

KEY POINTS

- Data continue to show gendered impacts of sudden disasters, revealing that gender inequalities are exacerbated by climate change.
- The importance of gender-responsive action on climate change and disaster management has been recognized in global and regional frameworks, yet few national laws and policies directly link gender equality commitments to climate, disaster risk, and resilience building.
- Women’s machineries and women’s groups need to be actively engaged to integrate their priorities into climate change and disaster risk management actions.
- A national framework approach—combining existing gender equality laws, policies, and institutions with climate change and disaster risk management laws and policies—is necessary; and addressing underlying drivers of gender inequality should be part of this framework.
- To strengthen women’s resilience to climate change and disasters, gender-responsive laws and policies are needed in addition to properly resourced, key actions—such as increasing women’s participation in decision-making, using sex-disaggregated data, and following guidelines on gender mainstreaming.

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Women’s Resilience: How Laws and Policies Promote Gender Equality in Climate Change, Environment, and Disaster Risk Management in Asia and the Pacific

INTRODUCTION

Research demonstrates that, compared with men, women experience differential impacts from climate change and disasters, disproportionately suffering higher rates of death, injury, property and income loss, and lower access to the means of recovery.¹ Women also account for more than 75% of displaced persons as a result of severe natural hazard events such as droughts, fires, and floods.² This is not due to their inherent vulnerability, but because women collectively start from a position of disadvantage and multidimensional inequality relative to men.³

Gender inequality exists worldwide and is connected to social and gender roles, underpaid and unpaid work, and women’s unequal access to economic assets and information. Women still do not enjoy the same land and inheritance rights as men. Furthermore, women’s participation in decision-making roles—including climate change management—also continues to be significantly lower than men’s.⁴ This is all compounded by the prevalence of violence against women (or gender-based violence [GBV]), which remains a serious concern in Asia and the Pacific.⁵

Note: ADB recognizes “China” as the People’s Republic of China.

- ¹ Asian Development Bank (ADB). 2021. *Gender-Inclusive Legislative Framework and Laws to Strengthen Women’s Resilience to Climate Change and Disasters*. Manila.
- ² Organisation for Economic Co-operation and Development. 2021. *Gender and the Environment: Building Evidence and Policies to Achieve the SDGs*. Paris.
- ³ Intergovernmental Panel on Climate Change (IPCC). 2014. *Climate Change 2014: Synthesis Report*. Contribution of Working Groups I, II, and III to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change. Core Writing Team, R. K. Pachauri, and L. A. Meyer, eds. IPCC, Geneva, Switzerland. p. 151.
- ⁴ United Nations Framework Convention on Climate Change (UNFCCC) Secretariat. 2018. *Differentiated Impacts of Climate Change and Gender-Responsive Climate Policy and Action, and Policies, Plans and Progress in Enhancing Gender Balance in National Delegations*. Workshop Report by the Secretariat FCCC/SBI/2018/INF.15. <https://unfccc.int/sites/default/files/resource/inf15.pdf>.
- ⁵ UN Women. 2022. *Facts and Figures: Ending Violence against women and girls*.

In this region, links between gender inequalities and climate change and disaster impacts are increasingly recognized,⁶ as are the disproportionate effects of COVID-19⁷—which have impacted women with increases in unpaid work and job losses, as well as soaring rates of GBV.⁸ The region is susceptible to climate-related hazards—and gender inequalities prevail—so immediate action to strengthen women’s resilience is required from governments, private sector stakeholders, and communities. Governments have advanced significantly by enacting laws and developing policies to manage climate change and natural hazard risks in Asia and the Pacific—and some of these include explicit references to addressing gendered vulnerabilities.⁹ But more must be done to consolidate gender equality mandates in climate change and disaster-related laws and policies, as well as fostering socioeconomic development to strengthen women’s resilience.

A CHANGING NARRATIVE: UNDERSTANDING GENDER EQUALITY, CLIMATE CHANGE, AND DISASTERS

An increasing number of nationally determined contributions (NDCs) recognize gender integration as important for reaching climate goals.¹⁰ In Asia and the Pacific, countries including Cambodia, Fiji, and the Philippines lead the way—integrating gender equality into climate policies, and climate change into gender equality laws and policies, as well as committing to finance and monitor gender and climate outcomes.¹¹

But regionally, although contributing to climate change mitigation, adaptation, and disaster risk management (DRM), women’s valuable capacities, efforts, knowledge, and experience remain unrecognized in national laws, policies, and institutions. This results in continued gender-neutral climate policy and action,

with the risk of perpetuating gender inequalities. Despite notable exceptions, laws that transform gender inequalities are often not formally linked and mainstreamed within climate change, disaster, and environmental laws. Where they are linked, implementation is weak. Ministerial and institutional mandates lack gender equality objectives, analysis, and mainstreaming provisions; resources, monitoring, and evaluation mechanisms are also inadequate. Furthermore, laws and policies governing socioeconomic development must recognize the links between women’s access to assets, decent work, and vulnerabilities to climate change and natural hazard risks.

