.*

and SDG 13 also gaining recognition,¹⁷ the SDGs provide a potential framework for addressing both GBV and climate change in an enduring way through education for sustainable development.

This article recognizes the potential and notes the present limitations of international human rights law in addressing GBV in the climate change context. While that avenue is being developed, the article advocates for an expanded role for international climate change law in addressing GBV arising in the climate change context, and a tandem role for sustainability education. Part II describes the GBV and climate change nexus drawing on examples from around the world to dispel misconceptions that GBV is unrelated to climate change. An overview of international law, including human rights legal regimes and MEAs, that may address this nexus follows in Part III, with consideration given to both their potential and present limitations. In Part IV, the article identifies the international climate change regime as best suited to address such GBV concerns in the interim, through focus on various existing reporting mechanisms and implementation programs. In Part V, the article introduces education for sustainable development as a complementary path to addressing the socio-cultural views and values fueling GBV in the first place before presenting final conclusions.

II. THE GENDER-BASED VIOLENCE AND CLIMATE CHANGE NEXUS

While climate change is non-discriminatory, affecting one and all, the nature of its impacts affects world populations and communities in different ways. Climate change affects women and girls disproportionately, leaving them among the most vulnerable to its assortment of impacts.¹⁸ To date, it is the direct impacts of climate change, such as sea level rise and extreme weather, that have garnered the most attention. Less studied and understood are the indirect impacts of climate change, such as increases in GBV. This is

17. See, e.g., Eliza Northrop et al., *Examining the Alignment Between the Intended Nationally Determined Contributions and Sustainable Development Goals* 19–20, 33 (World Res. Inst., Working Paper, Sept. 2016), https://files.wri.org/d8/s3fs-public/WRI_INDCs_v5.pdf [<https://perma.cc/VC9P-XXQH>].

18. U.N. WOMEN WATCH, FACT SHEET: WOMEN, GENDER EQUALITY AND CLIMATE CHANGE 1 (2009), https://www.un.org/womenwatch/feature/climate_change/downloads/Women_and_Climate_Change_Factsheet.pdf [<https://perma.cc/9K93-J888>].

partly owed to the difficulty of drawing a direct causal connection between GBV and climate change and misconceptions that GBV and climate change are unrelated issues.¹⁹ While GBV in the context of natural disasters has been the subject of study and research since the 1990s,²⁰ many of the issues raised then persist today, exacerbated under the influence of climate change. Consequently, researchers are increasingly observing intersections between GBV and hitherto under-researched sectors, such as climate change.²¹ Accordingly, Part II of this article serves a descriptive purpose, showcasing ways in which climate change produces a plethora of impacts that can either prompt, or have an exacerbating effect on, GBV. Focusing on water shortages, disruption of socialized gender roles, aftershocks of extreme natural disasters, population displacement and intra-state conflicts, this section of the article draws on case studies to help visualize the emerging nexus between GBV and climate change.

Water scarcity, brought on by climate change-induced droughts,²² has led to worldwide increases in GBV. For instance, urban Pakistani women are subject to unrealistic expectations of their ability to manage household water use, notwithstanding extreme water shortages in the country.²³ Women reveal that a

19. U.N. ENTITY FOR GENDER EQUALITY AND THE EMPOWERMENT OF WOMEN, THE PACIFIC GENDER & CLIMATE CHANGE TOOLKIT: TOOLS FOR PRACTITIONERS 11 (2015), <https://www.unwomen.org/-/media/headquarters/attachments/sections/library/publications/2015/toolkit%20booklet%20pages.pdf?la=en&vs=4359> [https://perma.cc/2PEC-9MYV] [hereinafter PACIFIC GENDER & CLIMATE CHANGE TOOLKIT].

20. See, e.g., Elaine Enarson, *Gender and Natural Disasters* (Int'l Labor Office, Working Paper No. 1, 2000), https://www.ilo.org/wcmsp5/groups/public/---ed_emp/---emp_ent/---ifp_crisis/documents/publication/wcms_116391.pdf [https://perma.cc/C283-Y2HT].

21. Anik Gevers et al., *Why Climate Change Fuels Violence Against Women*, APOLITICAL (Dec. 9, 2019), https://apolitical.co/en/solution_article/why-climate-change-fuels-violence-against-women [https://perma.cc/ZV3Y-RL2R].

22. See Intergovernmental Panel on Climate Change [IPCC], *Climate Change 2014: Synthesis Report*, at 15, 67, 71 (2015), https://www.ipcc.ch/site/assets/uploads/2018/05/SYR_AR5_FINAL_full_wcover.pdf [https://perma.cc/CD53-FXD4].

23. Amiera Sawas et al., *Reflections on Gender, Climate, and Security Linkages in Urban Pakistan*, in GENDER, CLIMATE & SECURITY: SUSTAINING INCLUSIVE PEACE ON THE FRONTLINES OF CLIMATE CHANGE 36, 36 (2020) [hereinafter GENDER, CLIMATE & SECURITY], <https://www.unwomen.org/-/media/headquarters/attachments/sections/library/publications/2020/gender-climate-and-security-en.pdf?la=en&vs=215> [https://perma.cc/WEA8-LTZZ].

failure to ensure household water security may elicit disappointment and acts of physical violence from husbands.²⁴ Further, women's efforts to secure water externally is hampered by cultural restrictions on mobility despite the need for desperate measures.²⁵ In rural communities in Uganda, climate change has brought on prolonged droughts and higher temperatures, leading to crop failure, livestock loss, and food insecurity.²⁶ Here, women must travel further for food and water or barter services for food, making them susceptible to sexual assault en route or unscrupulous vendors demanding sex services in exchange for necessities.²⁷ In Nigeria, young male pastoralists are more prone to encroach on farmlands and water points when female farmers are present and perpetrate rape and other forms of sexual violence.²⁸

Gender, climate change, and fragility are also inextricably linked.²⁹ In some vulnerable regions, climate change has fueled intra-state conflicts, which in turn exacerbate pre-existing gender balances and other political, social and economic stresses, giving rise to instances of GBV. The civil conflict in Darfur Sudan, described as the world's "first climate change conflict" was driven by water scarcity,³⁰ a known GBV risk-amplifier for women.³¹ In the Lake Chad region, climate change-induced droughts, extreme rainfall and flooding, against an unstable politico-military context, has led to land and water resource competition and armed militia recruitment. At

24. *Id.*; see also NAUSHEEN H. ANWAR ET AL., GENDER AND VIOLENCE IN URBAN PAKISTAN 73 (2016).

25. See ANWAR ET AL., *supra* note 24, at 58.

26. Gevers et al., *supra* note 21.

27. *Id.*

28. Chitra Nagarajan, *The Gender Dimensions of Conflict and Resilience in Northern Nigeria*, in GENDER, CLIMATE & SECURITY, *supra* note 23, at 28, 28.

29. A.E. BOYER, ET AL., *Advancing Gender in The Environment: The Triple Nexus of Gender Inequality, State Fragility, and Climate Vulnerability*, INT'L UNION FOR CONSERVATION OF NATURE [IUCN] 1 (2020), <https://portals.iucn.org/union/sites/union/files/doc/iucn-agent-triple-nexus-research-report-final.pdf> [<https://perma.cc/U6EF-MGV9>]. "Fragility refers to the extent to which state-society relations fail to produce outcomes that are considered to be effective and legitimate." *Id.* at 10.

30. Vesselin Popovski, *Foresight Africa Viewpoint: Does Climate Change Cause Conflict?*, BROOKINGS (Jan. 20, 2017), <https://www.brookings.edu/blog/africa-in-focus/2017/01/20/does-climate-change-cause-conflict/> [<https://perma.cc/23DR-HEN8>].

31. *Understanding Gender in the Context of Climate Change and Security*, in GENDER, CLIMATE & SECURITY, *supra* note 23, at 13, 17.

least one third of women and adolescent girls in this landscape face daily human rights violations and violence, including child, early, and forced marriage, denied access to resources, home eviction, and domestic sexual violence.³² These experiences particularly arise if women and girls already lack access to basic services and social development opportunities and their rights are challenged by tribal customary laws.³³ Where climate impacts and conflict have prompted out-migration of men to find alternate livelihoods, women must take on the responsibilities of hitherto male-dominated work on top of traditional responsibilities, such as water collection, thereby increasing their exposure to GBV.³⁴

Climate change impacts also have a way of upending prescribed gender roles in society which make domestic settings prone to violence. For men, disasters often lead to a lost sense of control, provoking violence against vulnerable persons, such as women and children in a household.³⁵ In Uganda, men who rely on crop harvests to provide for families, are left emasculated in the wake of crop failure, livestock loss and food insecurity, and turn to alcohol and violence against their spouses and children as coping mechanisms.³⁶ Extreme flooding in Pakistan has prevented males from going to work, interrupting the fulfillment of their socialized responsibilities and sparking household tensions, which can lead to domestic violence.³⁷

GBV is not limited to developing countries. Researchers in rural Australia are discovering a rise in women becoming increasingly financially responsible for family sustenance as farm incomes decline during severe drought periods, along with an increase in domestic violence attributed to increased male consumption of intoxicating

32. BUILDING RESILIENCE AND ADAPTATION TO CLIMATE EXTREMES AND DISASTERS (BRACED), 5 MESSAGES ON THE NEGATIVE IMPACT OF INEQUALITIES AND DISCRIMINATION AGAINST WOMEN IN CHAD 6 (2017), <http://www.braced.org/contentAsset/raw-data/9a2017e9-668a-411d-b6b7-94954e8b9d52/attachmentFile> [<https://perma.cc/DL52-F8X5>].

33. Virginie Le Masson et al., *Everyday Violence and Its Impact on Insecurity and Resilience in Chad*, in GENDER, CLIMATE & SECURITY, *supra* note 23, at 29, 29.

34. *Understanding Gender in the Context of Climate Change and Security*, *supra* note 31, at 18–19.

35. Debra Parkinson & Claire Zara, *The Hidden Disaster: Domestic Violence in the Aftermath of Natural Disaster*, AUSTL. J. EMERGENCY MGMT., Apr. 2013, at 28, 30–31.

36. Gevers et al., *supra* note 21.

37. Sawas et al., *supra* note 23, at 36.

substances to cope with drought-related income pressures.³⁸ Meanwhile in Greenland, changing landscapes and population declines in Arctic wild animals due to climate change led to men experiencing more hunting failures, increasing their economic reliance on female partners.³⁹ As such, the leading factor for increased violence against women at home has been identified as “male loss of identity and self-worth in a fast changing society in which males lose their hunter-roles” in this context.⁴⁰

The Pacific region is known to suffer climate-related hazards, like extreme tropical storms, severe flooding, and sea level rise, which are only expected to increase in the future as the climate change situation grows more dire.⁴¹ The region also has a pre-existing history of GBV, which is often exacerbated in the aftermath of climate change-related natural disasters.⁴² For instance, in 2007, the Solomon Islands experienced increased rates of GBV, such as rape, following the Gizo tsunami,⁴³ while the Tanna Women’s Counselling Centre in Vanuatu reported a 300% increase in new cases of domestic violence in the wake of two tropical cyclones in 2011.⁴⁴ U.N. Women, the entity dedicated to furthering SDG 5 on

38. See Kerri Whittenbury, *Climate Change, Women’s Health, Wellbeing and Experiences of Gender Based Violence in Australia*, in RESEARCH, ACTION AND POLICY: ADDRESSING THE GENDERED IMPACTS OF CLIMATE CHANGE 207 (M. Alston & K. Whittenbury eds., 2013).

39. Roanne Van Voorst, *Social Impacts of Climate Changes: A Greenlandic Case Study*, 2 JÅMBÁ: J. DISASTER RISK STUD. 235, 239 (2009).

40. *Id.* at 239.

41. See Ove Hoegh-Guldberg et al., *Impacts of 1.5°C of Global Warming on Natural and Human Systems*, in GLOBAL WARMING OF 1.5°C: AN IPCC SPECIAL REPORT ON THE IMPACTS OF GLOBAL WARMING OF 1.5°C ABOVE PRE-INDUSTRIAL LEVELS AND RELATED GLOBAL GREENHOUSE GAS EMISSION PATHWAYS, IN THE CONTEXT OF STRENGTHENING THE GLOBAL RESPONSE TO THE THREAT OF CLIMATE CHANGE, SUSTAINABLE DEVELOPMENT, AND EFFORTS TO ERADICATE POVERTY 175, 234–35 (2018),

https://www.ipcc.ch/site/assets/uploads/sites/2/2019/06/SR15_Full_Report_Low_Res.pdf [<https://perma.cc/A92N-ZQFV>].

42. U.N. Women, *Climate Change, Disasters and Gender-Based Violence in the Pacific*, at 3 (2014), <https://asiapacific.unwomen.org/-/media/field%20office%20eseasia/docs/publications/2014/6/sids%20brief%20%20climate%20change%20disasters%20and%20gender%20based%20violence%20in%20the%20pacific.ashx?la=en> [<https://perma.cc/BC6Z-2HK4>].

43. U.N. Office of the High Comm’r for Human Rights, *Protecting the Rights of Internally Displaced Persons in Natural Disasters: Challenges in the Pacific*, at 11 (2011), https://pacific.ohchr.org/docs/idp_report.pdf [<https://perma.cc/6D7H-9GY6>].

44. PACIFIC GENDER & CLIMATE CHANGE TOOLKIT, *supra* note 19, at 11.

gender equality and women empowerment,⁴⁵ acknowledges that without implementing effective mechanisms to handle GBV in the Pacific, an increase in climate-related disasters in the region is tantamount to putting Pacific women at greater risk of GBV.⁴⁶ In a similar vein, Australia's bushfires, which have intensified under the influence of climate change, have also coincided with increased violence against women.⁴⁷ Increased stress levels, male unemployment, and over-burdened support services surfacing in the immediate aftermath of a bushfire disaster, are the likely causes contributing to the overlooking of violence against women.⁴⁸ In the United States, following Hurricane Katrina's landfall in New Orleans, women experienced higher rates of partner violence and sexual assault,⁴⁹ while New Zealand's 2004 flooding coincided with an uptick in domestic violence incidents.⁵⁰ As more regions experience catastrophic-level climate hazards, the occurrence of GBV will rise notwithstanding the development status of a nation.

Climate change-induced population displacement can give rise to GBV in various ways. Changing weather patterns in Papua New Guinea have brought extreme rainfall and flooding forcing population displacement, compounding pre-existing vulnerabilities like GBV among displaced populations of indigenous women.⁵¹

45. *About U.N. Women*, U.N. WOMEN, <https://www.unwomen.org/en/about-us/about-un-women> [<https://perma.cc/TP76-B4EJ>].

46. U.N. Women, *supra* note 42.

47. *Post-Disaster Violence: Study Shows Violence Against Women Increases Following Disasters*, HOMELAND SEC. NEWSWIRE (Mar. 14, 2012), <http://www.homelandsecuritynewswire.com/srdisasters20120314-study-shows-violence-against-women-increases-following-disasters> [<https://perma.cc/ZE5X-V5KP>].

48. *Id.*

49. Lydia Voigt & William E. Thornton, *Disaster Rape: Vulnerability of Women to Sexual Assaults During Hurricane Katrina*, 13 J. PUB. MGMT. & SOCIAL POL'Y. 23, 25–26 (2007).

50. Rosalind Houghton, *'Everything Became a Struggle, Absolute Struggle': Post-Flood Increases in Domestic Violence in New Zealand*, in WOMEN, GENDER AND DISASTER: GLOBAL ISSUES AND INITIATIVES 99, 106 (Elaine Enarson & P.G. Dhar Chakrabarti eds., 2009).

