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THE ROLE OF CLIMATE CHANGE IN EXACERBATING SEXUAL AND GENDER-BASED VIOLENCE AGAINST WOMEN: A NEW CHALLENGE FOR THE LEGAL FRAMEWORK FOR HUMAN MOBILITY IN AFRICA

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ABSTRACT

Climate change is rarely discussed in relation to violence against women. Though climate change has become one of the greatest existential threats to humanity, for many of women, it is also one of the indirect causes of different forms of sexual and gender-based violence (SGBV). Growing evidence amongst researchers and other stakeholders suggests that the impact of climate change also exacerbates the risk of violence against women and girls. Due to their traditional roles, women are heavily dependent on natural resources that are impacted by climate change. In periods of prolonged drought, women and girls make more frequent and longer journeys to obtain food or water, which makes them vulnerable to sexual assault.

There is a growing acknowledgement of the linkages and the need to address and protect these vulnerable groups. Whilst the climate change

legal framework (1992 UNFCCC, 1997 Kyoto Protocol and 2015 Paris Agreement) in their text does not address this issue, there are acknowledgements in IPCC Reports and other pertinent UNFCCC Decisions such as Decision 3/CP.25 and the Gender Action Plan. Though the fight against climate change has become a struggle to protect our environment in general, for many of women, it is also an indirect cause of different forms of sexual and gender-based violence (SGBV).

This paper aims to highlight how human mobility that occurs in the context of climate change is also an indirect cause of different forms of sexual and gender-based violence (SGBV) and the gaps in the existing regional framework. The paper suggests that there is an immediate need for adaptation and mitigation actions to address the linkages. Conversely, climate action is an essential component in the ongoing fight to eliminate violence against women and girls through such efforts including gender mainstreaming in the policymaking process. It is a new challenge globally and particularly in Africa because of its vulnerability to climate change and the required resources needed for mitigation, adaptation, and resilience building.

1.1 Introduction

Climate Change has been described as the greatest threat the world has ever faced⁷¹⁵. The impact of climate change is exacerbating existing inequalities against women and girls and creating new vulnerabilities.⁷¹⁶ Environmental degradation, including climate change, aggravates pre-existing patterns of discrimination, and violence against women and girls. Human mobility is usually attributed to more than one cause, the

⁷¹⁵ Other factors influencing human mobility include individuals' aspirations, capacities and/or vulnerabilities, and other contextual factors or drivers, including political, demographic, economic and social factors. See Climate Mobility Africa Research Network, 'Factsheet: What is Climate Mobility' available at

⁷¹⁶ R. Alsalem, 'Violence against women and girls in the context of the climate crisis, including environmental degradation and related disaster risk mitigation and response' UNGA A/77/136 Report of the Special Rapporteur on violence against women and girls, its causes and consequences. See also Bharat H. Desai and Moumita Mandal, "Role of climate change in exacerbating sexual and gender-based violence against women", *Environmental Policy and Law*, vol. 51, No. 3 (2021); Hans-O. Pörtner et al, 'Climate Change 2022: Impacts, Adaptation and Vulnerability –Working Group II Contribution to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change (Intergovernmental Panel on Climate Change, 2022)

decision to move is rarely because of climate change alone. However, human mobility is a result of a combination of several factors, including climate change impacts.⁷¹⁷ Human-induced climate change is the largest, most pervasive threat to the natural environment and societies, and the poorest countries are paying the heaviest price.⁷¹⁸ For women and girls, human mobility that occurs in the context of climate change is also an indirect cause of different forms of sexual and gender-based violence (SGBV).⁷¹⁹ This is because climate change acts as a threat multiplier and its impacts are felt more severely by those already on the margins.⁷²⁰ According to Bachelet, when women are displaced, they are at greater risk of violence, including sexual violence.⁷²¹

Violence against women and girls includes any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering, including threats, coercion or arbitrary deprivation of liberty.⁷²² Climate change is rarely discussed in relation to violence against women, however, there is emerging evidence that it is a contributing factor in exacerbating SGBV, and it should be a common concern.⁷²³ According to Alsalem, "... Violence against women also intersects with sociopolitical and economic phenomena, including armed conflict, displacement and resource scarcity, which results in the feminization of

⁷¹⁷ <https://www.cmarnetwork.com/copy-of-research-and-publications> (accessed 12/1/2024)

