



Climate migration and women: Issues and challenges

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Abstract

Millions of people have already been negatively impacted by climate change, and all nations should be concerned about the migration that happens as a result. Women, children, and the elderly are particularly vulnerable to the effects of climate change during migration and displacement. Numerous academic studies have shown that during calamities and migrations, women suffer far more than men. Women in particular, who have been given many home responsibilities, such as caring for the elderly and children, must overcome many obstacles when a disaster strikes. This study emphasises the challenges that women face when requesting asylum abroad due to climate change because their requests are not recognised as legitimate refugee claims under international law. Even though there are no differences between men and women when catastrophe strikes, the effects of climate change differ for each and every individual, so it is high time to discuss laws and policies that are tailored for women so that the exploitation they experience may be addressed. Here, it is argued that in order to facilitate the smooth handling of migration and displacement connected to climate change, decision-makers must design gender-specific policies and programs. The advantages of expanding gender equality in immigration, climate change adaptation, and disaster risk reduction policies and programs are the main topics of this paper.

Keywords: Woman climate migrants, human rights, climate change, gender equality, international law

Introduction

“Gender equity should not be seen narrowly as a women’s issue..., it is an issue that requires men and women to work together in search of solutions that are both practical and based on principle. Increasingly, those solutions will be neither acceptable nor sustainable if the equal rights, dignity and worth of men and women are not respected.”

Koïchiro Matsuura, Director-General of UNESCO

The deteriorating weather is already making life intolerable for millions of people. In its 1990 report, the UN's Intergovernmental Panel on Climate Change (IPCC) issued a warning that the single biggest effect of climate change would be large-scale human migration (First Assessment Report of IPCC, 1990). To know who are these climate refugees or environmental refugees, according to Norman Myers' definition from 2005, are "*people who can no longer gain a secure livelihood in their homelands due to drought, soil erosion, desertification, and other environmental problems, together with associated problems of population pressures, and profound poverty*" (Myers, 2005). Since there is no official definition in this regard, we must rely on shifting definitions, one of which being the one above.

Migration as a result of climate change is undoubtedly one of the major issues facing the globe today. Since no country is immune to the effects of climate change, the most vulnerable and poor communities those who contributed the least to the disaster are disproportionately harmed. The fact that women are more susceptible to these events than men, as noted in several research studies, should be taken into consideration when creating gender-specific regulations. Due to unequal gender relations and resource availability, for instance, women may be more vulnerable to climate change than males are (Masika, 2002). Women will be disproportionately impacted by climate change because they are more likely to be poorer, less educated, have poorer health, and have less direct access to or ownership of natural

resources (Masika 2002, p 5, Demetriades and Esplen 2010). One area where there is still a sizable gender disparity and has to be addressed is migration brought on by climate change. Not everyone has the material and financial means required for migration, according to a UNFPA (2009, p. 35) evaluation. Due to worries about opportunities, capabilities, and security, women, children, and the elderly are typically left behind in the wake of an environmental disaster. Global governments fear that if the problem receives a legally defined label, they will be held accountable for the looming humanitarian catastrophe. Numerous human rights violations have been committed against climate refugees, but no one is doing anything to assist them because they are not recognised as such by national or international law. The country does not receive the climate refugees through an international agreement imposing legal obligation and providing financial assistance through a fund because doing so could result in an increased financial burden for the country. Gender concerns must still be taken into consideration by the receiving nation, or else there will be too many hues and cries. A deeper understanding of women's vulnerability to migration is required in order to comprehend the gender aspects of the factors that lead to climate change-induced migration as well as the diverse consequences that the process and outcomes of climate change-induced migration have on women. This study focuses on the legal protection created for women globally and examines if it can assist them in overcoming the difficulties they encounter during the process of climate-induced migration.

Literature review

Very little research has been done on how women are impacted during the actual migration process brought on by climate change. However, the scarce research and literature produced in developed countries can offer some guidance. For women who are displaced due to climate change, safety

and access to enough emergency aid are their top two concerns (Gururaja 2000, Enarson 2006, Mitchell *et al* 2007, Brown 2008, Brody *et al* 2008).