51. Szilvia Csevár, *The Compounding Impacts of Climate Change and Environmental Degradation on the Insecurity of Indigenous Women in Papua and West Papua, Indonesia*, in GENDER, CLIMATE & SECURITY, *supra* note 23, at 35, 35.

Displaced women and children who find themselves in refugee camps are vulnerable targets for GBV.⁵²

In Samoa, urban shelter settings required people to live for extended periods in crowded spaces, among strangers Young girls and adolescents living in such shelters were most vulnerable to GBV (by both other adolescents and adults) due to reduced parental supervision during the day, when parents typically went to clean up and rebuild their damaged houses.⁵³

Due to Samoa's existing history of high GBV prevalence, awareness of GBV during non-disaster times is not only well known but considered "just a part of life,"⁵⁴ so its emergence during disaster periods garners even less attention.

Exploring the correlations between GBV and climate change also involves recognition of GBV's ability to hamper community climate change resilience. GBV is already known to wreak numerous and widespread economic and social costs on the fabric of society.⁵⁵ It can exacerbate existing inequalities and vulnerabilities in communities, such as poverty and violation of children's human rights, while negatively impacting the social, economic and cultural rights of women, like the rights to work and education.⁵⁶ Where natural disasters, including those rendered especially destructive due to climate change, result in increased GBV, subsequent impacts such as the withdrawal of girls from schooling,⁵⁷ may render communities even less resilient to further climate change impact. As climate change increases the incidences of GBV, women's health and security are impacted, making them more vulnerable to climate

52. See *UN Calls for 'Stepping it Up' to Achieve Gender Equality, SDGs*, IISD (Mar. 9, 2016), <https://sdg.iisd.org/news/un-calls-for-stepping-it-up-to-achieve-gender-equality-sdgs/> [<https://perma.cc/6EWT-KVCM>].

53. Int'l Fed'n of Red Cross and Red Crescent Soc'y [IFRC], *Unseen, Unheard: Gender-Based Violence in Disasters – Asia-Pacific Case Studies*, at 15 (2016), <https://www.ifrc.org/Global/Publications/Gender%20and%20Diversity/GBV%20in%20disasters%20AP%20report%20LR.pdf> [<https://perma.cc/FQ7C-C9WY>] [hereinafter IFRC GBV Report].

54. *Id.* at 13.

55. *enGENDER IMPACT: Addressing Gender-Based Violence*, WORLD BANK, <https://www.worldbank.org/en/topic/gender/publication/engender-impact-addressing-gender-based-violence> [<https://perma.cc/2VKU-XUYB>]; Murthy et al., *supra* note 7, at 11.

56. Murthy et al., *supra* note 7, at 18–20.

57. U.N. Women, *supra* note 42, at 3.

impacts.⁵⁸ This cyclical impact is also not limited to women. GBV's far-reaching consequences can subsequently impact the ability of families, communities, and nations to withstand and adapt to further adverse climate impacts.

Addressing the GBV and climate change nexus, however, will necessitate looking beyond the characterization of women as victims⁵⁹ and recognizing their significant role in responding to climate change. For instance, women often assume active roles in responding to the various climate change and natural disaster impacts, undertaking evacuations, food collection, road clearance, health care, and more, making them well-positioned to identify climate change solutions from a gender perspective.⁶⁰ By empowering women with decision-making power on climate change issues, risks that may give rise to GBV can be addressed proactively, and where they do arise, local women are better-placed to advance appropriate redress measures. Indeed, consultations with female representatives of the Central American region produced gender-based recommendations for solutions to climate change and natural disaster impacts that included addressing mental health, disaster-related GBV, and other psychological effects of climate change impacts on women.⁶¹ As the article turns to survey international legal efforts to address GBV correlations with climate change, the role of women in producing solutions and providing opportunities for women to do so, will prove critical to the success of those efforts.

III. OVERVIEW OF INTERNATIONAL LAW ADDRESSING GENDER-BASED VIOLENCE AND CLIMATE CHANGE

GBV, as a human rights issue, has garnered considerable attention under CEDAW and the international human rights law regime. However, its emergence in the climate change context has

58. *Camey et al.*, *supra* note 1, at 149.

59. Yakin Ertük (Special Rapporteur on Violence Against Women), *15 years of The United Nations Special Rapporteur on Violence Against Women, Its Causes and Consequences*, at 34 (Jan. 1, 2009).

60. Rebecca Pearl-Martinez et al., *The Art of Implementation: Gender Strategies Transforming National and Regional Climate Change Decision Making*, INT'L UNION FOR CONSERVATION OF NATURE [IUCN] at 72–74 (2012), <https://portals.iucn.org/library/sites/library/files/documents/2012-086.pdf> [<https://perma.cc/WUK7-JNB9>].

61. *Id.* at 74.

garnered little attention until recently. This is by no means a reflection of the human rights legal regime's inability to address GBV in climate change contexts, rather it is an opportunity that deserves further endeavor. Subsection (A) delves into CEDAW's valiant efforts to address gender equality, discrimination, and GBV issues in the climate change context, while noting the Convention's present limitations in securing practical results. At the same time, several multilateral environmental legal regimes have sought to respond to GBV's emergence in the climate change context within their specific mandates. A brief overview of these MEAs is presented in subsection (B), along with their challenges for addressing cases of GBV as they intersect with climate change issues. Finally, Part IV sets forth the opportunities that rest with the climate change regime.

A. CEDAW and the International Human Rights Legal Regime

Adopted by the United Nations General Assembly in 1979, CEDAW is the leading international human rights treaty on gender equality tasked with eliminating discrimination, including discriminatory stereotypes, against women by any person, organization or enterprise.⁶² Its operational arm, the Committee on the Elimination of Discrimination against Women (CEDAW Committee), is an expert U.N. treaty body and oversees CEDAW's implementation by (1) reviewing and providing concluding observations on regular state reports outlining compliance efforts;⁶³ (2) conducting inquiries into CEDAW violations brought by state parties to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (Optional Protocol) against other state parties;⁶⁴ (3) hearing complaints raised by individuals against a state that is party to the Optional Protocol for a violation of CEDAW;⁶⁵ and (4) issuing General

62. CEDAW, *supra* note 10, art. 2, art. 5.

63. *Convention on the Elimination of Discrimination Against Women: Reporting*, UNWOMEN, <https://www.un.org/womenwatch/daw/cedaw/reporting.htm> [<https://perma.cc/MQZ2-EFLM>].

64. G.A. Res. 54/4, annex, *Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women*, art. 8 (Oct. 15, 1999).

65. *Human Rights Treaty Bodies – Individual Communications*, OHCHR <https://www.ohchr.org/EN/HRBodies/TBPetitions/Pages/IndividualCommunications.aspx#procedureOPCEDAW> [<https://perma.cc/7AFF-D37Q>].

Recommendations,⁶⁶ which provide interpretations and updates to the treaty, clarify state obligations under the treaty, or highlight thematic issues of importance. Though General Recommendations are not legally binding, they provide authoritative guidance on state obligations under CEDAW.

GBV did not come under the purview of CEDAW until 1992, when the CEDAW Committee issued General Recommendation Number 19 recognizing GBV's impairment of basic human rights and fundamental freedoms of women, including rights to life, liberty, and freedom from torture.⁶⁷ These rights constitute "discrimination" under Article 1 of CEDAW.⁶⁸ The Committee went on to find that a state is not only responsible for GBV perpetrated by public entities,⁶⁹ but may also be "responsible for private acts if they fail to act with due diligence to prevent violations of rights or to investigate and punish acts of violence, and for providing compensation."⁷⁰ The latter obligation was subsequently enshrined in the 1993 Declaration on the Elimination of Violence Against Women,⁷¹ and the echo to end GBV was heard worldwide.⁷² The following year, the then United Nations Commission on Human Rights adopted a resolution condemning GBV and appointing a Special Rapporteur on violence against women, including its causes and consequences.⁷³ A key moment arrived in 2017 when the CEDAW Committee issued General Recommendation Number 35 recognizing the prohibition of GBV against women as having evolved into a principle of customary international law, binding on all countries.⁷⁴ Also significant is its reference to GBV's links with natural disasters, the destruction or degradation of natural resources, displacement, and armed

66. CEDAW, *supra* note 10, art. 21.

67. Rep. of the Committee on the Elimination of Discrimination Against Women, *supra* note 4, at 1–2.

68. CEDAW, *supra* note 10, art. 1.

69. Rep. of the Committee on the Elimination of Discrimination Against Women, *supra* note 4, at 2 ("The Convention applies to violence perpetrated by public authorities.").

70. *Id.*

71. G.A. Res. 48/104, Declaration on the Elimination of Violence against Women, art. 4(c) (Dec. 20, 1993).

72. See World Conference on Human Rights, *Vienna Declaration and Programme of Action*, ¶ 18, 42, U.N. Doc. A/CONF.157/23 (June 25, 1993).

73. Comm. on Human Rights Res. 1994/45, ¶¶ 3, 6 (Mar. 4, 1994).

74. CEDAW Gen. Rec. 37, *supra* note 11, ¶ 2.

conflict,⁷⁵ which are all increasingly connected with or are an impact of climate change, as aforementioned in Part II.

Since 2009, Concluding Observations have increasingly referenced climate change, providing recommendations on gender-mainstreaming in climate policies, gender inclusion in climate change decision-making and disaster response planning, and noting the disproportionate impacts of climate change on women.⁷⁶ Some notable examples include the CEDAW Committee's recommendation to Jamaica to underpin its policies and programs for preparing and responding to natural disasters and climate change impacts on a comprehensive gender analysis, and its advice to Cambodia to include women in decision-making related to climate change adaptation and mitigation.⁷⁷ Perhaps the most far-reaching is the Committee's recommendation to Norway to "review its climate change and energy policies, and specifically its policy on extraction of oil and gas, to ensure it takes into account the disproportionate negative impacts of climate change on women's rights."⁷⁸ While the CEDAW Committee has already made climate change and disaster-related recommendations to Cambodia and Seychelles by referencing General Recommendation 37, recommendations for addressing GBV in climate change contexts are yet to surface.⁷⁹ States are also yet to utilize CEDAW's Optional Protocol to bring complaints related to climate change⁸⁰ and the same goes for individuals or groups entitled to use the inquiry procedure under the Optional Protocol.⁸¹ In the

75. *Id.* ¶ 14.

76. Center for Int'l Env't Law [CIEL] & Glob. Initiative for Econ., Soc. and Cultural Rts. [GI-ESCR], *States' Obligations under the Convention on the Elimination of All Forms of Discrimination Against Women, in the Context of Climate Change* 2–5 (2018), <https://www.ciel.org/wp-content/uploads/2018/01/HRTBs-synthesis-report-CEDAW.pdf> [<https://perma.cc/VT6K-6R2P>].

77. *Id.* at 3.

78. Comm. on the Elimination of Discrimination Against Women, Concluding Observations on the Ninth Periodic Report of Norway, ¶ 15, U.N. Doc. CEDAW/C/NOR/CO/9 (Nov. 17, 2017).

79. See Center for Int'l Env't Law [CIEL] & Glob. Initiative for Econ., Soc. and Cultural Rts. [GI-ESCR], *Women's Rights Obligations of States in the Context of Climate Change: Synthesis of Statements on Climate Change by the Committee on the Elimination of Discrimination Against Women (2020 Update)* 1, 6–8 (2020), <https://static1.squarespace.com/static/5a6e0958f6576ebde0e78c18/t/5e839a444722c249d28b9dde/1585683013609/CEDAW.pdf> [<https://perma.cc/97DE-5H3S>].

80. See *id.* at 1.

81. G.A. Res. 54/4, *supra* note 64, art. 8.

interim, General Recommendations and Statements have been key to securing action on the GBV and climate change nexus.

General Recommendation Number 37 on the gender-related dimensions of disaster risk reduction in the context of climate change stands out as the most significant outcome for linking climate change to the root causes of gender inequality, including violence against women.⁸² It is also the first time that a UN human rights treaty body addressed the GBV and climate change nexus, consequently framing climate change as a women's human rights issue.⁸³ Perhaps most importantly, it identifies how states can and should be held accountable for climate change's disproportionate impact on women.⁸⁴ To address GBV in climate change and disaster contexts, the CEDAW Committee suggests a plethora of state actions that traverse the private space and the public space, through focus on the disaster management, employment, and health care sectors. These include developing policies to address GBV risks in climate change through women's participation and leadership, integrating mechanisms to address child and forced marriage in disaster management plans, providing effective GBV reporting structures, regular monitoring and evaluation of GBV interventions in climate change programs, training and sensitizing emergency service workers on GBV as it arises with different vulnerable groups, and adopting long term policies to address root causes.⁸⁵ The Committee also suggests developing disaster response plans that provide women with mobile, flexible and specialized mechanisms for reporting, investigating, and legally/judicially resolving cases of GBV.⁸⁶ General Recommendation 37 also raises the prominence of women and girls as leaders and participants in the decision-making and solution-finding process, instead of merely as victims of GBV and the climate crisis.⁸⁷ Together, these important elements represent the

82. CEDAW Gen. Rec. 37, *supra* note 11, ¶ 5.

83. See CHRISTINE CHINKIN & KEINA YOSHIDA, WOMEN'S HUMAN RIGHTS AND CLIMATE CHANGE: STATE OBLIGATIONS AND STANDARDS (Policy Briefing Paper No. 43, July 2020), [<https://perma.cc/NF3M-7LK9>]; Keina Yoshida & Lina Cespedes, *Climate Change is a Women's Human Rights Issue*, LONDON SCH. OF ECON. (July 4, 2019), [<https://blogs.lse.ac.uk/wps/2019/07/04/climate-change-is-a-womens-human-rights-issue/>] [<https://perma.cc/V548-G4AQ>].

84. Yoshida & Cespedes, *supra* note 83.

85. CEDAW Gen. Rec. 37, *supra* note 11, ¶ 57(a)-(f).

86. *Id.* ¶ 38(e).

87. *Id.* ¶ 7.

three key general principles of the General Recommendation—equality and non-discrimination; participation and empowerment; and accountability and access to justice—in action.⁸⁸ Looking forward, General Recommendation 37 provides a framework for States to undertake action to address GBV correlations with climate change, which the CEDAW Committee can then use to assess State Reports and provide relevant recommendations in future Concluding Observations.

Notwithstanding CEDAW's 189 state party-strong ratification status, significant implementation gaps limit its potential to address the thematic issue of GBV in the climate change context. Neither General Recommendations nor Concluding Observations are binding on States, and the CEDAW Committee lacks any means of enforcement other than influence, pressure, and persuasion. Adherence to state reporting obligations is less than desirable with delayed submissions and states often failing to address violations.⁸⁹ The CEDAW Committee's ability to consider inquiries from states and individual complaints is limited to the 114 States that have signed the Optional Protocol recognizing the Committee's authority.⁹⁰ Moreover, CEDAW's authority and strength is further compromised as it is one of the most highly reserved international treaties in existence.⁹¹

Still, CEDAW's four oversight mechanisms provide useful guidance to States on how to meet their due diligence obligations when addressing GBV in the context of climate change. Further, a recent joint statement on human rights and climate change, issued by CEDAW and four other UN human rights treaty bodies,⁹² opens the door to human rights litigation in this space. The statement

88. *Id.* ¶ 27.

89. Heather Monasky, *What's Law Got to Do With It?: An Overview of CEDAW's Treatment of Violence Against Women and Girls Through Case Studies*, 2014 MICH. ST. L. REV. 327, 334 (2014).

90. Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women, *opened for signature* Dec. 10, 1999, 2131 U.N.T.S. 83 (entered into force Dec. 22, 2000).

91. Rebecca J. Cook, *Reservations to the Convention on the Elimination of All Forms of Discrimination Against Women*, 30 VA. J. INT'L L. 643, 644 (1990).

92. Comm. on Elim. Of Discrim. Against Women, Comm. on Econ. Social and Cultural Rights, Comm. on Protection of Rights of all Migrant Workers and Members of Their Families, Comm. on Rights of the Child, Comm. on Rights of Persons with Disabilities, *Joint Statement on Human Rights and Climate Change*, U.N. DOC. HRI/2019/1 (May 14, 2020) [hereinafter HR & CC Joint Statement].

warns that state failure to take measures to prevent foreseeable harm to human rights caused by climate change, such as GBV, or to regulate activities contributing to such harm, such as fossil-fuel development, could constitute a violation of States' human rights obligations.⁹³ However, until such a case is brought before an international human rights court or commission, an outcome which may take years to fruition, enforcement will remain a prevailing issue.

B. Multilateral Environmental Agreements (MEAs)

Unknown to many, major MEAs have also sought to encapsulate gender considerations in the course of their work, including where such work intersects with climate change issues. This section focuses on three such MEAs, whose work often overlaps with that of the international climate change regime—the Convention on Biological Diversity (CBD), the United Nations Convention to Combat Desertification (UNCCD), and the Ramsar Convention on Wetlands (Ramsar Convention).

1. The Convention on Biological Diversity (CBD)

The CBD recognizes “the vital role that women play in the conservation and sustainable use of biological diversity,” affirming the need for their full participation in related policy-making and implementation.⁹⁴ Women’s role in this endeavor is linked to climate change, a direct driver of decline in nature and biodiversity and ranked third largest in terms of global impact.⁹⁵ As climate change’s threat to biodiversity is anticipated to increase under dire climate change predictions, the role of women in conservation grows all the more vital.⁹⁶ Indeed, implementation of the CBD, the associated

93. *Id.* ¶¶ 10, 12, 13.

94. Convention on Biological Diversity preamble, *opened for signature* June 5, 1992, 1760 U.N.T.S. 79 (entered into force Dec. 29, 1993).

95. Sandra Diaz et al., *The Global Assessment Report on Biodiversity and Ecosystem Services: Summary for Policymakers*, Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services [IPBES] 25 (2019), https://ipbes.net/sites/default/files/2020-02/ipbes_global_assessment_report_summary_for_policymakers_en.pdf [<https://perma.cc/DKR8-XZSZ>].

96. G.A. Res. 73/284, United Nations Decade on Ecosystem Restoration (2021-2030), at 5 (Mar. 6, 2019) (reiterating women’s crucial role in ecosystem conservation and restoration).

work of Parties, and the Secretariat are to be undertaken in accordance with the CBD's Gender Action Plan (GAP), which endeavors to mainstream gender considerations throughout the Convention's activities.⁹⁷ GBV is also understood to be a feature in the management and conservation of biodiversity, as the risk of violence against women may be heightened during periods of resource scarcity.⁹⁸ This, and other vulnerabilities experienced by women in biodiversity conservation efforts, led to Parties to the CBD agreeing on a gender-responsive process in developing the post-2020 global biodiversity framework.⁹⁹ However, the zero draft text for the framework document contains no reference to GBV nor the need to address it in the interests of maximizing the effectiveness of other gender equality initiatives.¹⁰⁰

2. The United Nations Convention to Combat Desertification (UNCCD)

An international treaty that closely coordinates with the CBD is the UNCCD, which focuses on the sustainable development of drylands and the vulnerable ecosystems and communities that depend on them, and the mitigation of the effects of drought.¹⁰¹ Climate change and its impact on rainfall patterns, the frequency and intensity of drought and floods, temperatures, and ecological shifts, are exacerbating land degradation and desertification, and in consequence, adversely affecting the livelihoods of drylands populations worldwide.¹⁰² The UNCCD notes

97. Conference of the Parties to the Convention on Biological Diversity, *Mainstreaming Gender Considerations*, ¶¶ 11–12, U.N. Doc. UNEP/CBD/COP/DEC/XII/7 (Oct. 17, 2014).

98. U.N. WOMEN, TOWARDS A GENDER-RESPONSIVE POST-2020 GLOBAL BIODIVERSITY FRAMEWORK: IMPERATIVES AND KEY COMPONENTS 3 (May 1, 2019), <https://www.cbd.int/api/v2013/documents/22969EF8-52C8-9BE5-26A7-9D306C2FBEEA/attachments/UNWomen.pdf> [<https://perma.cc/YB8R-PP66>].

99. Conference of the Parties to the Convention on Biological Diversity, *Comprehensive and Participatory Process for the Preparation of the Post-2020 Global Biodiversity Framework*, ¶ 8, U.N. Doc. CBD/COP/DEC/14/34 (Nov. 30, 2018).

100. See Convention on Biological Diversity, *Update of the Zero Draft of the Post-2020 Global Biodiversity Framework*, U.N. Doc. CBD/POST2020/PREP/2/1 (Aug. 17, 2020).

101. *About the Convention*, U.N. CONVENTION TO COMBAT DESERTIFICATION, <https://www.unccd.int/convention/about-convention> [<https://perma.cc/SKJ6-NC78>].

102. U.N. CONVENTION TO COMBAT DESERTIFICATION, CLIMATE CHANGE AND LAND DEGRADATION: BRIDGING KNOWLEDGE AND STAKEHOLDERS: OUTCOMES FROM THE

women's important role in places affected by desertification or drought and the need to secure their participation in the Convention's efforts.¹⁰³ It further establishes a duty on affected countries to promote awareness and facilitate the participation of local women in efforts to combat desertification and drought,¹⁰⁴ including in the policy planning, decision-making, implementation, management, and review of national action programs,¹⁰⁵ as well as capacity building and education.¹⁰⁶

Further, at least nine decisions, declarations and initiatives have been established under the UNCCD that explicitly reference "women" or "gender."¹⁰⁷ Like the CBD, the UNCCD adopted its own GAP in 2017 to bring gender into the mainstream of UNCCD's activities and "address the gender inequalities that disproportionately undermine women's effectiveness as agents of change in the implementation of the Convention."¹⁰⁸ Notwithstanding the numerous examples of GBV arising in the context of droughts and water resource scarcity, GBV is only mentioned elsewhere in the UNCCD under the implementation of the Land Degradation Neutrality (LDN) Target Setting Programme. As of April 2021, this key initiative of the UNCCD has 127 countries that have committed to avoiding or reducing current land degradation, while also reversing past land degradation, to achieve no net loss of healthy, productive land nationally.¹⁰⁹ The Manual for countries implementing the LDN Programme in a gender-responsive

UNCCD 3RD SCIENTIFIC CONFERENCE 6 (Mar. 2015), https://www.unccd.int/sites/default/files/documents/2015_Climate_LD_Outcomes_CST_Conf_ENG_0.pdf [<https://perma.cc/VAL2-R8UU>].

103. U.N. Convention to Combat Desertification in Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa, at 2, *opened for signature* Oct. 14, 1994, 1954 U.N.T.S. 3 (entered into force Dec. 26, 1996).

104. *Id.* art. 5(d).

105. *Id.* art. 10, ¶ 2(f).

106. *Id.* art. 19, ¶¶ 1(a), 3(e).

107. See U.N. CONVENTION TO COMBAT DESERTIFICATION, UNCCD MANDATE ON GENDER (Mar. 2017), <https://www.unccd.int/sites/default/files/inline-files/UNCCD%20MANDATE%20ON%20GENDER.pdf> [<https://perma.cc/9E3F-6GN5>].

108. U.N. CONVENTION TO COMBAT DESERTIFICATION, GENDER ACTION PLAN (2018), https://www.unccd.int/sites/default/files/documents/2018-01/GAP%20ENG%20%20low%20res_0.pdf [<https://perma.cc/5NAJ-BSXQ>].

109. *The LDN Target Setting Programme*, UNCCD, <https://www.unccd.int/actions/ldn-target-setting-programme> [<https://perma.cc/6JCR-CQ98>].

manner prompts states to continuously assess compliance with gender equality goals; this includes considering whether any unintended backlash, such as gender-based violence or social stigma, could arise against women's involvement in LDN projects that require mitigation.¹¹⁰ The Manual encourages states to undertake gender analysis, social mapping, inclusive stakeholder mapping, outreach, consultation, and partnerships before project conceptualization.¹¹¹ While these steps are potentially useful in bringing to light existing GBV concerns, the steps by no means guarantee the surfacing of prevailing issues. Social stigma and cultural perceptions may inadvertently suppress GBV issues from arising in the absence of targeted prompting. Integrating GBV prompts throughout the Manual's stages for LDN project delivery would ensure such issues do not fall through the cracks.

3. Ramsar Convention on Wetlands (Ramsar Convention)

Climate change is a primary direct driver of wetlands degradation and loss.¹¹² At the same time, wetlands systems are natural defenses against climate change effects, serving as effective carbon sinks, as well as tools for climate change adaptation and resilience by acting as buffers against encroaching seas, for the benefit of local ecosystems and communities. Women play a crucial role in the providing, managing, and safeguarding of wetlands,¹¹³ preserving these resources and the livelihoods they provide for over a billion people worldwide.¹¹⁴ Wetland restoration, which mitigates the climate change impacts of drought, famines, and water scarcity,

110. TZILI MOR, U.N. WOMEN, A MANUAL FOR GENDER-RESPONSIVE LAND DEGRADATION NEUTRALITY TRANSFORMATIVE PROJECTS AND PROGRAMMES 32 (2019), https://catalogue.unccd.int/1223_Gender_Manual.pdf [<https://perma.cc/VD2D-2C29>].

111. *Id.* at 10–14.

112. See C. MAX FINLAYSON ET AL., MILLENNIUM ECOSYSTEM ASSESSMENT, ECOSYSTEMS AND HUMAN WELL-BEING: WETLANDS AND WATER 39–46 (José Sarukhán & Anne Whyte eds., 2005), <https://www.millenniumassessment.org/documents/document.358.aspx.pdf> [<https://perma.cc/PW9B-2HDV>].

113. Mariam Kenza Ali & Ania Grobicki, *Women's Roles in Managing Wetlands*, SOLUTIONS, Nov.–Dec. 2016, at 58, 59.

114. *Id.* See also Ania Grobicki & Mariam Kenza Ali, *Women & Wetlands*, Ramsar (Mar. 8, 2016), <https://www.ramsar.org/news/women-wetlands> [<https://perma.cc/E3G8-PXRN>].

can also reduce child marriage and other forms of GBV that often increase during such climate disasters.¹¹⁵

The Ramsar Convention is the international treaty tasked with the conservation and wise use of all global wetlands.¹¹⁶ While the convention lacks a GAP, it adopted a resolution on “Gender and Wetlands” in 2018, which recognizes women’s role in wetland management and conservation of the culture, customs, and traditional knowledge surrounding wetlands¹¹⁷ and encourages Parties to mainstream a gender perspective in their implementation of the Ramsar Convention.¹¹⁸ The Ramsar Convention’s strategic plan predates the resolution on Gender and Wetlands and thus does not afford priority to gender-mainstreaming as a focus area. However, it does prioritize the critical importance of wetlands for climate change mitigation and adaptation.¹¹⁹ In accordance with the resolution, Parties can still integrate gender perspectives in any climate change and wetlands work undertaken by the Ramsar Convention over the remainder of the framework’s nine-year period.¹²⁰ The framework also notes the direct relevance of the SDGs, including those on climate change and gender equality, to all wetlands.¹²¹ While GBV is referred to in Ramsar Convention National Reports, analysis reveals that such references are limited to keyword mentions, merely describing the existence of the activity, without delving into outcomes or impacts.¹²²

115. Rachel Ramirez, *The Climate Crisis Is Putting Women in Danger, Study Finds*, GRIST (Feb. 4, 2020), <https://grist.org/justice/the-climate-crisis-is-putting-women-in-danger-study-finds/> [<https://perma.cc/CNU5-KVDN>].

116. Convention on Wetlands of International Importance Especially as Waterfowl Habitat art. 3, ¶ 1, Feb. 2, 1971, 996 U.N.T.S. 245.

117. Conference of the Contracting Parties to the Ramsar Convention on Wetlands Res. XIII.18, ¶ 6 (Oct. 29, 2018).

118. *Id.* ¶ 9.

119. RAMSAR CONVENTION SECRETARIAT, THE FOURTH RAMSAR STRATEGIC PLAN 2016–2024 16 (5th ed. 2016), https://www.ramsar.org/sites/default/files/documents/library/hb2_5ed_strategic_plan_2016_24_e.pdf [<https://perma.cc/WA87-DC35>].

120. *Id.* at 15–16, 45.

121. *Id.* at 6–8.

122. LILIANA BASTIAN ET AL., *Gender and Protected Areas: Exploring National Reporting to the Ramsar Convention and the World Heritage Convention*, INTERNATIONAL UNION FOR CONSERVATION OF NATURE [IUCN] & ENV’T & GENDER INFO. [EGI] 25 (2016), <https://portals.iucn.org/union/sites/union/files/doc/ramsar-wh-report-april2016.pdf> [<https://perma.cc/ZRA7-9X9H>].

While the activities of each of the three MEAs may have repercussions on GBV in climate change contexts, this correlation is rarely addressed in the programs, policies, and strategies of the respective MEA, though they offer opportunities to do so. The GAPS that have been adopted by the CBD and UNCCD and the Ramsar Convention's Gender and Wetlands resolution already provide a useful framework for the respective agreements to address GBV concerns that arise within their specific purview of climate change issues. Even if all three MEAs dramatically improve their addressing of GBV correlations with climate change, the extent of impact remains limited by each MEA's specific mandate. The climate change regime, however, is not limited in what aspects of climate change it addresses other than by political will. The regime also has a long history of collaborating with the CBD, UNCCD, and the Ramsar Convention on climate change-related endeavors. Accordingly, Part IV explores some of the opportunities that the international climate change regime offers, and could develop, to address emerging issues at the intersection of GBV and climate change

IV. OPPORTUNITIES TO ADDRESS GENDER-BASED VIOLENCE IN INTERNATIONAL CLIMATE CHANGE LAW

The international climate change regime is no stranger to the intersections between gender and climate change, with United Nations Framework Convention on Climate Change (UNFCCC) Parties having adopted over 80 decisions with gender-related mandates.¹²³ At the Seventh Conference of the Parties (COP), states agreed on the regime's first inclusion of "gender equality" text.¹²⁴ The Lima Work Programme on Gender, which was launched in 2014, sought to, among other goals, "promote gender sensitivity in developing and implementing climate policy and achieve gender-responsive climate policy."¹²⁵ The 2015 Paris Agreement's preamble acknowledges the need for "gender equality" and the "empowerment of women", while promoting "gender-responsive" action on climate

123. *See Gender Mandates in Climate Policy*, GENDER CLIMATE TRACKER, <https://genderclimatetracker.org/gender-mandates> [<https://perma.cc/JSR3-4KM9>].

124. Rep. of the Conference of the Parties on its Seventh Session, at 9, U.N. Doc. FCCC/CP/2001/13/Add.4 (Jan. 21, 2002).