GENDER AND CLIMATE CHANGE

The Intergovernmental Panel on Climate Change (IPCC) noted that the increase in average global temperatures, even if global emissions targets are met, will permanently alter ecosystems and people’s interaction with them.¹² Increasingly frequent and severe weather events such as storms, floods, and droughts—as well as longer-term changes, including rising sea levels and changes in temperature and rainfall patterns—are already making socioeconomic impacts: for example, the sea level rise and ocean acidification now affecting the region’s coastal areas and Pacific island countries. In Asia and the Pacific, gendered impacts of climate change include:

- (i) Reef destruction from ocean warming and acidification—projected to increase—impacts women’s livelihoods and family nutrition due to women’s dominant role in near-shore and coastal fishing; women in rural coastal communities across the Pacific currently access small-scale coastal and reef fishing to provide the primary source of protein for the household.¹³
- (ii) Water shortages due to climate change and the impact on household tasks affect women more than men; in Nujiang, Yunnan Province, the People’s Republic of China (PRC),

⁶ UN Women and Stockholm Environment Institute. 2020. *Climate change, gender equality and human rights in Asia: Regional review and promising practices*. Bangkok; UN Women, UN Environment Programme, and Cambodia Development Research Institute. 2021. *State of Gender Equality and Climate Change in Cambodia*. Phnom Penh; UN Women, UN Environment Programme, and International Centre for Integrated Mountain Development. 2021. *State of Gender Equality and Climate Change in Nepal*. Kathmandu.

⁷ The research for ADB technical assistance (TA), which informs the country experiences for this brief, was completed between 2019–2020, prior to the coronavirus disease (COVID-19) pandemic.

⁸ UN Women. 2020. *Policy Brief: The impact of COVID-19 on women*. New York; and UN Women. 2021. *Standing up to the Challenge: Response to the COVID-19 Pandemic in Asia and the Pacific*. Bangkok.

⁹ This brief draws on evidence from the publication *Gender-Inclusive Legislative Framework and Laws to Strengthen Women’s Resilience to Climate Change and Disasters*, as well as the three country reports on *Women’s Resilience: How Laws and Policies Promote Gender Equality in Climate Change and Disaster Risk Management* in Mongolia, Fiji, and the Lao People’s Democratic Republic (Lao PDR), all produced under the ADB TA project 9348; United Nations, Economic and Social Commission for Asia and the Pacific, United Nations Environment Programme, United Nations Women, and the green week. 2021. *Is 1.5°C within Reach for the Asia-Pacific Region? Ambition and Potential of NDC Commitments of the Asia-Pacific Countries*.

¹⁰ UNFCCC. 2021. *Nationally Determined Contributions under the Paris Agreement. Synthesis report by the secretariat*; United Nations, Economic and Social Commission for Asia and the Pacific, United Nations Environment Programme, United Nations Women, and the greenwerk. 2021. *Is 1.5°C within Reach for the Asia-Pacific Region? Ambition and Potential of NDC Commitments of the Asia-Pacific Countries*.

¹¹ United Nations, Economic and Social Commission for Asia and the Pacific, United Nations Environment Programme, United Nations Women, and the greenwerk. 2021. *Is 1.5°C within Reach for the Asia-Pacific Region? Ambition and Potential of NDC Commitments of the Asia-Pacific Countries*.

¹² IPCC. 2021. *Climate Change 2021: The Physical Science Basis: Contribution of Working Group I to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change*. Cambridge University Press. <https://www.ipcc.ch/report/ar6/wg1/#FullReport>.

¹³ SPC. 2011. *Vulnerability of Tropical Pacific Fisheries and Aquaculture to Climate Change: Summary for Pacific Island Countries and Territories*. Noumea Cedex, New Caledonia.

water shortage caused women to spend more time managing water resources and threatened the sustainability of women's livelihoods more than men's.¹⁴

- (iii) Climate change increases food insecurity which disproportionately burdens women and girls;¹⁵ for example, in Andhra Pradesh, India, twice as many women as men reported responding to drought by reducing their food consumption.¹⁶

The lack of women in environment-related decision-making processes is also contributing to a lack of focus on gender-based vulnerabilities in the policy sphere.¹⁷ Combined, climate change risk and gender inequality raise additional barriers to women and girls, reducing their access to sustainable development benefits.