Women who migrate as a result of climate change are more likely than other internally displaced women to encounter sexual and gender-based violence, claims Brown (2008, p. 34). According to the Action Aid and IDS research (Mitchell *et al.* 2007, p. 10), many women name a lack of safe housing as one of their top concerns when compelled to evacuate or migrate, which lends validity to this statement. Two other security and safety issues are the condition of women's health and the collapse of social networks. According to Mitchell *et al.*, women are more affected emotionally by natural disasters than men are (2007, p. 10). Due to the additional burden of providing care for their family members while also experiencing excruciating discomfort themselves, many women suffer from anxiety and post-traumatic stress disorder. These women also experienced severe social isolation and familial dissolution. The women in New Orleans who were displaced by Hurricane Katrina displayed comparable signs of stress (Enarson 2006). In addition to these, women are frequently refused direct access to relief supplies since they are not the "head of the family" (Spring 2008). Their vulnerability will most likely increase as a result of this seclusion. A related concern is offering women who have been displaced by climate change fast and adequate emergency assistance.

Enarson (1999) conducted in-depth interviews and focus groups with women who had been relocated as a result of two important natural disasters that had happened in the US: the Red River Valley flood in 1997 and Hurricane Andrew, which hit Miami in 1992. She learned that the needs of women and children were not taken into consideration when building the emergency assistance workers' improvised trailer camps. They weren't given any safety or reproductive or mental health considerations (Enarson 1999, p 16). Another qualitative study that focused on African American women who had been displaced by Hurricane Katrina found that they had problems receiving timely emergency relief. Although these issues are more prevalent, few studies have been done since the exploitative propensity persists in all of these migratory processes and is still an issue because adequate attention is not given to them up to this point.

Method

Doctrinal research is the foundation of this topic. The analytical procedure was employed by the researcher for research purposes. The literature on women's vulnerability to climate change and the current policy formulations for women's safe movement and residence in international jurisdictions will be analysed using analytical methods. There have been both primary and secondary sources used. The analysis is based on original sources including legislative enactments, resolutions, conventions, and committee reports. The secondary data is gathered from databases, books, journals, magazines, and digests.

Background of the Study

Since the middle of the 1980s, the environmental agenda has been dominated by extensive worldwide disputes over climate change. The threat posed by climate change has become a global priority. Discussions about gender views and women's participation in combating climate change have emerged in this setting (Dankelman 2002; Denton

2002; Dennison 2003; Duddy 2005; WEDO 2007; Parikh 2007; Commission on the Status of Women, 2008; Carvajal *et al.* 2008; BRIDGE, 2008).

Numerous researches have attempted to understand how men and women differ in terms of their susceptibilities to and capabilities for dealing with climate change. These have shown that the effects of climate change are not gender-neutral and that women experience them more severely than men (Habtezion 2013; Goh 2012). The International Organization for Migration states that depending on the roles played by women and men, environmental migrants' dangers, experiences, needs, and aspirations vary, as well as their obligations, access to information, resources, education, physical protection, and career opportunities. According to numerous studies, socioeconomic problems like poverty and the fact that women have less access to resources than males do play a significant role in the differences between men and women's vulnerabilities and coping mechanisms (Mersha and Van Laerhoven 2016; Mehar *et al.* 2016). It is believed that men and women would be more and less exposed to the effects of climate change, respectively, depending on their gender. This is because the poorest countries and individuals will be more vulnerable to these effects (IPCC, 2007). The predicted gender differential effects are attributed to current inequities, including unequal access to resources, gendered labour, and decision-making authority that may limit the capacity to respond to the effects of climate change (WEDO 2007; Parikh 2007; UNFCCC 2007, Commission on the Status of Women, 2008; BRIDGE, 2008). Women are anticipated to be more susceptible than men to the impacts of climate change because they make up the bulk of the most underprivileged and disadvantaged groups in society (Denton 2001; UN, 2003; WEDO 2007; United Nations Commission on the Status of Women 2008;). Also emphasised is the fact that women's livelihoods depend on being able to meet their basic needs for energy, water, health care, and food—all of which are significantly impacted by climate change. "The rights of migrants and their families are challenged by unsafe migration, which is usually driven by despair and a lack of options brought on by climate disasters. The implications of migration on women, both those who migrate and those who stay behind, are not yet properly understood or addressed by national or international policy. This study trying to find out is there any proper solution to it today as brought in by the policy makers so that safe and orderly migration can be offered to the migrants especially the woman climate migrants.