125. Rep. of the Conference of the Parties on its Twentieth Session, at 35, U.N. Doc. FCCC/CP/2014/10/Add.3 (Feb. 2, 2015) [hereinafter COP 20].

change adaptation and in capacity building efforts.¹²⁶ In 2017, UNFCCC Parties adopted its first GAP to support gender-responsive climate action over a two-year period.¹²⁷ Among its priorities, the 2017 GAP sought “to strengthen the integration of gender considerations within the work of UNFCCC bodies, the secretariat and other United Nation entities and stakeholders.”¹²⁸ Finally, at COP25 in December 2019, the Parties simultaneously adopted an enhanced Lima Work Programme on Gender and a strengthened five-year GAP.¹²⁹ The enhanced programme recognized the differing climate change impacts on women and men in deciding to undertake a review of the initial programme’s implementation, encouraged Parties to appoint a national gender and climate change focal point, and acknowledged the importance of the SDGs in integrating gender considerations into climate action.¹³⁰ The 2019 GAP also went further than its predecessor by adding priority areas on gender-responsive implementation, monitoring and reporting.¹³¹

Unfortunately, the rise of gender language and considerations in mainstream climate discourse has not led to any systematic addressing of GBV and climate change linkages.¹³² The lack of attention to GBV in the aforementioned decisions, programmes, agreements or plans is also regrettable. When the 2017 GAP called on Parties and observers to make submissions on “the differentiated impacts of climate change on women and men” and “the integration of gender considerations into adaptation, mitigation, capacity-building . . . and finance policies, plans and actions,”¹³³ UN Women pointed to the relevance of marriage customs, the prescribed roles of women, the disproportionate effects of natural disasters on women,

126. Paris Agreement to the United Nations Framework Convention on Climate Change pmbl., art. 7, ¶ 5, art. 11, ¶ 2, Dec. 12, 2015, T.I.A.S. No. 16-1104 [hereinafter Paris Agreement].

127. See Rep. of the Conference of the Parties on its Twenty-Third Session, at 13, U.N. Doc. FCCC/CP/2017/11/Add. 1 (Feb. 8, 2018) [hereinafter COP 23].

128. *Id.* at 15.

129. Rep. of the Conference of the Parties on its Twenty-Fifth Session, at 6, U.N. Doc. FCCC/CP/2019/13/Add. 1 (Dec. 12, 2019) [hereinafter COP 25].

130. *Id.* at 6–7.

131. *Id.* at 9.

132. Elizabeth Mcleod et al., *Raising the Voices of Pacific Island Women to Inform Climate Adaptation Policies*, MARINE POL’Y, July 2018, at 178, 183.

133. COP 23, *supra* note 127, at 18.

and other climate change impacts on women.¹³⁴ Notwithstanding that GBV arises in all of these situations, it was not raised as an aspect warranting consideration.¹³⁵ As a threat-multiplier, GBV continues to undermine the effective implementation of the various policies and strategies on gender under the climate change regime. Accordingly, there is a need to better highlight the GBV and climate change nexus within the regime, especially since the regime is not without the means to do so.

The inclusion of gender equality language, and the symbiotic nature of gender equality and GBV, allow for the inclusion of GBV considerations in climate change programming, state reporting, data collection, and in meeting commitments under the climate change regime.¹³⁶ Indeed, examples of countries utilizing existing mechanisms of the regime to achieve positive outcomes for GBV in the climate change context highlight the potential of these mechanisms to address the issue more systematically. Noting the present limitations of the human rights legal regime, and the limited impact of other MEAs when addressing the GBV and climate change nexus within their operational spheres, the climate change regime is well-placed to take on an expanded role in tackling the GBV and climate change nexus. Accordingly, the following section explores a few existing mechanisms—NDCs and two climate funds—within the climate regime that not only secure state action on climate change but also provide opportunities for addressing GBV. The article also looks at an existing mechanism developed by the International Union for the Conservation of Nature (IUCN)—namely ccGAPs—which the climate change regime should adopt as an additional mechanism. Section IV concludes with a brief consideration of some of the challenges involved in pursuing the international climate change regime for addressing this emerging issue nexus.

134. U.N. Women, *Gender and Climate Change Under the Gender Action Plan (GAP)*, at 4, 7 (Apr. 2018), <https://www4.unfccc.int/sites/SubmissionsStaging/Documents/201804300906---UN%20Women%20Submission%20to%20UNFCCC%20on%20Gender%20and%20Climate%20Change.pdf> [<https://perma.cc/Q3SW-VDGJ>].

135. *See id.*

136. Camey et al., *supra* note 1, at 211.

A. Climate Finance Mechanisms

Climate finance is an integral element of the climate change regime under the UNFCCC. Since its inception, the UNFCCC has produced a host of funding mechanisms, all of which must align with the regime's 2019 GAP and enhanced Lima Work Programme. This subsection focuses on two climate finance mechanisms—the Green Climate Fund (GCF) and the Global Environment Facility (GEF)—that have already demonstrated an additional willingness to improve their strategies to finance projects that address issues of gender inequality.¹³⁷ Both mechanisms have also shown promise for addressing GBV correlations with climate change, paving paths for potentially broader application.

1. Green Climate Fund (GCF)

The GCF is a financial mechanism dedicated to assisting developing countries reduce their greenhouse gas emissions and adapt to climate change.¹³⁸ It is the largest of the climate funds with nearly \$8.3 billion disbursed during the initial resource mobilization phase, and a further \$7.35 billion confirmed in pledges for the first replenishment phase.¹³⁹ Further, the GCF seeks a collective annual commitment of \$100 billion from the developed countries party to the Paris Agreement, beginning 2020 onwards.¹⁴⁰ Within five years, the Fund has approved 159 projects across 117 developing countries with

137. While not discussed in this paper, the Adaptation Fund is another climate finance mechanism making inroads in addressing gender inequality issues and which may also provide further opportunities for integrating GBV concerns under the climate regime. For more information regarding the Adaptation Fund and its relation to climate change and gender, see *Adaptation Fund Study Provides Concrete Successes, Lessons and Potential Models for Integrating Gender Considerations in Climate Change Adaptation Projects*, ADAPTATION FUND, <https://www.adaptation-fund.org/adaptation-fund-study-provides-concrete-successes-lessons-and-potential-models-for-integrating-gender-considerations-in-climate-change-adaptation-projects/> [<https://perma.cc/52KV-NNP8>].

138. *About GCF*, GREEN CLIMATE FUND, <https://www.greenclimate.fund/about> [<https://perma.cc/HQ53-2S6B>]; Rep. of the Conference of the Parties on its Sixteenth Session, at 17, U.N. Doc. FCCC/CP/2010/7/Add.1 (Mar. 15, 2011).

139. GREEN CLIMATE FUND, STATUS OF PLEDGES AND CONTRIBUTIONS (Oct. 2020), https://www.greenclimate.fund/sites/default/files/document/status-pledges-irm-gcf1_0.pdf [<https://perma.cc/33GJ-L7YY>].

140. *Resource Mobilization*, GREEN CLIMATE FUND, <https://www.greenclimate.fund/about/resource-mobilisation> [<https://perma.cc/9CSU-DJL7>].

mitigation projects accounting for almost double the value of adaptation projects approved to date, notwithstanding commitments to finance mitigation and adaptation equally.¹⁴¹ Being the newest fund on the market, the GCF is still in somewhat of a “teething” phase, testing its procedures and amending them as needed. Its progress is also limited by the tardiness of states following through on their financial pledges, while issues of transparency in decision-making have brought the GCF’s activities under intense scrutiny.¹⁴²

Upon establishment, the GCF was primed as a “transformational” and “paradigm-shift[ing]” fund.¹⁴³ Part of the paradigm shift comes from the incorporation of a gender-sensitive approach to the GCF’s programmatic impact but also in terms of funding access. The GCF was the first of its kind to include gender language in its founding principles.¹⁴⁴ The Fund’s adoption of its own Gender Policy and Action Plan in 2014 firmly established a mandate to involve women in the various phases of climate change project development and to address other gender concerns.¹⁴⁵ The GCF policy was also the first to condition project funding on gender assessments and gender perspective application.¹⁴⁶ The policy identifies a three-pronged rationale for the GCF’s gender-sensitivity mandate: (1) women are significant contributors to combating climate change; (2) climate change impacts women disproportionately and exacerbates existing gender inequalities; and (3) climate change-induced gender inequality, a product of existing

141. GREEN CLIMATE FUND, GCF AT A GLANCE: PROJECT PORTFOLIO 1 (2020), https://www.greenclimate.fund/sites/default/files/document/gcf-glance_2.pdf [<https://perma.cc/F64Z-5AZ8>].

142. LIANE SCHALATEK & CHARLENE WATSON, CLIMATE FINANCE FUNDAMENTALS 11: THE GREEN CLIMATE FUND 8, 10 (Nov. 2019), <https://us.boell.org/sites/default/files/2019-11/CFF11%202019%20%5bENG%5d%20DIGITAL.pdf> [<https://perma.cc/7HGX-WLR8>].

143. See Jonas Bertilsson & Håkan Thörn, *Discourses on Transformational Change and Paradigm Shift in the Green Climate Fund: The Divide Over Financialization and Country Ownership*, 30 ENV’T POL. 423, 424 (2021).

144. *Gender*, GREEN CLIMATE FUND, <https://www.greenclimate.fund/projects/gender> [<https://perma.cc/EF5K-7U97>]; see Rep. of the Conference of the Parties on its Seventeenth Session, at 58, U.N. Doc. FCCC/CP/2011/9/Add.1 (Mar. 15, 2012).

145. See Green Climate Fund Meeting of the Board, *Gender Policy and Action Plan*, U.N. Doc. GCF/B.08/19 [hereinafter GCF Gender Policy].

146. Catherine Tinker & Renata Koch Alvarenga, *Gender Equality in Climate Finance: Progress and Aspirations*, 20 J. DIPL. & INT’L REL., Spring/Summer 2019, at 56, 64.

gender norms and discrimination that disadvantage women, interconnects with vulnerability and risks.¹⁴⁷ Importantly, the policy notes GBV during climate-related extreme events as a potential risk,¹⁴⁸ providing a clear path for the GCF to address this issue nexus.

Operation of the GCF is also interwoven with gender considerations. For instance, GCF financing is only available to accredited entities who have demonstrated gender competency in the accreditation process, with a proven track record of gender equality achievements.¹⁴⁹ To assist sub-national organizations becoming accredited entities, and in response to approval delays, the GCF adopted a simplified application process (SAP). The SAP pilot scheme has approved nineteen projects within three years,¹⁵⁰ with substantially more projects in the approval pipeline.¹⁵¹ Importantly, the SAP process requires a gender assessment, supported by sex-disaggregated quantitative data and qualitative data, to be submitted by each applicant.¹⁵² To assist applicants further, the GCF provides a template with key questions for consideration when conducting a gender assessment.¹⁵³ The questions prompt analysis of existing gender beliefs and stereotypes, differential impacts of climate change on women, and the pre-existence of gender inequalities and their interaction with climate change, with the document set up to reveal GBV correlations with climate change in the project's host country.¹⁵⁴ However, since the GBV and climate

147. GCF Gender Policy, *supra* note 145, Annex II, ¶ 5.

148. *Id.* Annex III, ¶ 5.

149. See *Entity Accreditation*, GREEN CLIMATE FUND, <https://www.greenclimate.fund/accreditation> [<https://perma.cc/6MQD-SLDK>]; see also LAURA COOPER HALL ET AL., WOMEN'S ENV'T & DEV. ORG., WOMEN'S ORGANIZATIONS AND CLIMATE FINANCE: ENGAGING IN PROCESSES AND ACCESSING RESOURCES 14 (2019), https://wedo.org/wp-content/uploads/2019/06/WomensOrgsClimateFinance_EngaginginProcesses.pdf [<https://perma.cc/6DHS-NBQM>].

150. Green Climate Fund Meeting of the Board, *Update of the Simplified Approval Process*, ¶ 2, U.N. Doc. GCF/B.28/08 (Feb. 23, 2021).

151. SCHALATEK & WATSON, *supra* note 142, at 6.

152. Green Climate Fund, *Simplified Approval Process Annex 4: Gender Assessment and Action Plan*, at 1–3 (2018), <https://www.greenclimate.fund/sites/default/files/document/simplified-approval-process-annex-4-gender-assessment-and-action-plan.pdf> [<https://perma.cc/RT58-G2BL>]

153. *Id.* at 4–6.

154. See *id.* at 1–2, 5.

change nexus is still an emerging issue, especially in the developing states that the GCF funds projects in, these questions may still not suffice to trigger GBV considerations. An explicit prompt to countries to consider GBV applications can only serve to improve the gender assessment process.

Following an eighteen-month delay, due to the opposition of developing country members over burdensome requirements on project host-nations, GCF's Gender Policy and Action Plan was updated in 2019, with some concessions.¹⁵⁵ Indeed, some view the updated policy as a weakening of GCF's original gender mainstreaming ambition.¹⁵⁶ The Board's decision to adopt the updated Gender Policy is subject to the contextualization of the policy's application "with individual country circumstances,"¹⁵⁷ suggesting a weakening of universal acceptance of women's rights as unalienable human rights.¹⁵⁸ This could be detrimental to the inclusion of GBV considerations as GBV and other forms of violence remain culturally accepted in many countries in certain circumstances. The GCF could counteract by mandating a minimum funding allocation towards GBV-responsive projects. This would ensure that either a certain number of GBV projects are funded and delivered during an action plan period or a certain percentage of funding is guaranteed towards GBV initiatives. The minimum funding goal could be enshrined within the GCF's GAP or adopted as part of a revised Lima Work Programme. The policy also provides strengthened technical assistance and readiness support to appease recipient country concerns over burdensome requirements.¹⁵⁹ The updated policy, in addition to reinforcing systemic gender mainstreaming throughout GCF activity and operations, mandates the submission of project-level GAPs,¹⁶⁰ which could deliver GBV outcomes in a more nuanced, project-specific manner.

155. Green Climate Fund Meeting of the Board, *Updated Gender Policy and Gender Action Plan 2020–2023*, U.N. Doc. GCF/B.24/15 (Nov. 6, 2019) [hereinafter *Updated Gender Policy and GAP*].

156. Liane Schalatek, *Green Climate Fund 2.0 – Moving to the Next Phase*, HEINRICH BÖLL STIFTUNG (Nov. 30, 2019), <https://us.boell.org/en/2019/11/30/green-climate-fund-20-moving-next-phase> [<https://perma.cc/N2NF-3DZK>].

157. *Updated Gender Policy and GAP*, *supra* note 155, at 5.

158. SCHALATEK & WATSON, *supra* note 142, at 9.

159. *Id.*; *Updated Gender Policy and GAP*, *supra* note 155, at 15.

160. *Updated Gender Policy and GAP*, *supra* note 155, at 11.

As of November 2019, a review of the 111 GCF approved projects at the time indicated that 95% of the projects submitted gender assessments, 89% produced GAPs, and 78% provided sex-disaggregated indicators.¹⁶¹ These strong figures are likely to be improved under the updated Gender Policy, particularly with respect to the establishment of project-specific GAPs. However, whether the existence of these elements is an indicator of gender-responsive implementation is less of a given, with concerns raised over the variability in quality and depth of gender assessments deposited with GCF project applications.¹⁶² Further, given the relative newness of the fund and its small sample size of projects, whether these elements overall translate to positive gender equality outcomes in the GCF projects is yet to be properly assessed.

In the interim, a number of GCF projects that have secured strong gender equity outcomes offer some early insight.¹⁶³ One project worth mentioning is a pilot project, undertaken in rural Uganda by the United Nations Development Program (UNDP) as the accredited GCF entity.¹⁶⁴ The *Building Resilient Communities, Wetland Ecosystems and Associated Catchments in Uganda Project* seeks to restore wetlands in a country that has lost almost a third of its wetlands resources due to encroachment, exploitation and degradation.¹⁶⁵ Wetlands are a critical defense against climate change impacts such as increased flooding, while also serving as a storage bank for carbon. In Uganda, women are heavily reliant on wetlands, disproportionately affected by climate change impacts, and

161. *Id.* at 3.