⁷¹⁸ OHCHR, Op cit

⁷¹⁹ UNDP (2020), 'Why climate change fuels violence against women' <https://www.undp.org/content/undp/en/home/blog/2020/why-climate-change-fuels-violence-againstwomen.html> (accessed on 28/4/2024). Also see, Itz'aCastañeda Camey, et al. (2020), Gender-based violence and environment linkages: The violence of inequality, IUCN; available at: <https://portals.iucn.org/library/sites/library/files/documents/2020-002-En.pdf> (accessed 28/4/2024). Also see, UNHCR (2020), Gender, Displacement and Climate Change; available at: <https://www.unhcr.org/5f21565b4.pdf> (accessed on 28/4/2024). See also OHCHR, 'Climate change exacerbates violence against women and girls' <https://www.ohchr.org/en/stories/2022/07/climate-change-exacerbates-violence-against-women-and-girls> (accessed on 28/4/2024).

⁷²⁰ H. Pörtner *et al*, 'Climate Change (2022): Impacts, Adaptation and Vulnerability – Working Group II Contribution to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change (Intergovernmental Panel on Climate Change, 2022).

⁷²¹ OHCHR, 'Climate change exacerbates violence against women and girls' <https://www.ohchr.org/en/stories/2022/07/climate-change-exacerbates-violence-against-women-and-girls> accessed on 28/1/2024).

⁷²² See Art. 1, Declaration on the Elimination of Violence against Women

⁷²³ R. Alsalem, 'Violence against women and girls in the context of the climate crisis, including environmental degradation and related disaster risk mitigation and response' UNGA A/77/136 Report of the Special Rapporteur on violence against women and girls, its causes and consequences, available at <https://www.ohchr.org/en/documents/thematic-reports/a77136-violence-against-women-and-girls-context-climate-crisis-including> accessed on 28/1/2024).

vulnerability.”⁷²⁴ Acknowledging this nexus is particularly important for women and girls in African countries because while violence against women is a global phenomenon, it disproportionately affects women with multifaceted vulnerabilities, such as those living in poverty, members of indigenous groups and persons with disabilities.⁷²⁵

1.2 Human Mobility in the Context of Climate Change, Disasters Environmental Degradation and Violence Against Women and Girls

Emerging data and evidence indicate that the negative impacts of climate change exacerbate all types of gender-based violence including physical, sexual, psychological and economic.⁷²⁶ Although there is no specific international legal instrument addressing SGBV against women and girls, there are related international legal instruments that implicitly address the relationship between climate change and human rights,⁷²⁷ women’s human rights applicable during peace, conflict, and post-conflict situations,⁷²⁸ women affected by environmental degradation and displacement and various forms of violence against women.

The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol) calls on States to enact and enforce laws to prohibit all forms of violence against women including unwanted or forced sex and to identify the causes and consequences of violence against women and take appropriate measures to prevent and eliminate such violence.⁷²⁹ Article 11 further charges States

⁷²⁴ R. Alsalem, ‘Violence against women and girls in the context of the climate crisis, including environmental degradation and related disaster risk mitigation and response’ UNGA A/77/136 Report of the Special Rapporteur on violence against women and girls, its causes and consequences, available at <https://www.ohchr.org/en/documents/thematic-reports/a77136-violence-against-women-and-girls-context-climate-crisis-including> (accessed on 28/1/2024).

⁷²⁵ R. Alsalem, *Ibid.*

⁷²⁶ See the following: B. Desaia and M. Mandalb, ‘Role of Climate Change in Exacerbating Sexual and Gender-Based Violence against Women: A New Challenge for International Law’ *Environmental Policy and Law* 51 (2021) 137–157; K. Tarif, ‘Climate Change And Violent Conflict In West Africa: Assessing The Evidence’ SIPRI Insights on Peace and Security No. 2022/3 February 2022;

⁷²⁷ See the Preamble to the Paris Agreement to the United Nations Framework Convention on Climate Change, Dec. 12, 2015, T.I.A.S. No. 16-1104.

⁷²⁸ See The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), see UN (1980), Treaty Series, vol. 1249; Committee on the Elimination of All Forms of Discrimination Against Women, General Recommendation No. 30 on Women in Conflict Prevention, Conflict and Post-Conflict Situations, CEDAW/C/GC/30, 18 October 2013. The Committee on the Elimination of All Forms of Discrimination Against Women adopted its landmark General Recommendation No. 30 on the rights of women in conflict prevention, conflict and post-conflict situations.