Woman and Gender Roles in the Event of Climate disaster

The way that different people experience and react to environmental stress may differ based on their gender, age, ethnicity, and socioeconomic status, among other factors. Disasters, environmental degradation, and climate change affect people differently. The effects of both rapid and slow-onset events and processes are disproportionately likely to affect children, the elderly, persons with disabilities, women in environments with extensive gender inequality, people from ethnic minorities, and people with impairments (e.g. hurricanes, storms, floods, land degradation, rising temperatures, and sea-level rise among others). Due to gender roles and responsibilities, major economic and social gender inequities, and underrepresentation of women in

various levels of decision-making, women may be vulnerable. Due to factors like having more responsibilities at home, less control over family decisions, and lack of access to education or information, poor women are 14 times more likely than men to die during catastrophic events like storms and floods. Plans for disaster prevention, preparation, and response, which have traditionally been developed and implemented by men, have seldom ever taken these challenges into account. Gender inequality can affect women's migration choices and create barriers that frequently prevent women from using migration as a strategy for adaptation under slow-onset situations. Rather, evidence suggests that women commonly find themselves in more dangerous positions as a result of deeply set gender stereotypes and uneven power relations. This is not to say that men are not sensitive to environmental stress.

As a result of socio-cultural gender differences, women may be disproportionately affected by the negative effects of climate change, environmental degradation, and disasters, both when they are "left behind" and as migrants. Women who remain in low-income countries are particularly vulnerable to the effects of climate change because they rely so heavily on natural resources for survival. In addition, they may be more reliant on other family members and have more farming responsibilities.

In general, there has been a lot of reporting on how vulnerable women are to environmental hazards, migration, and climate change. Gendered vulnerabilities (and mobility choices) need to be understood in the context of more general psychosocial factors like gender identity, patriarchal attitudes, religious or traditional practises, shame and honour, the gendered division of labour, and internal psychological processes like feelings and emotions. These issues are not inherent to being a woman, as this conversation ought to have made obvious.

Women play a positive role in disaster risk reduction (DRR) and climate change adaptation (CCA), despite having mobility options and being able to stay at home, according to a small body of research. However, the role of women in managing these challenges has not yet been utilised.

Other factors that influence women's propensity to move include climate unpredictability and natural disasters in addition to environmental deterioration and restricted access to natural resources. Bateman and Edwards (2002) utilise data from a cross-sectional survey of residents of coastal North Carolina performed in 1999 after the disastrous Hurricane Bonnie to back up their assertion that women are more likely than men to flee in the wake of a natural disaster.

Their study found that women are more likely than men to evacuate due to socially constructed gender differences like family and caregiving responsibilities, a greater response to evacuation incentives like the availability of a vehicle and neighbour evacuation, a higher exposure to risk due to low socioeconomic status and special medical needs, and a higher perceived risk due to caregiving responsibilities (Bateman and Edwards 2002 p 107).

On the other hand, in less developed nations like Bangladesh where women's movement is severely constrained, women are more likely to decide against evacuating and perish in natural catastrophes (Fothergill 1996, p 41). Women are known to have poorer socioeconomic positions as a result, and they are also less able to adapt to and deal with climate change. Therefore, social settings have a significant impact on even women's voluntary relocation as a result of climate change.

Fundamental human rights of women

The Universal Declaration of Human Rights outlines a number of general human rights, including: Right to life, liberty and security of the person; Freedom from torture or cruel, inhuman or degrading treatment; Freedom from arbitrary interference with privacy, family, home or correspondence; right to leave one's country and to return; Right to seek asylum; Right to social security; Right to an adequate standard of living ^[1] that is adequate.

Right to Equality and Non-Discrimination

All people are born free and equal in their rights, according to the first article of the Universal Declaration of Human Rights. Everyone has the right to all of the freedoms and rights outlined in Article 2 without exception due to any factor, including race, colour, sex, language, religion, political opinion, national or social origin, property, birth, or other status.