162. COOPER HALL ET AL., *supra* note 149, at 15.

163. See Simon Pollock & Angeli Mendoza, *GCF Strengthens Role of Women on Climate Change Frontline*, GREEN CLIMATE FUND, <https://www.greenclimate.fund/story/women-climate-change> [<https://perma.cc/MZ5M-SMP2>].

164. Green Climate Fund, Funding Proposal: FP034: Building Resilient Communities, Wetlands Ecosystems and Associated Catchments in Uganda, U.N. Decision B.15/24 (Nov. 24, 2016), <https://www.greenclimate.fund/sites/default/files/document/funding-proposal-fp034-undp-uganda.pdf> [<https://perma.cc/NY7Y-Z9H9>].

165. *Building Resilient Communities, Wetland Ecosystems and Associated Catchments in Uganda Project*, UNDP UGANDA, <https://www.ug.undp.org/content/uganda/en/home/operations/projects/SustainableInclusiveEconomicDevelopmentProgramme/BuildingResilientCommunitiesWetlandEcosystemsandAssociatedCatchmentsinUgandaProject.html> [<https://perma.cc/MF4K-TKV5>] [hereinafter *Uganda Wetland Ecosystems Project*].

subject to a culture of GBV that is exacerbated by climate change impacts.¹⁶⁶ The initiative was originally designed to build ecosystem and community resilience in wetlands through conservation and sustainable use of the natural resource,¹⁶⁷ while incorporating goals to empower women through skills training for employment and climate change resilience.¹⁶⁸

However, a robust gender assessment¹⁶⁹ and the gender expertise of the UNDP ensured the project's later integration of GBV prevention measures, which could deliver additional community co-benefits.¹⁷⁰ The subsequent GAP produced by the UNDP describes the coalition of gender specialists and focal points brought into the project, the seven GBV-focused interventions implemented over the course of the year, and the indicators used to assess them.¹⁷¹ The project's plans for the 2020 year, as documented in its annual report to the GCF, includes a separate section on particularized and assessable activities with gender elements, including capacity building and support supervision for district technical teams on gender mainstreaming and GBV prevention, hosting two talk shows in the districts on gender, GBV prevention and climate change, and holding district-based community dialogues on gender/GBV prevention and the wise use of wetlands.¹⁷² Notably, the UNDP is monitoring the pilot project to identify opportunities for up-scaling and integrating GBV considerations comprehensively throughout national and sub-national decision-making.¹⁷³ Case studies like these not only demonstrate the value of the GCF gender-mainstreaming processes in prompting continuous gender-focused engagement

166. Green Climate Fund, Gender Assessment: FP034: Building Resilient Communities, Wetland Ecosystems and Associated Catchments in Uganda, at 28, U.N. Decision B.15/07 (June 6, 2017), <https://www.greenclimate.fund/sites/default/files/document/gender-assessment-fp034-undp-uganda.pdf> [<https://perma.cc/C7AE-AEVD>] [hereinafter Uganda Wetland Ecosystems Project Gender Assessment].

167. *Uganda Wetland Ecosystems Project*, *supra* note 165.

168. *Id.*

169. Uganda Wetland Ecosystems Project Gender Assessment, *supra* note 166.

170. *Id.* at 23; *see also* *Uganda Wetland Ecosystems Project*, *supra* note 165.

171. Green Climate Fund, 2019 Annual Performance Report: Uganda, at 23–29 (Feb. 28, 2020), <https://www.greenclimate.fund/sites/default/files/document/fp034-2019apr.pdf> [<https://perma.cc/C8Y9-6M9R>].

172. *Id.* at 30.

173. *See* *Uganda Wetland Ecosystems Project*, *supra* note 165.

in climate change projects, but also highlights the potential of GBV-focused interventions in complementing climate change project objectives.

2. Global Environmental Facility (GEF)

Developed during the 1992 Rio Summit, the GEF is a funding mechanism that has, over its near three-decade existence, provided over “\$21.1 billion in grants and mobilized an additional \$114 billion in co-financing for more than 5,000 projects in 170 countries.”¹⁷⁴ Besides the UNFCCC, the GEF acts as a financial mechanism for the CBD, the UNCCD, the Stockholm Convention on Persistent Organic Pollutants (POPs), and the Minamata Convention on Mercury, which means it tends to fund projects that align with the thematic focus of these conventions, namely climate change, biodiversity, land degradation, and so on.¹⁷⁵ As of March 2019, the GEF completed or approved over 1,370 projects in the climate change focus area in over 130 countries, representing \$4.87 billion in approved funding.¹⁷⁶ These figures do not account for cross-cutting themed projects which have additional climate change impacts. In supporting the UNFCCC, the GEF also manages the Special Climate Change Fund (SCCF) and the Least Developed Countries Fund (LDCF), which together funds climate change projects in vulnerable developing countries.¹⁷⁷

The GEF points to its Public Involvement Policy as the earliest policy intervention that accommodates women’s involvement in GEF projects, potentially alluding to the general meaning of “public” to account for women’s participation.¹⁷⁸ Indeed, women are only explicitly mentioned in the policy in the definition of “stakeholder participation” as a possible “disadvantaged population in and around

174. *About Us*, GLOB. ENV’T FACILITY, <https://www.thegef.org/about-us> [<https://perma.cc/DNA2-FV3P>].

175. *Id.*; Global Environment Facility [GEF], *Delivering Transformational Change: The Journey of the Global Environment Facility*, at 4 (July 2020), https://www.thegef.org/sites/default/files/publications/GEF_Delivering_Transformational_Change_GEF_Journey_2020_07_v1.pdf [<https://perma.cc/E3TM-69SW>] [hereinafter GEF 2020 Report].

176. COOPER HALL ET AL., *supra* note 149, at 7.

177. *Id.* at 17.

178. Glob. Env’t Facility [GEF], *Mainstreaming Gender at the GEF*, at 15 (2008), https://www.thegef.org/sites/default/files/publications/Mainstreaming_Gender_Eng_3.pdf [<https://perma.cc/DDH2-M383>].

project sites.”¹⁷⁹ However, in 2011, GEF recognized the importance of gender equality in its policy framework through the adoption of a Gender Mainstreaming policy.¹⁸⁰ The policy not only promoted gender equality throughout GEF operations, but it also conditioned financing on the inclusion of gender.¹⁸¹ To operationalize this policy, the GEF subsequently adopted a Gender Equality Action Plan, focused on enhancing gender mainstreaming throughout the GEF’s activities, including through the use of gender sensitive indicators and sex-disaggregated data.¹⁸² In 2017, a new Policy on Gender Equality superseded the 2011 Gender Mainstreaming policy, aligning it with the SDGs and shifting the climate funding mechanism’s outlook into one of gender-responsiveness¹⁸³ that is embedded throughout the GEF project lifecycle, from identification to evaluation.¹⁸⁴

Although GBV is not referenced in the aforementioned gender policies and plans, the GEF’s recent update to the Policy on Environmental and Social Safeguards substantially incorporates GBV considerations into GEF activities.¹⁸⁵ The policy outlines minimum standards that agencies, which are eligible to request and receive GEF funding, must comply with in relation to identifying and addressing environmental and social risks and impacts in GEF

179. Glob. Env’t Facility [GEF], *Policy on Public Involvement in GEF Projects*, pt. I, GEF Doc. SD/PL/01 (Apr. 1996), https://www.thegef.org/sites/default/files/documents/Public_Involvement_Policy-2012.pdf [<https://perma.cc/8QXB-YERH>].

180. Glob. Env’t Facility [GEF], *GEF Policies on Environmental and Social Safeguard Standards and Gender Mainstreaming*, annex II, ¶ 1, GEF/C.40/10/Rev.1 (May 26, 2011), https://www.thegef.org/sites/default/files/council-meeting-documents/C.40.10.Rev.1.GEF_Policies_on_Safeguards_and_Gender.May_25_2011_1.pdf [<https://perma.cc/62DP-8M5A>].

181. *Id.* ¶¶ 23–24(a).

182. Glob. Env’t Facility [GEF], *Gender Equality Action Plan*, at 3 (2015), https://www.thegef.org/sites/default/files/publications/GEF_GenderEquality_CRA_1o-res_0.pdf [<https://perma.cc/WDZ3-SBS6>].

183. Glob. Env’t Facility [GEF], *Policy on Gender Equality*, ¶¶ 3–4, 14, GEF/C.53/04 (Oct. 31, 2017), https://www.thegef.org/sites/default/files/council-meeting-documents/EN_GEF.C.53.04_Gender_Policy.pdf [<https://perma.cc/E2RM-N8H2>].

184. *Id.* Annex I, ¶ 8(e).

185. Glob. Env’t Facility [GEF], *Policy on Environmental and Social Safeguards*, at 18, GEF Doc. SD/PL/03 (June 13, 2019), https://www.thegef.org/sites/default/files/documents/gef_environmental_social_safe_guards_policy.pdf [<https://perma.cc/E67K-S26R>].

projects.¹⁸⁶ The policy goes on to identify “adverse gender-related impacts, including gender-based violence and sexual exploitation and abuse” as social risks and requires agencies to demonstrate that they have in place, the policies, procedures, systems and capabilities needed to respond to such risks.¹⁸⁷ The policy elaborates on these risks, requiring agencies to undertake project screening so that risks and potential adverse impacts on women and children, including GBV, are identified early and incorporated into the adoption of safeguards.¹⁸⁸ Agencies must also implement safeguards that prevent gender-based discrimination, and implement reporting, response, and redress measures in the event GBV or sexual exploitation and abuse occurs.¹⁸⁹ While such GBV considerations are not limited to climate change-focused GEF projects, since the GEF is increasingly looking into the integration of focal areas,¹⁹⁰ climate change is likely to be a feature in more GEF projects in the future. Consequently, the Policy on Environmental and Social Safeguards may provide additional opportunities to address instances of GBV in the climate change context. Further, the policy paves the way for other GEF gender policies to self-align and adopt complementary GBV considerations themselves.

Programmatic efforts have also been the source of movement on gender equality within the finance mechanism. An initial programmatic opportunity for GBV inclusion lies in the early assessment phase of GEF project proposals. Proposals are assessed against four Gender Markers, which evaluate the project’s inclusion of (1) a gender analysis, (2) gender actions, (3) budgeting for gender actions, and (4) gender indicators.¹⁹¹ Funding is denied for projects that do not satisfy a single Marker, while meeting all four criteria means the project has “well-mainstreamed gender considerations.”¹⁹² The adoption of GBV-responsive actions in a proposal may serve as a fifth Gender Marker, thereby potentially elevating the uptake of GBV-responsive projects. A further

186. *Id.* at 15.

187. *Id.* at 18.

188. *Id.*

189. *Id.*

190. GEF 2020 Report, *supra* note 175, at 4.

191. Kelly West, *Marking Progress: Towards Gender Mainstreaming at UN Environment*, GLOB. ENV'T FACILITY (Nov. 28, 2017), <https://www.thegef.org/blog/marking-progress-towards-gender-mainstreaming-un-environment> [<https://perma.cc/9UET-AQ27>].

192. *Id.*

opportunity lies in the Guidance to Advance Gender Equality in GEF Projects and Programs, which assists GEF projects and the agencies designing and delivering the projects to meet the requirements of the GEF Policy on Gender Equality.¹⁹³ The Guidance identifies mandatory requirements of GEF policies and provides strategic entry points, steps and checklists to guide projects throughout the GEF project cycle.¹⁹⁴ Importantly, it notes the emergence of GBV as an existing implementation gap and highlights the inclusion of GBV considerations in the Policy on Environmental and Social Safeguards, which were forthcoming at the time of drafting the Guidance.¹⁹⁵ Future updates to this Guidance should incorporate the GBV considerations proposed by the Policy on Environmental Social Safeguards, particularly in the context of climate change-themed GEF projects.

Both the GCF and GEF are equipped with strong policy foundations for securing effective implementation of gender inequality issues in funded projects. As a critical subset of gender inequality and discrimination, GBV has garnered some attention within the scope of work of both climate finance mechanisms. However, these instances are few in number and hardly reflect the prevalence of the issue in the climate change context. Fortunately, both climate financial mechanisms are generally well-placed to offer more opportunities for GBV consideration. Introducing minimum funding allocations towards GBV-responsive projects within GAPs, building GBV expertise within the mechanism and providing projects with access to GBV expertise as needed, encouraging successful GBV-responsive projects to act as project mentors on future funded projects, and showcasing the multifaceted benefits of GBV-responsive projects are potential routes for addressing the GBV and climate change nexus through climate finance mechanisms. While there is collaboration between the GCF and the GEF in designing their gender policies and strategies, uniform gender policies across both climate finance platforms could provide

193. Glob. Env't Facility [GEF], *Guidance to Advance Gender Equality in GEF Projects and Programs*, at 1 (June 2018), https://www.thegef.org/sites/default/files/publications/GEF_GenderGuidelines_June2018_r5.pdf [<https://perma.cc/UH5G-Z4BP>].

194. *Id.* at 6.

195. *Id.* at 6 n.2.

opportunities for efficiency and avoidance of duplicated efforts.¹⁹⁶ It may also spur increased collaboration and greater knowledge sharing, especially on the integration of GBV considerations.

B. State-Focused Mechanisms

A critical step in the implementation process of global agreements is anchoring them within national contexts as seen with the other MEAs discussed earlier. The climate change legal regime offers several routes to seeking national engagement on gender mandates which have hitherto been under-utilized for addressing gender inequality generally, and GBV specifically. This article focuses on NDCs as the primary state-based mechanism for addressing GBV correlations with climate change.¹⁹⁷

1. Nationally Determined Contributions (NDCS)

NDCs are implementation frameworks set by national governments in support of their commitments under the Paris Agreement.¹⁹⁸ Parties to the agreement are required to recognize the disproportionate impacts of climate change on women when developing their mitigation and adaptation initiatives under their respective NDCs, while also allowing for women's participation and contribution to those initiatives. Prior to the Paris negotiations in December 2015, UNFCCC Parties were invited to submit Intended NDCs (INDCs).¹⁹⁹ While 40% of INDCs mention "gender" or "women" in their national priorities and ambitions for reducing

196. See MARGAUX GRANAT ET AL., INTERNATIONAL GENDER COMMITMENTS TO NATIONAL ACTION: INTEGRATING GENDER IN CLIMATE CHANGE POLICIES AND PROCESSES 13 (Anju Sharma ed., 2020), https://ecbi.org/sites/default/files/Gender%20national%20experiences%20final_0.pdf [https://perma.cc/7V3C-PSN8].

197. Although not discussed here, National Adaptation Plans, National Communications, and gender-responsive Reducing Emissions from Deforestation and Forest Degradation (REDD+) programs are other state-based mechanisms that may be, or are already being, adapted to address GBV issues that intersect with climate change.

198. Paris Agreement, *supra* note 126, arts. 3–4, 6–7, 13.

199. Rep. of the Conference of the Parties on its Nineteenth Session, at 4, U.N. Doc. FCCC/CP/2013/10/Add.1 (Jan. 31, 2014); Rep. of the Conference of the Parties on its Twentieth Session, at 3, U.N. Doc. FCCC/CP/2014/10/Add.1 (Feb. 2, 2015).

emissions,²⁰⁰ only thirty-three INDCs identify gender as a cross-cutting policy priority, or commit to either integrating or mainstreaming gender in all climate change initiatives.²⁰¹ As Parties submitted their revised NDCs over the course of 2020,²⁰² a recent study assessing gender integration in national climate policies and practices since INDC submissions, found only 56% to be engaged in gender considerations in climate actions at some level.²⁰³ The assessment found fifty-one countries to be actively engaged in gender integration and demonstrating a foundation for further engagement and enhancement, forty-four showed signs of early engagement and promise, and 101 showed no known engagement of gender in climate processes.²⁰⁴ While this is an improvement on incorporating gender considerations, it presents slow progress for mainstreaming gender-responsive action in climate action under the Paris Agreement.