⁷²⁹ Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (Maputo Protocol Text). African Union; 2003. See Article 4

Parties to undertake to protect asylum-seeking women, refugees, returnees and internally displaced persons, against all forms of violence, rape and other forms of sexual exploitation. However, because this is an issue that is only beginning to gain momentum, there is sparse data and literature as regards the role of climate change as a factor that exacerbates SGBV among women and girls in situations of forced or planned mobility, forced immobility, and displacements, whether short term or long term.⁷³⁰ The increased awareness of the impact of the climate crisis on women and girls has not sufficiently influenced policies at the global, regional, and national levels.⁷³¹

According to Alsalem,

“... In the Sendai Framework for Disaster Risk Reduction 2015–2030, States are invited to collect data on disaster impacts for both men and women disaggregated by hazard, income, sex, age, and disability. However, among the 38 indicators of the Framework, only 2 target indicators, namely on mortality and affected people, are gender-specific. Around 128 countries did not start reporting for these indicators in 2021, and data on the nexus between climate change and violence against women and girls remain scarce and abstract...”⁷³²

The UN Commission on the Status of Women acknowledges that climate change, environmental degradation and more frequent and intense disasters caused by natural hazards often result in the loss of homes and livelihoods, and the displacement of women and girls and their families and communities. It recognizes that, as a result of displacement, including forced and prolonged displacement, women and girls face

⁷³⁰ See the following: Alsalem, ‘Violence against women and girls in the context of the climate crisis, including environmental degradation and related disaster risk mitigation and response’ UNGA A/77/136 Report of the Special Rapporteur on violence against women and girls, its causes and consequences; Desai and M. Mandalb, ‘Role of Climate Change in Exacerbating Sexual and Gender-Based Violence against Women: A New Challenge for International Law’ *Environmental Policy and Law* 51 (2021) 137–157; K. Tarif, ‘Climate Change and Violent Conflict in West Africa: Assessing the Evidence’ SIPRI Insights on Peace and Security No. 2022/3 February 2022

⁷³¹ R. Alsalem, ‘Violence against women and girls in the context of the climate crisis, including environmental degradation and related disaster risk mitigation and response’ UNGA A/77/136 Report of the Special Rapporteur on violence against women and girls, its causes and consequences.

⁷³² ⁷³² R. Alsalem, ‘Violence against women and girls in the context of the climate crisis, including environmental degradation and related disaster risk mitigation and response’ UNGA A/77/136 Report of the Special Rapporteur on violence against women and girls, its causes and consequences. See also Sendai Framework for Disaster Risk Reduction 2015-2030, A/71/644.

specific challenges, including separation from support networks, homelessness, and increased risk of all forms of violence, including sexual and gender-based violence.⁷³³

The Intergovernmental Panel on Climate Change (IPCC) included gender-based violence for the first time in its 6th Assessment Report (AR6). AR6 notes the risk of gender-based violence becoming an even bigger problem if it is not addressed in the context of disasters caused by natural hazards.⁷³⁴ The Report notes that climate hazards are associated with increased violence against women, girls, and vulnerable groups. For example, the Report highlights the impacts of domestic violence on children and women during urban flooding and describes gendered experiences of violence that result from structural inequalities. These issues range from unequal access to land and livelihood activities to increased child marriage, domestic violence, harassment, sexual violence, and trafficking during and after extreme weather events.⁷³⁵

The Africa Climate Mobility Initiative's (ACMI) Report notes that whether women stay or move, the risk for women worsens with climate disruption.⁷³⁶ The report acknowledges that forced displacement leaves women and girls disproportionately vulnerable and that women and girl refugees, returnees, and internally displaced persons face specific risks, including sexual and gender-based violence and other human rights violations. The report further notes that deteriorating living conditions will eventually force people to abandon areas with climate impacts, while a potentially worse outcome would see people unable to relocate and vulnerable to increasingly hazardous climatic conditions.⁷³⁷ The report therefore advocates for a strategy that anticipates and plans for climate mobility including climate-forced displacement and migration, and permanent relocation, to foster social cohesion in affected

⁷³³ UN Commission on the Status of Women, 'Achieving gender equality and the empowerment of all women and girls in the context of climate change, environmental and disaster risk reduction policies and programmes' E/CN.6/2022/L.7, para. 26.