Additionally, Article 7 states that "All are equal before the law and are entitled to equal protection of the law without any discrimination." All people have the equal right to protection from any kind of discrimination that violates this Declaration and from any instigation to such discrimination.

The States Parties to the present Covenant undertake to ensure that men and women have an equal right to enjoy all civil and political rights set forth in the present Covenant, which is another way that Article 3 emphasises gender equality. In this regard, the law must forbid all forms of discrimination and ensure that everyone has access to equal and effective protection from discrimination on the basis of any factor, including race, colour, sex, language, religion, political opinion, national or social origin, property, birth, or other status.

Several provisions of the International Covenant on Civil and Political Rights (ICCPR) ^[2] also acknowledge these rights. Every State Party is obligated to uphold the Covenant's rights "without difference of any sort, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other position," according to Article 2.

The International Covenant on Economic, Social, and Cultural Rights ^[3] also recognises the rights to equality and non-discrimination, stating that all rights guaranteed by the Covenant must be exercised "without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."

Other international human rights instruments that contain important dispositions regarding the rights to equality and non-discrimination include the Convention on the Convention on the Rights of the Child, 1989 ^[4]; the Convention on the Elimination of All Forms of Discrimination against Women, 1979 ^[5]; the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, 1989 ^[6]; the Convention on the Rights of Persons with Disabilities and the United Nations Declaration on the Rights of Indigenous Peoples, 2007 ^[7].

Since everyone is generally entitled to the freedoms and rights protected by international human rights legislation, this includes refugees, who have the same rights to respect and protection as citizens of the state of refuge. The rule of non-discrimination stipulated in various international and regional human rights instruments is crucial for the

protection of refugees' human rights and fundamental freedoms because they are most susceptible to discrimination because they are foreigners in the country where they are seeking asylum.

Refugees frequently lack adequate identity and official documentation, and as a result, they may run into issues with the authorities. Because of their faith or nationality, their presence in a foreign country may be despised or met with mistrust. They could also combat issues brought on by a lack of adequate provisions in the national laws of the country that grants asylum to refugees or by uncertainty regarding the application of the laws' advantages to refugees (UNHCR,2017).

However, despite the fact that refugees are foreigners in the country offering them shelter, they are entitled to the same fundamental liberties and rights as citizens under Article 2 of the ICCPR^[8]. Discrimination against refugees based on their status as such would appear to be prohibited by the rights to equality before the law, equal protection under the law, and non-discrimination, which are pillars of international human rights law. Additionally, such measures would outlaw discrimination based on factors that are frequently associated with the circumstances of refugees, such as race, religion, nationality, and lack of property. (UNHCR)^[9] Additionally, all protections against certain forms of discrimination, such as racial and gender discrimination, apply to refugees as well^[10].

Right to Life and Personal Security

The most endangered people in the world are collectively referred to as climate refugees. The majority of their fundamental human rights are at risk while they are fleeing, after they have been relocated to camps in the sanctuary state, and then again when they return to their countries of origin or nationality. They frequently lose everything at the first and most desperate stage, including their homes, families, and often even their own lives.

Climate refugees frequently live apart from their family members, face the threat of armed attack, endure various sorts of exploitation and degradation, and live in continual fear of being expelled and made to return to their home countries. Numerous kids have lived their entire lives in refugee camps. The more time they spend there, the less chance they have of ever leading a life that resembles normalcy.

Women have always been vulnerable and easy targets in the so-called refugee cycle, but over the years, violence against them has manifested in the ugliest forms, creating a stain on the human conscience. With regard to rape, sexual assault, and general physical attacks, states have been urged under several human rights instruments to adopt measures aimed at preventing them.

As a result, human rights laws that address the issue of violence against women may be of tremendous help to refugee women who occasionally are forced to perform sexual activities in exchange for necessities like food, shelter, security, documentation, or other types of aid. It should be acknowledged that many victims of such crimes experience not only physical and mental suffering but also incur the danger of contracting sexually transmitted illnesses, such as HIV/AIDS.

At both the international and regional levels, it has been acknowledged that violence against women obstructs and invalidates the enjoyment of one's civil, political, economic,

social, and cultural rights. They cannot enjoy their rights to liberty, security, and bodily integrity, and in some cases, their right to life, if protection against the aforementioned forms of violence is not provided.