In light of the limited attention to gender in INDCs and climate policies thus far, the near-complete absence of GBV in NDCs comes as no surprise. Of the most actively engaged countries, GBV is directly addressed by just two Pacific states—Samoa and Fiji. However, both provide strong models for replication by other states and are considered in depth here.

200. Int'l Union for Conservation of Nature [IUCN] & USAID, *Gender and Mitigation Actions*, at 2 (Apr. 2016), https://portals.iucn.org/union/sites/union/files/doc/gender_in_mitigation_actions4.pdf [<https://perma.cc/Y5F7-E7XX>]. The analysis covers 162 INDCs representing 189 Parties, which includes the European Union's combined INDC for twenty-eight countries. *Id.* at 2 n.iv.

201. *Id.* at 2.

202. *Nationally Determined Contributions (NDCs)*, U.N. CLIMATE CHANGE, <https://unfccc.int/process-and-meetings/the-paris-agreement/nationally-determined-contributions-ndcs/nationally-determined-contributions-ndcs#eq-2> [<https://perma.cc/H9PD-NW2W>]. UNFCCC Parties are requested to submit increasingly ambitious NDCs every five years since 2015. *Id.*

203. MARGAUX GRANAT, WOMEN'S ENV'T & DEV. ORG., SPOTLIGHT ON GENDER IN NDCs: AN ANALYSIS OF PARTIES' INSTRUMENTS, PLANS AND ACTIONS SUPPORTING INTEGRATION OF GENDER EQUALITY PRINCIPLES AND PRACTICES 6 (2020), <https://wedo.org/wp-content/uploads/2020/10/Spotlight-Gender-in-NDCs.pdf> [<https://perma.cc/LS5J-9C9B>]. Of the 196 UNFCCC Parties, 168 submitted documentation for assessment. *Id.*

204. *Id.* at 7–8.

a. Samoa

Samoa went from a state that did not reference “gender” in its INDC²⁰⁵ to identifying GBV and health security as one of the country’s four critical security challenges, along with natural disasters and climate change, in its recently adopted National Security Policy.²⁰⁶ The policy also foreshadows the establishment of a government-led agency or mechanism to support GBV victims and engage in best-practice sharing within the region.²⁰⁷ Considering the prevalence of GBV in the aftermath of extreme weather phenomenon in the Pacific region, such an agency or mechanism would be well placed to take lead on building a Pacific network of knowledge and action on GBV in the region’s climate change context.

Since submitting its INDC, the Samoan government made other significant investments in addressing the women and climate change nexus through targeted national policies and programs. In 2016, Samoa introduced a national policy for governing gender issues in the island state,²⁰⁸ providing “a framework for [the] government’s commitment to gender equality and supporting local community level and vulnerable group engagement.”²⁰⁹ The gender policy advances “enhanced gender equality approaches to community resilience and disaster preparedness” as a priority outcome,²¹⁰

205. See Gov’t of Samoa, Samoa’s Intended Nationally Determined Contribution (Sept. 2015), https://www4.unfccc.int/sites/ndcstaging/PublishedDocuments/Samoa%20First/Samoa%20INDC_Submission%20to%20UNFCCC.pdf [<https://perma.cc/4SJJ-T8XF>], for the absence of gender language in the NDC.

206. See Gov’t of Samoa (@samoagovt), *Speech by Prime Minister Hon Tuilaepa Dr. Sailele Malielegaoi on the Launch of the National Security Policy and Strategy*, FACEBOOK (Nov. 5, 2018, 8:54 PM), <https://www.facebook.com/samoagovt/posts/speechprime-minister-hon-tuilaepa-dr-sailele-malielegaois-address-to-launch-the-/2108327835864894/> [<https://perma.cc/Y58L-Z9UR>].

207. Ivamere Nataro, *Policy Points Out Key Threats to Samoa*, SAMOA OBSERVER (Nov. 10, 2018), <https://www.samoobserver.ws/category/article/11149> [<https://perma.cc/LA5R-6ER9>].

208. GOV’T. OF SAMOA, MINISTRY OF WOMEN, CMTY. & SOC. DEV., SAMOA NATIONAL POLICY FOR GENDER EQUALITY 2016-2021 at 4 (Dec. 2016), <https://www.mwcsd.gov.ws/images/2017/Documents/DFSD/Samoa-gender-policy.pdf> [<https://perma.cc/4ZGF-96QJ>] [hereinafter SAMOA GENDER POLICY].

209. GRANAT, *supra* note 203, at 20.

210. This is one of seven priorities identified in a comprehensive gender policy that promotes safe families and communities free from GBV, health rights of women and girls, equal economic opportunities for women, increased female participation in leadership and decision-making, greater access to education and a gender sensitive

supported by strategic actions that: (1) develop gender-sensitive information relevant to the Samoan context of climate change, disaster preparedness and community resilience; (2) identify gender analysis tools for community-based climate change/disaster preparedness programs; and (3) support the use of sex disaggregated data to inform government policies and strategies on climate change, disaster preparedness and community resilience.²¹¹ Building off the success of a previously held gender and climate change training,²¹² the policy promotes workshops targeting gender training on climate change and disaster risk reduction, but lacks any GBV-specific indicators for measuring success.²¹³ While the policy covers GBV in the domestic context quite comprehensively, noting that disaster-displaced Samoan women are at higher risk of GBV than those who manage to stay in their communities,²¹⁴ inclusion of GBV indicators in the climate change and disaster context could address the existing gender knowledge and training gaps²¹⁵ in this specialized setting.

Samoa's Ministry of Natural Resources and Environment also developed a National Disaster Management Plan, which recognizes the gender vulnerabilities during and following disaster situations and pursues gender equity by including women in all phases of disaster risk management.²¹⁶ Utilizing a sectoral approach, the plan directs the health sector to account for above normal health risks, including those that arise from GBV.²¹⁷ The plan further contributes by directing the health sector to act preventatively and identify

education curriculum, and institutional mechanisms to promoted gender equality. SAMOA GENDER POLICY, *supra* note 207, at 10.

211. *Id.* at 22.

212. *Gender & Climate Change Training in Samoa a Success*, SPREP (Apr. 7, 2015), <https://www.sprep.org/news/gender-climate-change-training-samoa-success> [<https://perma.cc/H4WJ-382X>].

213. See SAMOA GENDER POLICY, *supra* note 208, at 36.

214. IFRC GBV Report, *supra* note 53, at 42.

215. *Id.* at 43.

216. GOV'T. OF SAMOA, MINISTRY OF NAT'L RES. AND ENV'T, NATIONAL DISASTER MANAGEMENT PLAN 2017–2020 at 15 (2017), <https://www.mnre.gov.ws/wp-content/uploads/2017/08/Samoa-national-disaster-management-plan-2017-2020-final-web.pdf> [<https://perma.cc/P9Q6-557S>] [hereinafter SAMOA NATIONAL DISASTER MANAGEMENT PLAN]; see also Gov't. of Samoa & U.N. Women, Beijing +25 Samoa National Report: Implementation of the Beijing Declaration and Platform for Action (BPfA), 13, 62 (2019), <https://www.unwomen.org/-/media/headquarters/attachments/sections/csw/64/national-reviews/samoa.pdf?la=en&vs=801> [<https://perma.cc/JX4Y-GM9A>].

217. See SAMOA NATIONAL DISASTER MANAGEMENT PLAN, *supra* note 216, at 33.

crucial needs of vulnerable groups during disasters and strengthen national strategies to address social vulnerabilities that may impact health negatively in these contexts, while also preparing health personnel in the health care issues of internally displaced persons, women and children.²¹⁸

b. Fiji

Like Samoa, Fiji's INDC contained no references to women or gender.²¹⁹ However, within the next few years, the island state stepped up considerably with a new gender-responsive climate change policy.²²⁰ The policy recognizes the potential of climate change to exacerbate existing gender inequalities, including *inter alia* social inequalities, violence, and discrimination,²²¹ and the need to comprehensively integrate gender into all aspects of the nation's response to climate change.²²² To that end, the framework proposes: (1) the inclusion of women as leaders and agents of change; (2) social adaptation to reduce gender inequalities and recognition of women's wider social impact; (3) avoidance of actions that reinforce traditionally-/socially-constructed gender roles; (4) government-wide understanding of the disproportionate impacts of climate change and disasters on women; (5) planning for solutions that address inequalities through female inclusion; (6) use of gender-sensitive indicators for response assessment; and (7) implementation that recognizes women's unique role in natural resource management.²²³ In response to the increasing recognition of the correlations between gender, climate change, and vulnerability, and their impact on violence against women, Fiji's Ministry of Women, Children and

218. *Id.* at 32.

219. *See* Republic of Fiji, Fiji's Intended Nationally Determined Contribution (Nov. 2015), https://www4.unfccc.int/sites/ndcstaging/PublishedDocuments/Fiji%20First/FIJI_iNDC_Final_051115.pdf [<https://perma.cc/VSZ3-YW44>].

220. REPUBLIC OF FIJI MINISTRY OF ECON., REPUBLIC OF FIJI NATIONAL CLIMATE CHANGE POLICY 2018–2030 at 34–35 (2019), https://www.pacificclimatechange.net/sites/default/files/documents/National-Climate-Change-Policy-2018--2030_0.pdf [<https://perma.cc/WLZ3-DXGK>].

221. *Id.* at 57.

222. *Id.* at 34.

223. *Id.* at 34–35.

Poverty Alleviation has prioritized addressing these correlations as well.²²⁴

Fiji's 2019 report to the Beijing Platform for Action highlighted a range of policies, programs, and achievements that directly address the intersections of GBV and natural disasters. A notable success was the introduction of the Women Friendly Spaces (WFS) in emergency setting program by Fiji's Department of Women, which was a pivotal feature in supporting Fijian women who had suffered GBV in the wake of tropical cyclone Winston, providing services like awareness and sensitization sessions in affected communities and psychosocial support.²²⁵ Local female WFS facilitators underwent orientation on GBV and gender equality issues over multiple days in preparation for the program.²²⁶ Furthermore, Fiji's National Disaster Management Plan specifically considers GBV risks facing women, children and other marginalized populations, while a Post Cyclone Rapid Gender Analysis starkly illuminated the reality of increased GBV in disaster contexts.²²⁷ Other projects include an inter-departmental workshop reviewing disaster risk management, which highlighted the role of climate change in disasters for inclusion in national legislation review, and a community radio channel for sharing women's lived experiences in disaster affected communities.²²⁸

Fiji's Report also acknowledged the limited cross-sectoral engagement between Climate Change Disaster Risk Management (CCDRM) and Women Peace and Security agendas, evincing an intention to develop a joint action plan that accounts for women's contribution to climate mitigation and adaptation actions and subsequently, to other forms of human security, such as food, water and energy.²²⁹ Mostly notably, this is to be supplemented by national efforts to increase female representation in all stages of CCDRM, collect related sex-disaggregated data, and to improve the capacity and awareness of humanitarian stakeholders "to intervene

224. GRANAT, *supra* note 203, at 14.

225. Republic of Fiji & U.N. Women, Beijing Declaration and Platform for Action: +25 Fiji Progress Report, 53 (May 2019), <https://www.unwomen.org/-/media/headquarters/attachments/sections/csw/64/national-reviews/fiji.pdf?la=en&vs=4101> [<https://perma.cc/S3LX-8JY7>].

226. *Id.* at 53.

227. *Id.* at 54.

228. *Id.* at 54–55.

229. *Id.* at 51–52.

effectively to prevent violence, as well as protect and rescue/provide services to survivors of sexual and gender-based violence during and after natural disasters.”²³⁰

Even though Samoa and Fiji have yet to update their INDC with their first NDC, both island states have clearly sought to integrate gender mainstreaming in their climate adaptation efforts and disaster preparedness and response.²³¹ While there is room for improvement through more explicit GBV considerations, both have implemented strong policies and plans that can easily respond to GBV issues that arise in climate change contexts even in their present state. Upon eventual submission, Fiji and Samoa’s updated NDCs are bound to stand out among the Parties for their comprehensive integration of gender and GBV considerations into national climate efforts and serve as models for other nations to emulate and adapt to their own domestic circumstances.

In the interim, GBV considerations may still be integrated in the pursuit of gender-responsive climate policies and programs, as prioritized under the 2019 GAP. With most countries delayed in submitting their NDC submissions, largely due to the COVID-19 pandemic, integration of GBV considerations still remains a possibility in the many forthcoming NDC updates.²³² As addressing GBV can have correlative effects on gender equality, climate change and other sustainable development goals, its inclusion also aligns with the enhanced Lima Work Programme on Gender.²³³ For countries with few resources, correlations between GBV data and climate change in their national context may still await identification and research. By paying special attention to GBV in NDCs, countries can allocate resources to discern those GBV correlations that align with both climate change and other national priorities.²³⁴

As States increasingly align themselves with the 2019 GAP over the next five years, gender-responsive implementation, monitoring, and reporting are likely to feature more prominently in the next

230. *Id.* at 52.

231. GRANAT, *supra* note 203, at 13, 20.

232. *The Latest Submissions*, UNFCCC: NDC REGISTRY (INTERIM), <https://www4.unfccc.int/sites/NDCStaging/Pages/LatestSubmissions.aspx> [<https://perma.cc/P89N-JKR2>] (showing that 191 NDCs have been submitted in 2021, with only eight parties having submitted their second NDCs).

233. COP 20, *supra* note 125, at 35.

234. Camey et al., *supra* note 1, at 215.

round of NDCs due in 2025. During this period, Parties should prioritize identifying and exploring GBV vulnerabilities that arise from climate change in their respective national contexts, complemented with extensive data collection.

C. A Potential “New” Mechanism Under the UNFCCC Regime—Climate Change Gender Action Plans (CCGAPS)

While the climate change regime is now guided by the 2019 GAP, translating these international ambitions for implementation in a domestic context requires nuanced consideration, targeted guidance, and subject-matter expertise. The IUCN’s ccGAPs methodology, designed to promote an integrated approach to implementing gender and climate change plans and activities, offers countries a useful framework for embedding the 2019 GAP’s intentions in a way that aligns with their own domestic circumstances.²³⁵ For almost a decade, ccGAPs have been utilized by countries with limited understanding of gender inequalities in the climate change context, including GBV, as well as by states seeking paths to address such inequalities.²³⁶

The methodology is anchored by a recognition that each country deserves a targeted approach, while universally applicable elements are framed within a four-step process for designing a ccGAP.²³⁷ The initial “take stock” phase involves an analysis of existing gender and climate change-related law, policy and institutional initiatives, stakeholder mapping supplemented with interviews of key persons and potential champions, and an assessment of technical capacity to orient the ccGAP design process.²³⁸ The second step “level the playing field” focuses on training women to build their technical knowledge and confidence regarding climate change matters and to

235. Lorena Aguilar & Cate Owren, *From Global Standards to Local Action: National and Regional Approaches to Integrating Gender into Climate Change Policy and Planning*, in *ROOTS FOR THE FUTURE: THE LANDSCAPE AND WAY FORWARD ON GENDER AND CLIMATE CHANGE* 81, 101 (Lorena Aguilar et al. eds., 2015).