⁷³⁴ IPCC's 6th Assessment Report (AR6) on Climate Change 2022: Impacts, Adaptation and Vulnerability; See also The 66th session of the Commission on the Status of Women (CSW66) Report: 'Addressing Violence Against Women And Girls In The Context Of Climate Crisis And Environmental Degradation'; and B. Desai and M. Mandalb, 'Role of Climate Change in Exacerbating Sexual and Gender-Based Violence against Women: A New Challenge for International Law' Environmental Policy and Law 51 (2021) 137–157.

⁷³⁵ IPCC's 6th Assessment Report (AR6) on Climate Change 2022: Impacts, Adaptation and Vulnerability

⁷³⁶ ACMI, 'The Africa Climate Mobility Report: Addressing Climate-Forced Migration & Displacement' available at <https://africa.climate-mobility.org/about> (accessed on 28/1/2024)

⁷³⁷ Ibid.

communities, prevent involuntary immobility, drive economic growth, sustain peace, and protect people on the move.⁷³⁸

Mitigation and adaptation strategies that anticipate and plan for climate mobility is particularly important for African women. In Darfur, low rainfall and recurrent droughts have led to food insecurity and scarcity of natural resources.⁷³⁹ Women and girls who are forced to walk long distances to collect water are exposed to SGBV. In Malawi, minor girls are forced to get married due to a shortage of food that is a result of climate change in the country.⁷⁴⁰ Women in Uganda experienced domestic violence, child marriage, rape, female genital mutilation (FGM), and other harmful practices during droughts and prolonged dry spells.⁷⁴¹ Several countries along the Sahel and West Africa are experiencing the impacts of climate change and the consequent aggravation of existing vulnerabilities. There is coastal erosion and flooding, and the countries bordering the Sahara Desert are beginning to experience water shortage and desertification. While all these risks are not climate-induced, some of them are, and the challenges of climate change serve to aggravate pre-existing social and geographical vulnerabilities. For example, in several parts of Africa, conflicts and scarcity of natural resources have increased human mobility⁷⁴² and because of the vulnerability of women and girls, they are further exposed to SGBV.

1.3 Mitigation and Adaptation Strategies – The Need to Protect Women Whether They Move Or Stay

Human mobility that occurs in the context of climate change is also an indirect cause of different forms of SGBV. This calls for policymakers and stakeholders to begin to have conversations around these issues at the global, regional, and domestic levels to address them using intergovernmental mechanisms, and regional policies and strategies. Adaptation and mitigation strategies that anticipate and plans for climate mobility are urgent to strengthen the resilience of women and girls. Migration and mobility are adaptation strategies for climate variability.⁷⁴³ Adaptation in the context

⁷³⁸ ACMI, 'The Africa Climate Mobility Report: Addressing Climate-Forced Migration & Displacement' available at <https://africa.climate-mobility.org/about> (accessed on 28/1/2024)

⁷³⁹ Ibid.

⁷⁴⁰ B. Desai and M. Mandalb, 'Role of Climate Change in Exacerbating Sexual and Gender-Based Violence against Women: A New Challenge for International Law' *Environmental Policy and Law* 51 (2021) 137–157 at 139. Also, women in Japan and the United States faced sexual and physical violence in the aftermath of earthquakes in Japan Hurricane Katrina in the United States.

⁷⁴¹ Ibid.

⁷⁴² L. Freeman, 'Environmental change, migration, and conflict in Africa: a critical examination of the interconnections', *Journal of Environment & Development* 2017 Vol.26 No.4 pp.351-374

⁷⁴³ Human security. In: *Climate Change 2014: Impacts, Adaptation, and Vulnerability. Part A: Global and Sectoral Aspects. Contribution of Working Group II to the Fifth Assessment Report of the*

of mobility includes forced and voluntary migration, internal and cross-border migration, positive and negative impacts of environmental degradation and climate change on migration, displacement and planned relocation.⁷⁴⁴ The African Union Climate Change and Resilient Development Strategy and Action Plan (2022-2032)⁷⁴⁵ is a good starting point. It recognizes that movement or migration is an adaptation strategy and that adaptation actions must consider age and gender in their application. It also highlights the need to include gender dimensions of climate adaptation at all levels. However, there was no specific reference to SGBV being one of those vulnerabilities that women and girls face.