GENDER AND DISASTERS

Statistics and context-specific information on gendered impacts of sudden-onset disasters are increasingly available through post-disaster needs assessments, disaster response evaluations, and country case studies. Commonly noted patterns around the gendered impacts of disasters include

- (i) greater death and injury rates among women and girls in contexts of high gender inequality;¹⁸
- (ii) an underlying assumption that women and men should be treated alike under a law, policy, or program (i.e., without addressing different needs based on gender);¹⁹
- (iii) direct and indirect discrimination in access to relief;²⁰
- (iv) more extended recovery periods for economically disadvantaged women;²¹
- (v) an increased burden of unpaid work on women in post-disaster contexts;²² and
- (vi) an increase in violence against women in affected communities.²³

Evidence on the gendered impacts of slow-onset disasters is still lacking in many contexts, however reports from the Pacific

note that the increase in domestic violence is linked with slow-onset disasters such as droughts.²⁴ Overall, more sex- and age-disaggregated data and evidence are needed to understand the gendered dimensions of disaster risks.

SOCIOECONOMIC DIMENSIONS AFFECTING WOMEN'S RESILIENCE

Promoting and supporting gender equality and inclusion in laws, policies, and programs are essential to resilience building. However, it is critical to understand that this requires more than addressing gender equality in climate, disaster, and environment-specific laws and policies.

Discrimination against women and gender inequalities in access to decent work and the role of unpaid employment, access to assets, and, as mentioned, violence against women and more impede women's ability to build resilience. Therefore, enabling women's resilience and ensuring gender equality in the disaster and climate context necessarily concerns laws and policies which address underlying drivers of vulnerabilities, including constitutional rights; gender equality; harassment and discrimination in the world of work; women's rights to land, property, inheritance, and natural resources (e.g., water, agricultural land, forests, and fisheries); and the national frameworks which support ending violence against women and girls. Therefore, a coordinated and integrated approach in law and policy is needed to enhance women's resilience to climate and disaster risks.

GLOBAL AND REGIONAL NORMS AND AGREEMENTS

The nexus between gender, climate change, and disasters in international and regional agreements is growing more robust, with gender equality and social inclusion an increasing commitment in agreements and initiatives. Gender equality is also recognized as central to the "Just Transition"—where measures including and

¹⁴ Y. Zhou and X. Sun. 2020. Toward Gender Sensitivity: Women and Climate Change Policies in China. *International Feminist Journal of Politics*. 22 (1). pp. 127–149.

¹⁵ IPCC. 2014. Food Security and Food Production Systems. *Climate Change 2014: Impacts, Adaptation, and Vulnerability*. In Part A: Global and Sectoral Aspects. Contribution of Working Group II to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change. Cambridge and New York. pp. 485–533; UN Women. 2016. *Leveraging Co-Benefits Between Gender Equality and Climate Action for Sustainable Development*. New York.

¹⁶ Food and Agriculture Organization of the United Nations (FAO). 2010. *Farmers in a Changing Climate: Does Gender Matter?* Rome.

¹⁷ UNFCCC Secretariat. 2018. *Differentiated Impacts of Climate Change and Gender-Responsive Climate Policy and Action, and Policies, Plans and Progress in Enhancing Gender Balance in National Delegations*. Workshop Report by the Secretariat FCCC/SBI/2018/INF.15. <https://unfccc.int/sites/default/files/resource/inf15.pdf>.

¹⁸ E. Neumayer and T. Plümper. 2008. The Gendered Nature of Natural Disasters: The Impact of Catastrophic Events on the Gender Gap in Life Expectancy, 1981–2002. *Annals of the Association of American Geographers*. 97(3). pp. 551–566. <https://www.tandfonline.com/doi/full/10.1111/j.1467-8306.2007.00563.x>.

¹⁹ For example, *Women's Resilience in Mongolia: How Laws and Policies Promote Gender Equality in Climate Change and Disaster Risk Management* on p. 30 and *Women's Resilience in the Lao People's Democratic Republic: How Laws and Policies Promote Gender Equality in Climate Change and Disaster Risk Management* on pp. 18 and 34.

²⁰ World Bank. 2020. *Gender Equality and Women's Empowerment in Disaster Recovery*. *Disaster Recovery Guidance Series*. Washington, DC: World Bank © World Bank. <https://openknowledge.worldbank.org/handle/10986/33684> License: CC BY 3.0 IGO.

²¹ S. Shrestha. *Nepal Country Case Study: Effective Law and Policy on Gender Equality and Protection from Sexual and Gender-Based Violence in Disasters*. Switzerland: Geneva. CARE, and Live and Learn. 2016. *Rapid Gender Analysis – Tropical Cyclone Winston, Fiji*. Geneva, Switzerland; and Melbourne, Australia: Live and Learn.

²² IFRC and E. Ferris. *Unseen, Unheard: Gender-Based Violence in Disasters. Global Study*. Geneva, Switzerland: International Federation of Red Cross and Red Crescent Societies, 2015; and Real Time Accountability Partnership. *The GBV Accountability Framework: All Humanitarian Actors Have a Role to Play*. Call to Action on Protection from Gender-Based Violence in Emergencies. CARE, Government UK, IOM, IRC, NORCAP, OCHA, UNFPA, UNHCR, UNICEF, USAID. 2019.