236. *Gender Responsive Climate Action: Strengthened National Commitments to Gender-Responsive Climate Action*, IUCN, <https://genderandenvironment.org/ccgaps/> [hereinafter *IUCN ccGAPs*]. [https://perma.cc/9CBK-HPSC]

237. Pearl-Martinez et al., *supra* note 60, at 11.

238. *Id.* at 11–12.

enable them to set their priorities moving forward.²³⁹ A host of stakeholders spanning government, non-government, community, and others, are invited to workshops to assess the country's gender-climate context, identify priority sectors, and develop action steps, in the third phase.²⁴⁰ The final step requires work participants to designate a national team to create an action plan and conduct further consultations to develop a ccGAP, which will undergo government validation, before moving to monitoring and implementation.²⁴¹ Each phase of the methodology offers opportunities to delve into gender inequality issues, including GBV, that are relevant to a given country's climate change context. Further, IUCN's partnership in the endeavor means countries can draw on the organization's knowledge and expertise of the GBV and climate change nexus to ensure these issues are addressed wherever they exist or are likely to arise domestically.

As a tool, ccGAPs represent a "growing global recognition of the importance of a gender dimension in climate change and environmental decision making."²⁴² At present, there are thirteen countries that have developed ccGAPs with IUCN's assistance,²⁴³ one of which utilized the methodology twice in updating its original ccGAP.²⁴⁴ Of these, several ccGAPs revealed the existence of GBV correlations with climate change in their national context. During Liberia's consultation phase, female representatives from the Ministry of Gender and Development representing Liberia's fifteen counties and Ministry-level gender focal points identified a lengthy list of differentiated impacts of climate change on women, which included "increased domestic violence", "increase in early marriage" and "vulnerability to sexual and gender-based violence."²⁴⁵ The ccGAP, prepared by IUCN and eventually adopted by the Liberian government in 2012, elaborated on the history of GBV and other violence against women in the country, available legal remedies, GBV's correlations with climate change, and the success of education

239. *Id.*

240. *Id.*

241. *Id.*

242. *Climate Change Gender Action Plans (ccGAP's)*, UNFCCC, <https://www4.unfccc.int/sites/NWPStaging/Pages/item.aspx?ListItemId=23243&ListUrl=/sites/NWPStaging/Lists/MainDB> [<https://perma.cc/UG5U-C872>].

243. *IUCN ccGAPs*, *supra* note 236.

244. Aguilar & Owren, *supra* note 235, at 102.

245. Pearl-Martinez et al., *supra* note 60, at 36.

on women's rights, GBV awareness, and adult literacy in addressing this issue.²⁴⁶

The tool has already proven useful in encouraging UNFCCC Parties to include gender considerations in communications and reports under various reporting mechanisms. For instance, Liberia's INDC prominently references its ccGAP with an indirect nod to GBV, noting plans to implement adaptation actions in the health sector that account for the gender-differentiated impacts of climate change.²⁴⁷ Following Jordan's development of a ccGAP, gender was noted as a primary consideration in their Third National Communication to the UNFCCC.²⁴⁸ Further, the potential for increased violence to women, particularly with respect to land tenure, was an identified consequence of income loss due to high dependence on resources sensitive to climate change.²⁴⁹

Just as NDCs secured domestic integration of international ambitions under the climate change regime, so too lies the possibility of ccGAPs in translating international gender equality mandates into action in the climate change arena at the national level. If countries commit to the ccGAP development process, they can obtain access to a tested framework, support, and expertise for identifying and acting on GBV and other gender issues in the climate change context, which may provide the impetus needed to extract policies and projects specifically targeting the GBV and climate change nexus. In the interests of encouraging implementation of the 2019 GAP and considering the success of the ccGAP methodology to spur national action that complement national commitments under the climate change regime, UNFCCC Parties should formally adopt ccGAPs as a tool to implement the 2019 GAP and augment the enhanced Lima Work Programme by a Decision of the 26th

246. Lorena Aguilar et al., *Climate Change Gender Action Plan for the Government of Liberia*, INT'L UNION FOR CONSERVATION OF NATURE [IUCN] 16, 25–26, 31, 41 (Aug. 2012), https://portals.iucn.org/union/sites/union/files/doc/liberia_0.pdf [<https://perma.cc/MJF9-VT5S>].

247. Republic of Liberia, *Intended Nationally Determined Contribution (INDC)* 13–14 (2015) <https://www4.unfccc.int/sites/ndcstaging/PublishedDocuments/Liberia%20First/INDC%20Final%20Submission%20Sept%2030%202015%20Liberia.pdf> [<https://perma.cc/28LJ-NAK4>].

248. THE HASHEMITE KINGDOM OF JORDAN, *Jordan's Third National Communication on Climate Change* 110, 199, 204–05 (2014), <https://unfccc.int/resource/docs/natc/jornc3.pdf> [<https://perma.cc/9NKC-X7A5>].

249. *Id.* at 205.

Conference of the Parties in Glasgow in 2021. To support integration of gender considerations into the main discourse of climate change, the Decision should encourage countries to subsequently incorporate ccGAPs into their NDCs.

D. Challenges of Relying on the International Climate Change Regime

Relying on the international climate change regime to address an issue that clearly falls within the ambit of international human rights law for women may seem a counter-productive, or at best, an ancillary solution to the issue of GBV in the climate change context. After all, the climate change regime is still an evolving one, while the international human rights law regime for women is already established in finding state obligations in relation to GBV. Further, a component of state obligations under the climate change regime is progressive in nature, while the obligation to eliminate GBV, as a form of discrimination, under CEDAW is an immediate one. Yet, it is important to recall that the climate change regime is not proposed here as an end-all solution. Rather, the intent is to provide a range of supplementary measures to assist in addressing the issue on a practical level and potentially bear fruit to further avenues for implementation. For instance, a gender-responsive NDC may prompt a state party to implement a domestic law and provide victims of GBV with legal recourse in the event of state failure to provide adequate protection against GBV at a state-run disaster shelter. Such a hypothetical case may ultimately serve as the basis for a human rights legal claim to an international or regional human rights court, establishing for the first time an international duty on states to prevent GBV in the context of climate change. Furthermore, the data collected from the initiatives of these climate change mechanisms, from statistics to case studies and best practices, can provide valuable evidence for the CEDAW Committee's consideration in future General Recommendations, Concluding Observations and Inquiry/Complaints decisions. Such information may also assist future cases in human rights courts and commissions when identifying and framing the extent of state obligations to address GBV in the context of climate change.

Also relevant is the issue of funding. With the Trump Administration's withdrawal of the United States from the Paris

Agreement, the GCF was left bereft of its largest state donor.²⁵⁰ This follows a constant struggle by the GCF to acquire the funds needed from country pledges to deliver on climate projects.²⁵¹ Since then, the new Biden Administration has overseen a United States return to the Paris Agreement, promised to atone for its four-year absence, and foreshadowed a significant increase in funding.²⁵² The GEF is also constrained by limited financial resources with GEF replenishment for climate change over the 2018-2022 period being 30% lower than the previous four-year period.²⁵³ In a context where the international climate regime is falling short on funding for climate change projects, ensuring funding for GBV programs, notwithstanding their climate change nexus, may prove a difficult task. However, the effectiveness of climate change programs may be limited by their failure to consider adverse impacts on GBV, inadvertently exacerbating certain factors that, in practice, increase the risk of GBV.²⁵⁴ Earlier examples have demonstrated how GBV can exacerbate the adverse impacts of climate change. Accordingly, addressing both GBV and climate change can have extended benefits that are not necessarily accounted for in the return on investment. Thus, folding GBV considerations into climate change projects can serve dual ends without necessarily incurring greater costs.

Additionally, the post-Paris Agreement climate regime saw an influx of non-state actors as active participants in climate change-related endeavors.²⁵⁵ While most non-state actors turned to emissions-reducing climate actions, many also focused on actions

250. Rebecca Hersher, *U.S. Officially Leaving Paris Climate Agreement*, NPR (Nov. 3, 2020, 5:28 PM), <https://www.npr.org/2020/11/03/930312701/u-s-officially-leaving-paris-climate-agreement> [https://perma.cc/T2WM-8TK5].

251. Sanjay Kumar, *Green Climate Fund Faces Slew of Criticism*, 527 NATURE 419, 419–20 (2015), https://www.nature.com/news/polopoly_fs/1.18815!/menu/main/topColumns/topLeftColumn/pdf/nature.2015.18815.pdf [https://perma.cc/8CUL-D7W9].

252. Chloé Farand, *John Kerry Promises ‘Significantly’ More Climate Finance at Adaptation Summit*, CLIMATE HOME NEWS (Jan. 25, 2021, 5:14 PM), <https://www.climatechangenews.com/2021/01/25/john-kerry-promises-significantly-climate-finance-adaptation-summit/> [https://perma.cc/9ZRZ-J33Y].

253. GRANAT ET AL., *supra* note 196, at 12.

254. See Gevers et al., *supra* note 21.

255. THOMAS HALE, THE ROLE OF SUB-STATE AND NON-STATE ACTORS IN INTERNATIONAL CLIMATE PROCESSES 1–2, (2018), <https://www.geg.ox.ac.uk/sites/geg.bsg.ox.ac.uk/files/2018-12/Non-state%20actors%20climate%20synthesis%20-%20Tom%20Hale.pdf> [https://perma.cc/FDM3-47VE].

that contribute to climate change adaptation or resilience, or provide the enabling conditions for doing so, such as through finance.²⁵⁶ Ensuring that finance is destined for projects and initiatives that seek gender equity and climate justice outcomes is one means of securing much needed finance for GBV projects under the implementation mechanisms discussed in this section. The Bezos Earth Fund, a ten-billion-dollar pledge to fund climate change initiatives, is the latest commitment by the Amazon Corporation towards meeting Paris Agreement goals,²⁵⁷ and among the initial list of grant recipients is the Hive Fund for Climate and Gender Justice.²⁵⁸ In a similar vein, the international climate regime can play a role in promoting organizations and projects that have a GBV focus. In the numerous stakeholder fora held under the UNFCCC's wide umbrella,²⁵⁹ private actors should be encouraged to fund GCF projects or jointly fund, with state governments, NDC-meeting initiatives that embed measures to address, reduce and eliminate GBV in the climate change landscape.

Since our understanding of the extent of GBV in other better-known contexts remains limited,²⁶⁰ it is safe to assume that we have merely scratched the surface in our foray into the correlations between GBV and climate change. Researchers acknowledge that lack of information and concrete evidence hamper our understanding of how climate change risks contribute to GBV and subsequently addressing it.²⁶¹ Where data is available, the sensitive and often private nature of GBV suggests that this information is likely an underestimate than a reflection of its true extent.²⁶² The systematic

256. *Id.* at 3–4.

257. Karen Weise, *Jeff Bezos Commits \$10 Billion to Address Climate Change*, N.Y. TIMES (Feb. 17, 2020), <https://www.nytimes.com/2020/02/17/technology/jeff-bezos-climate-change-earth-fund.html> [<https://perma.cc/LE8B-SC8F>].

258. Gender Equal. Funding News, *Hive Fund Gets Huge Gift from Bezos Climate Pledge*, PHILANTHROPY WOMEN (Nov. 17, 2020), <https://philanthropywomen.org/events/hive-fund-gets-huge-gift-from-bezos-climate-pledge/#:~:text=The%20Hive%20Fund%20for%20Climate,investment%20in%20our%20grantmaking%20program> [<https://perma.cc/59D5-DS4F>].

259. See *Marrakech Partnership for Global Climate Action*, U.N. CLIMATE CHANGE, <https://unfccc.int/climate-action/marrakech-partnership-for-global-climate-action> [<https://perma.cc/QVM4-S3JW>]; NAZCA Climate Action Portal, GLOBAL CLIMATE ACTION, <https://climateaction.unfccc.int/> [<https://perma.cc/V6XC-ZFTM>].

260. Jahan, *supra* note 9.

261. Camey et al., *supra* note 1, at 137.

262. Jahan, *supra* note 9.

collation of sex-disaggregated data in all sectors of climate change impact, with specific focus on GBV, its correlations with climate change, and its subsequent impacts on other risk factors, is necessary for avoiding any underestimation of the extent of the issue.

Critics also point to the use of standardized gender-based language, such as “gender capacity-building,” “gender and stakeholder analysis,” and “gender cross-cutting frameworks” in development sector policies and projects, that is at odds with the nuanced locality-specific application that is vital for success.²⁶³ Further, the conditioning of project funding on the inclusion of keywords like “gender equality” in the absence of commensurate requirements to engage the women targeted by the projects to incorporate their priorities in project fruition, renders gender inclusion in this space as a mere “box-ticking” phenomenon.²⁶⁴ Accordingly, there is a need to grapple with the reality that including GBV and other gender-specific language in the formulation of climate change initiatives, programs and projects alone is not sufficient to quell the emergence of GBV in the climate change context. Ensuring that project proposals are either based on data gathered from local women at the destination for implementation or designed with their input or alternatively, allowing for early expenditure of project resources towards engaging affected women stakeholders while providing flexibility in the project design and funding provision to account for their priorities, are potential ways to overcome effortless box-checking. Additionally, careful monitoring of the intended and unintended effects of GBV and climate change programming and mandating their reporting to the institutions implementing the mechanisms that are overseeing the programming, ensures that lessons learnt are funneled back into the mechanism’s knowledge bank for broader dissemination and the development of guidance for future projects.

The final challenge lies in the international climate change regime’s limited ability to break down deeply embedded socio-cultural norms that enable GBV to persist. Education is vital to this endeavor. Article 6 of the UNFCCC directs countries to employ

263. Fortunate Machingura, *The Impact of Racism on Gender Justice*, OVERSEAS DEV. INST. (Oct. 27, 2020), https://www.odi.org/blogs/17485-impact-racism-gender-justice?utm_campaign=1597204_ODI%20newsletter%206%20November&utm_medium=email&utm_source=Overseas%20Development%20Institute&utm_country=&dm_i=4O2W,Y8ES,5BWLZ8,49GGT,1 [https://perma.cc/8AN2-UMFJ].

264. Id.

education, training and public awareness in responding to climate change. Education-specific elements increasingly feature in NDCs as well. Yet, using education as a tool to supplement gender-mainstreaming efforts under the climate change regime is limited to capacity building, knowledge management, and experience sharing.²⁶⁵ Therein lies an under appreciation of education's capacity to serve both ends. The potential of education to "achieve multiple objectives at once, serving classic development and human rights aims while at the same time contributing to societies' long-term ability to adapt to climate change"²⁶⁶ warrants an education-focused solution that complements the UNFCCC mechanisms' pursuit of addressing GBV and other gender inequality issues. To that end, section V, explores the potential of education and the SDGs in providing a framework to address both GBV and climate change through education for sustainable development.

V. BUILDING GENDER-BASED VIOLENCE AWARENESS THROUGH EDUCATION FOR SUSTAINABLE DEVELOPMENT

Education for sustainable development (ESD) is a concept that envisions the educative process as a tool to achieve sustainability.²⁶⁷ With the adoption of the SDGs, ESD was enshrined as a key element of the 2030 Agenda.²⁶⁸ Target 4.7 recognizes the importance of teaching knowledge and skills for sustainable development, which necessitates education on "human rights, gender equality, promotion of a culture of peace and nonviolence" among others.²⁶⁹ This target must be understood against SDG 5's targets that call for an end to: discrimination against all women and girls; all forms of violence

265. COP 25, *supra* note 129, at 6–7, 9.

266. Int'l Council on Hum. Rts. Pol'y, *Climate Change and Human Rights: A Rough Guide*, at 26–27 (2008), https://www.ohchr.org/Documents/Issues/ClimateChange/Submissions/136_report.pdf [<https://perma.cc/L86Q-F443>].