Regional climate change strategies and action plans are another key indicator. Although existing sub-regional policies and frameworks recognise gender and climate change as a relevant consideration and several national climate change policies have National Action Plans on Gender and Climate Change, none links SGBV and none of the action plans includes strategies to protect women and girls against SGBV during human mobility that occurs in the context of climate change. For example, Inter-Governmental Authority on Development (IGAD)'s Regional Climate Change Strategy and Action Plan 2023-2030⁷⁴⁶ considers gender, focusing on empowerment and equality, but nothing at all on SGBV. The Action plan acknowledges that human security issues related to climate change include water stress, land use and food security, natural disasters, and environmental migration and that adaptation is a priority to ensure human safety in all spheres of life.

The Commission on the Status of Women highlights the importance of utilizing regional conventions, instruments and initiatives and their follow-up mechanisms in addressing human mobility in climate change.⁷⁴⁷ The African Union Commission, the World Bank, the United Nations Development Programme (UNDP), the United Nations Framework Convention on Climate Change (UNFCCC), and the International Organization for Migration (IOM) recently launched the Africa Climate Mobility Initiative (ACMI).⁷⁴⁸ The Initiative aims to work towards harnessing the potential and

Intergovernmental Panel on Climate Change, Cambridge University Press, Cambridge and New York

⁷⁴⁴ International Organization for Migration, 'Migration, Environment and Climate Change: Evidence for Policy (MECLEP) Glossary' available at <https://publications.iom.int/books/migration-environment-and-climate-change-evidence-policy-meclep-glossary> (accessed on 28/1/2024).

⁷⁴⁵ <https://au.int/en/documents/20220628/african-union-climate-change-and-resilient-development-strategy-and-action-plan> (accessed on 28/1/2024).

⁷⁴⁶ <https://www.icpac.net/publications/igad-regional-climate-change-strategy-and-action-plan-2023-2030/> (accessed on 28/1/2024).

⁷⁴⁷ 5 E/CN.6/2022/L.7, para. 5

⁷⁴⁸ <https://africa.climate-mobility.org/about> (accessed on 28/1/2024).

addressing the challenges of climate-forced mobility in the African continent. Further to its objectives the ACMI has started the much-required mapping of the impacts of the climate crisis on human mobility in Africa. The ACMI's work builds on and contributes to the growing body of research and evidence on climate mobility globally and in Africa. Its maiden Report, *African Shifts* starts with the ground-level realities of how people experience climate vulnerability, and how it affects mobility decisions in Africa today. In addition to mapping and data gathering such as those of the AMCI, regional policies and guidelines that inform national response are required with implementation mechanisms. These policies and guidelines should define how to safely, ethically and effectively protect women who are vulnerable to the adverse impacts of climate change. The work and initiatives of regional initiatives, organisations, research networks must feed into the policy and response strategy in Africa.

1.4 Conclusion

Women and girls require support tailored to their specific needs to adapt, build resilience, and mitigate the changes that threaten their social and economic well-being. In the same vein, more research is required to understand the nexus between climate change and violence against women and girls in Africa at both the regional, sub-regional and national levels. The AU and the relevant regional blocs within Africa should intensify their commitment to gender equality and anchor the response to climate change in human rights. To begin this commitment the following recommendations are made:

- ***Regional Policies and Guidelines***

Regional and sub-regional policies and guidelines for African States to integrate an SGBV prevention intervention strategy within the broader framework of climate mitigation and adaptation strategies.

- ***Mitigation and Adaptation Strategies and Nationally Determined Contributions***

Individual countries should begin to integrate SGBV considerations into their climate change response strategies including climate change mitigation and adaptation response strategies, Nationally Determined Contributions (NDCs) and National Adaptation Plans (NAPs), and Gender and Climate Action Plans.

- ***National Surveys that properly Disaggregates the Status of Women***

As an add-on to the regional and sub-regional response, National surveys should include data that fully disaggregates the status of women and how this impacts their experience of SGBV. For example, national surveys at the domestic level should include displacement (especially internal displacement status) when gathering data on factors leading to SGBV against women. Currently, rarely do national surveys on the drivers of SGBV acknowledge climate change as a driver. This inclusion will help policymakers and other stakeholders direct funds to appropriate response mechanisms.

- ***Data Collation***

The African Union and other relevant stakeholders should encourage and initiate studies and collation of disaggregated data that illustrates the intersection of vulnerabilities and highlights underlying trends and patterns on the nexus between climate change and SGBV.