Right to Return

The right of refugees to return freely to their nations of origin or nationality in safety must be guaranteed. Additionally, they require protection against being compelled to return to areas where their lives, safety, and dignity might be at jeopardy. The right of a person to return to their country when they are outside of it is recognised by human rights legislation. The right of refugees and internally displaced people to return to their homes has also been supported by the U.N. Security Council. Similar to this, the Sub-Commission on the prevention of discrimination and the protection of minorities has stated that "refugees and internally displaced persons have the right to return to their country of origin and/or to a place of their choice within that country in safety and dignity."

Thus a refugee has the right to return to his or her country and enjoy his or her basic human rights. It in turn casts an obligation on the state of origin, the state of refuge and also the international community to create conditions conducive to his voluntary and safe return to the country of origin since refugee status is a temporary state of affairs and its only objective is to deliver human rights protection for the duration of risk, it should extinguish as soon as that risk comes to an end by reason of a fundamental change of circumstances.

Since everyone in the world is entitled to these rights, refugees from climate change are also entitled to them, just like refugees who were given these rights specifically under the 1951 Convention on Refugees. And more over safe return of each of these migrants especially the woman climate migrants also needs to be ensured under these covenants.

Conclusion and Suggestions

Since it has been established from the aforementioned discussion that women experience various forms of exploitation in comparison to men, and since no such policy has yet to be drafted or even brought up for discussion in any international or domestic legislation, it is understandable why there aren't any laws specifically protecting women. Similarly, there has been complete silence regarding how to treat climate refugees as human beings who need to be recognised because during their migration, they face numerous discriminatory situations. In the nations where they migrate, female climate migrants still experience human rights violations, and the government does nothing to defend their rights. Each event involves many types of prejudice, particularly against immigrant women. The treatment of these displaced people by providing them with needs of life is something that every official at all of these events is thinking about, but women and other vulnerable groups require special consideration in comparison to others. If they are not cared for, the many forms of exploitation could cause them to suffer lifelong traumas, ruining the entire family because women are the only ones who can sustain the entire home.

It is time to return to these issues since migration brought on by climate change and its effects is a fact of life that must adapt to the local culture in order for life to continue.

Tolerating the cruel treatment and exploitation need not be done, but adjusting to the culture of the country they are entering for protection can be imagined. Gender-specific policies will work more magic in terms of instilling confidence among female climate refugees that whatever loss they have incurred due to a natural disaster can be recovered if they have a healthy, untapped body and sole. These kinds of policies would shift people's perceptions of climate change and migration, and countries would start treating them with the consideration and respect they deserve. The best illustration can be found in the *Ioane Teitota v. New Zealand case* decided by the UN Human Rights Committee, where the woman's specific attention through a policy document needs to be given urgent priority so that so many families can be saved from the effects of unsafe migration and exploitation. Even if the entire nation cannot accept climate-induced migration due to various reasons discussed by many scholars, it is not an issue as long as human rights agencies stand with them. Hope that they can soon have an appropriate policy created for them in order to save countless angels who are the main source of light in every family.

Suggestions

In order to address these issues, consulting woman who have undergone these situations will help in formulating policies in a more effective manner. Here are a few other ideas that might be added to provide women with better protection during these situations.

At all levels and phases of planning relocations, responding to displacement, and enabling movement through safe and orderly paths, women's full, equal, and meaningful participation and leadership are crucial. This involves their involvement in the formulation, execution, monitoring, and assessment of policies that have an impact on their livelihoods, wellbeing, and resiliency.

In order to effectively engage in the decision-making processes surrounding mobility related to climate change at local, national, and global levels, women's groups must be able to operate securely.

It is crucial to guarantee the full, equal, and substantive participation of female delegates, women's groups and grassroots organisations, and experts in gender equality at the international level. The Task Force on Displacement and the Executive Committee of the Warsaw International Mechanism on Loss and Damage ^[11] should both involve women from the affected communities to help policymakers and contribute to discussions about women's needs, challenges, and opportunities in the context of climate-related mobility.

At the global, national, and local levels, creating awareness and building capacity are essential steps in promoting understanding of issues pertaining to gender equality, women's empowerment, and the realisation of their human rights.

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