267. ROSALYN MCKEOWN, EDUCATION FOR SUSTAINABLE DEVELOPMENT TOOLKIT 7 (2002), http://www.esdtoolkit.org/esd_toolkit_v2.pdf [<https://perma.cc/8EJU-NV9X>].

268. *Sustainable Development Goals – Resources for Educators*, UNESCO, <https://en.unesco.org/themes/education/sdgs/material> [<https://perma.cc/WG3Z-ZMHX>].

269. *The 2030 Agenda for Sustainable Development*, SDG-EDUCATION, <https://sdg4education2030.org/the-goal> [<https://perma.cc/Z5F3-DPCL>].

against women and girls, including exploitation, in the public and private spheres; and harmful practices such as child, early, and forced marriages and genital mutilation.²⁷⁰ Similarly, Target 13.3 encourages states to build their knowledge and capacity to meet climate change, whereas Indicator 13.3.1 identifies the prevalence of climate change education in primary, secondary and tertiary curricula as a measurement of achieving the target.²⁷¹

The CEDAW General Recommendation 37 takes this a step further by linking GBV, education, and climate change in encouraging States to adopt long term policies and strategies that engage educational institutions in addressing the root causes of GBV against women in disaster contexts.²⁷² The delivery of ESD has taken shape differently across and within countries, sometimes adopted within national curricula and at other times through more community-specific education efforts that may not necessarily specify an ESD framework, though an SDG foundation is evident in its formulation and delivery. In places and communities where gender inequality, including GBV, and climate change have profound impacts on social and cultural constructs, ESD has manifested through different mediums in more localized settings.

National implementation of a comprehensive education policy promoting ESD, that covers both gender equality and climate change education, may provide the necessary impetus to break harmful socio-cultural norms that underlie GBV and its escalation in climate change contexts. In doing so, national education policies also have an opportunity to specifically address GBV in the climate change context, especially in countries and regions where the issue is most prevalent. States may express their intention to undertake such action in their national education policy as part of their National

270. G.A. Res. 70/1, *supra* note 13, at 18 (Targets 5.1, 5.2 and 5.3 respectively).

271. Richie et al., *SDG 13: Take Urgent Action to Combat Climate Change and its Impacts*, SDG TRACKER (2018), <https://sdg-tracker.org/climate-change> [<https://perma.cc/859A-P8S8>].

272. CEDAW Gen. Rec. 37, *supra* note 11, ¶ 57(f).

Sustainable Development Strategies (NSDS)²⁷³ or voluntary national reviews (VNRs).²⁷⁴

Yet, few nations have sought broad education policy reform as a pathway for a cultural shift.²⁷⁵ In 2019, Italy became the first country in the world to introduce a national law mandating sustainability and the study of the SDGs be placed at the center of its education model.²⁷⁶ Recognizing that the future needed “sustainable citizens,” the new model acknowledges that shifting cultural mindset begins with embedding sustainability throughout the educational system.²⁷⁷ The plan is ambitious, requiring all public students to study sustainability in each grade, with high-school students eventually delving into the United Nations’ 2030 Agenda for Sustainable Development, a global agenda that many adults have never heard of.²⁷⁸ In the case of Zambia, the objective of preparing students for “gender-responsive climate-smart development by enhancing primary and secondary education curricula” was a product of its ccGAP development process.²⁷⁹ The objective was

273. See U.N. Conference on Environment and Development, Rio de Janeiro, Brazil 3 to 14 June 1992, Agenda 21, ¶ 8.7 (1992), <https://sustainabledevelopment.un.org/content/documents/Agenda21.pdf> [<https://perma.cc/A547-8LMP>].

274. G.A. Res. 70/1, *supra* note 13, at 33. VNRs are reports that states conduct regularly and inclusively at the national and sub-national levels regarding their implementation of the SDGs, and which are reviewed at the high-level political forum. *Id.* at 34.

275. Outside of Asia, education for sustainable development features in education policy and frameworks only in Central America and Europe: See UNESCO, Global Education Monitoring Report 2020: Inclusion and Education: All Means All, at 403 (2020), <https://unesdoc.unesco.org/ark:/48223/pf0000373718/PDF/373718eng.pdf.multi.page=403> [<https://perma.cc/W57K-3HNL>].

276. Kate Hodal, *Italy to Put Sustainability and Climate at Heart of Learning in Schools*, THE GUARDIAN (Nov. 6, 2019), <https://www.theguardian.com/global-development/2019/nov/06/italy-to-school-students-in-sustainability-and-climate-crisis> [<https://perma.cc/PZ9V-AQFG>].

277. Jason Horowitz, *Italy’s Students Will Get a Lesson in Climate Change. Many Lessons, in Fact*, N.Y. TIMES (Nov. 5, 2019), <https://www.nytimes.com/2019/11/05/world/europe/italy-schools-climate-change.html> [<https://perma.cc/8R7V-576N>].

278. Org. for Econ. Coop. & Dev. [OECD], *What People Know and Think About the Sustainable Development Goals*, at 1 (June 2017), https://www.oecd.org/development/pgd/International_Survey_Data_DevCom_June%202017.pdf [<https://perma.cc/KG5U-YQVV>].

279. REPUBLIC OF ZAMBIA, CLIMATE CHANGE GENDER ACTION PLAN OF THE REPUBLIC OF ZAMBIA 109 (Jan. 2016),

accompanied by several actions designed to implement the objective, including the development of a working group on gender, climate change and education as well as a curriculum that covered women's rights, climate change, and related law, policy and plans. Importantly, it also accounted for training teachers on elements that could easily form the basis of an ESD curriculum.²⁸⁰ While Palau has already mainstreamed climate education and aspects of sustainability into its public school educational curriculum, an ESD curriculum combined with education on combating gender stereotypes is envisioned for the near future.²⁸¹ Uruguay also plans to integrate a gendered approach to climate change through public education, and extending it further to the communications space by adopting a gender-approach to coverage of climate change-related disasters in journalism.²⁸²

Where embedding ESD in national educational policy is unlikely or difficult, or where children, especially young girls, are removed from schooling due to social, cultural, economic or political constraints, alternate modes of education may be utilized to achieve a similar purpose. In Bangladesh, the country's experience of climate change-induced flooding, and worsened household economic circumstances, prompted families to expose young girls to early marriage.²⁸³ In 2017, a non-governmental organization used community radio to tandemly address climate change adaptation and child marriage in coastal Bangladeshi communities.²⁸⁴ By setting up local radio clubs for girls, the NGO sought to raise community awareness about young girls' rights, reproductive health, domestic violence and other issues around child marriage as well as climate change adaptation and preparation.²⁸⁵ The radio clubs

<https://portals.iucn.org/union/sites/union/files/doc/ccgap-zambia-final-web.pdf>
[<https://perma.cc/3HFJ-TXAT>].

280. *Id.*

281. REPUBLIC OF PALAU, PATHWAY TO 2030: PROGRESSING WITH OUR PAST TOWARD A RESILIENT, SUSTAINABLE, AND EQUITABLE FUTURE 19 (June 2019), https://sustainabledevelopment.un.org/content/documents/23606VNR_FINAL_21JUNE2019_UN_Version.pdf [<https://perma.cc/KX5Z-HP32>].

282. GRANAT, *supra* note 203, at 22–23.

283. Camey et al., *supra* note 1, at 153.

284. Climate Just. Resilience Fund, *Radio Clubs Help Climate-Hit Bangladeshi Communities Avoid Child Marriage*, CLIMATE HOME NEWS (Jan. 9, 2019, 4:01 PM), <https://www.climatechangenews.com/2019/01/09/radio-clubs-help-climate-hit-bangladeshi-communities-avoid-child-marriage/> [<https://perma.cc/55UK-AQNY>].

285. *Id.*

empower young women in the community to discover and tell local climate stories, while providing them with support networks to face household pressures to marry early.²⁸⁶ With close to 500,000 listeners and some forty radio clubs in action,²⁸⁷ the initiative has garnered international prizes for its close linkages with SDG achievement.²⁸⁸ Though not explicitly framed as a product of ESD, these community radio programs integrate education on gender equality, health, and climate change not only to the young female participants of the programs but also to their broader listener base, slowly shifting community hearts and minds in the process.

In the United States, the experience of Buell Central Disciplinary Alternative High School, a school formerly of the school-to-prison pipeline in Texas, underscores the lasting benefits of an educational system founded on sustainable development. Buell Central was akin to a detention facility for students with behavioral issues in the regular school system. The school was run by “gentlemen dressed in military attire and police officers” with “students walking down the halls with ankle bracelets.”²⁸⁹ A former student, Mario Bracamontes, sought to re-establish the school as an alternative school, a Disciplinary Alternative Education Program (DAEP) school, built around the SDGs.²⁹⁰ With a main curriculum founded on the seventeen SDGs and in accordance with UN issued guidelines,²⁹¹ Buell Central began its journey of transformation. Since then, students have engaged in innovative sustainability projects such as developing a system for cleaning up oil spills in waterways, turning restaurant grease into fuel for military grade

286. The Editors, *Harnessing the Power of On-The-Spot Media to Achieve Change*, GLOB. GENEVA (Mar. 26, 2019), <https://www.global-geneva.com/harnessing-the-power-of-media-for-real-change/> [<https://perma.cc/6HH5-QVXS>].

287. Climate Just. Resilience Fund, *supra* note 284.

288. *Bangladeshi Community Radio Got International Recognition: Rezaul Karim Chowdhury, Chairperson of BNNRC Received UN WSIS Champion Prizes 2019*, COAST FOUND. (Apr. 9, 2019), <https://coastbd.net/rezaul-karim-chowdhury-chairperson-of-bnnrc-receiving-un-wsis-champion-prizes-2019/> [<https://perma.cc/H826-LELC>].

289. *Video Transcript of the 8th Annual DCCCD Sustainability Summit: Morning Keynote—Marianella Franklin*, DALLAS COLL., <https://www.dcccd.edu/about/sustainability/resources/pages/video-franklin.aspx> [<https://perma.cc/9RDD-S9LB>].

290. *Id.*

291. Christian Ochoa, ORGL-4361 at 6 (2020) (unpublished manuscript) (on file with author or available at <https://www.scribd.com/document/460067573/final-project-buell-central> [<https://perma.cc/6LWE-5MCY>]).

diesel vehicles, and creating solar-powered ice chests for hurricane-resilience.²⁹² Successes such as the migration of students away from bullying behavior demonstrates²⁹³ the unique potential of ESD for changing mindsets and its adaptability for changing mindsets around GBV.

Thus, there is opportunity for creative educational initiatives that address the correlations between climate change and GBV within a broader ESD framework. Community outreach via different mediums like radio, television, social media, or community clubs, can ensure the dissemination of vital GBV and climate change information, in the absence of national policy to that effect. The emergence of these heartening stories of ESD and their hitherto positive impacts on communities to change, or at least begin to change, ingrained cultural norms that anchor gender inequality, implies their suitability for broader application. While non-governmental organizations have primarily taken the lead on community based ESD initiatives, there is a clear role for national, state and local governments in promoting such initiatives. A nationally implemented ESD policy could provide the supportive foundation needed to spur the development of both government-led and privately-led ESD opportunities.

VI. CONCLUSION

Today, as nations struggle to cope with the burgeoning social and economic impacts of the pandemic, not only has funding earmarked for gender equality projects been diverted to COVID-19 response efforts, but GBV has experienced a rise.²⁹⁴ While climate

292. *Local Alternative School Offers Students Insight into Environmental Advancements*, KRGV.COM (Mar. 27, 2018, 10:21 AM), <https://www.krgv.com/news/local-alternative-school-offers-students-insight-into-environmental-advancements/> [https://perma.cc/NQW5-DBJJ].

293. *World Changers*, TEXARKANA GAZETTE (Mar. 15, 2019, 10:30 PM), <https://www.texarkanagazette.com/news/texas/story/2019/mar/16/world-changers/770108/> [https://perma.cc/CYK9-YZGR].

294. *See For People on the Front Lines of Climate Change and Conflict, COVID-19 Is a New Challenge*, UNEP (June 9, 2020), <https://www.unenvironment.org/news-and-stories/story/people-front-lines-climate-change-and-conflict-covid-19-new-challenge> [https://perma.cc/2RTU-6DQP]; *Gender-based Violence and COVID-19*, UNDP (May 11, 2020), <https://www.undp.org/content/undp/en/home/librarypage/womens-empowerment/gender-based-violence-and-covid-19.html> [https://perma.cc/VL9D-AGHF].

change efforts have also experienced setbacks, addressing climate change still remains a priority among many.²⁹⁵ Scientists,²⁹⁶ philanthropists,²⁹⁷ business leaders,²⁹⁸ and governments²⁹⁹ warn of the dangers of postponing action on climate change, even in the midst of a health crisis, and have continued to act on, renew, and extend commitments to tackling climate change. In exploring the growing linkages between climate change and GBV, this article demonstrates how addressing GBV within the international climate change regime's mechanisms can deliver progress on climate change efforts but also on additional SDG goals, including health, economic productivity, education, and more. As the climate change regime moves further towards a gender-responsive human-rights based framework for action, the work of CEDAW and other human rights bodies in expanding on the GBV and climate change nexus, will contribute to the issue nexus being better addressed. Complementing these efforts with ESD ensures current and incoming generations are gender-responsive and climate change-proficient to tackle the global issues of the coming days. Further, non-action or reduced action on GBV can exacerbate the social and economic impacts of the pandemic. In a time when limited investment resources demand prioritization of climate change efforts that deliver on multiple goals, addressing correlations between GBV and climate change is all the more appealing.

295. Jacob Poushter & Christine Huang, *Despite Pandemic, Many Europeans Still See Climate Change As Greatest Threat to Their Countries*, PEW RSCH. CTR. (Sept. 9, 2020), <https://www.pewresearch.org/global/2020/09/09/despite-pandemic-many-europeans-still-see-climate-change-as-greatest-threat-to-their-countries/> [<https://perma.cc/HA9G-KSDX>].

296. Union of Concerned Scientists, *Hot Weather and COVID-19: Added Threats of Reopening States in Summer*, ECOWATCH (May 10, 2020, 5:03 PM), <https://www.ecowatch.com/hot-weather-and-covid-19-added-threats-of-reopening-states-in-summer-2645966125.html?rebellitem=2#rebellitem2> [<https://perma.cc/Y55G-N3FS>].

297. Bill Gates, *COVID-19 Is Awful. Climate Change Could Be Worse*, GATESNOTES (Aug. 4, 2020), <https://www.gatesnotes.com/Energy/Climate-and-COVID-19> [<https://perma.cc/4F7T-GUVZ>].

298. Weise, *supra* note 257.

299. *E.g.*, Matt McGrath, *Joe Biden: How the President-Elect Plans to Tackle Climate Change*, BBC NEWS (Nov. 10, 2020), <https://www.bbc.com/news/science-environment-54858638> [<https://perma.cc/U86B-WB2U>]; Prime Minister's Office, 10 Downing Street & The Rt Hon Boris Johnson MP, *PM Outlines His Ten Point Plan for a Green Industrial Revolution for 250,000 Jobs*, GOV.UK (Nov. 18, 2020), <https://www.gov.uk/government/news/pm-outlines-his-ten-point-plan-for-a-green-industrial-revolution-for-250000-jobs> [<https://perma.cc/7W9P-D222>].