²⁴ A. Erman et al. 2021. *Gender Dimensions of Disaster Risk and Resilience: Existing Evidence*. Washington, DC: World Bank.

engaging women are needed to ensure a just and equal shift to low carbon development.²⁵

This nexus is apparent in the following:

- (i) The Convention on the Elimination of all forms of Discrimination against Women (CEDAW) and its Committee’s General Recommendation No.37, Gender-Related Dimensions of Disaster Risk Reduction in the Context of Climate Change (discussed in detail below).
- (ii) The 2030 Agenda and the numerous Sustainable Development Goal (SDG) targets and indicators requiring sex-disaggregated data, including SDG 5, to “achieve gender equality and empower all women and girls.”
- (iii) The United Nations Framework Convention on Climate Change (UNFCCC) and the Paris Agreement, which (should be “are”) increasingly encompass many strategic gender equality and participation initiatives,²⁶ e.g., the Enhanced Gender Action Plan agreed at COP25.²⁷ At the recent Conference of the Parties (COP26) in late 2021, many governments made further commitments on women’s participation and leadership equality in climate action.
- (iv) The Sendai Framework for Disaster Risk Reduction 2015–2030, which emphasizes women’s inclusion and leadership.

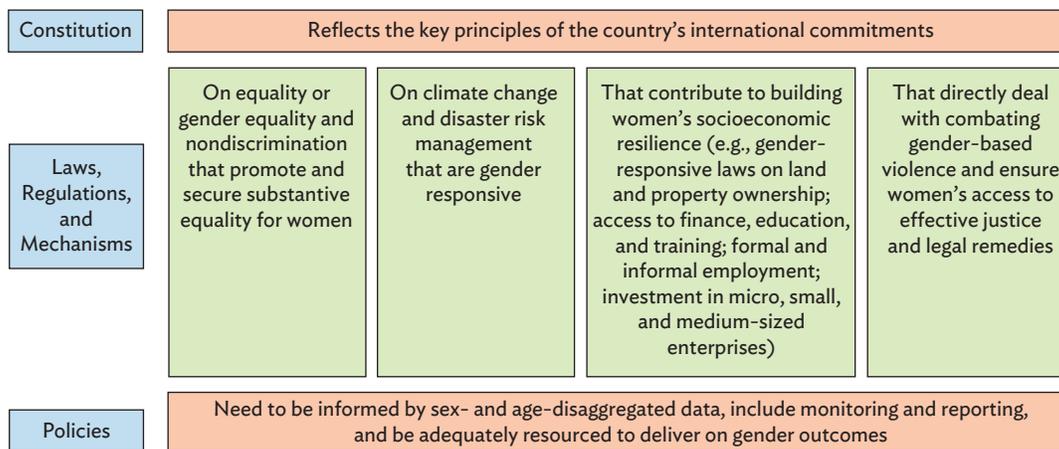
Regionally, Asia and the Pacific agreements also emphasize gender equality, such as the Ha Noi Recommendations for Action on Gender and Disaster Risk Reduction 2016, the Ulaanbaatar Declaration of

the 2018 Asian Ministerial Conference on Disaster Risk Reduction, and the Association of Southeast Asian Nations Agreement on Disaster Management and Emergency Response and its Work Programme 2021–2015, which established the Technical Working Group on Protection, Gender, and Inclusion, and has gender and social inclusion as one of its seven guiding principles.

CEDAW’S GENERAL RECOMMENDATION NO. 37—A NATIONAL FRAMEWORK APPROACH

This recommendation guides states on implementing their obligations under CEDAW regarding climate change and disaster risk management. Importantly, along with climate change, disaster, and environment-specific laws, the recommendation’s scope includes national laws and policies on gender equality, nondiscrimination, and political participation; it also covers access to justice, work rights, social protection, and health and living standards—including the right to be free from violence.²⁸ It also emphasizes the importance of data collection and monitoring and assessing the impacts of these frameworks. The CEDAW Committee’s recommended approach in the national context is developing an integrated framework, bringing together national commitments under international and regional agreements in key national laws and policies. A national good practice legislative framework (Figure 1) for strengthening women’s resilience to

Figure 1: A National Good Practice Legislative Framework for Strengthening Women’s Resilience to Climate Change and Disasters



Source: ADB. 2021. *Gender-Inclusive Legislative Framework and Laws to Strengthen Women’s Resilience to Climate Change and Disasters*. Manila.

²⁵ ADB. 2021. Just Transition Beyond the Energy Sector. *ADB Briefs*. 195. November. <https://www.adb.org/sites/default/files/publication/746406/adb-brief-195-just-transition-beyond-energy-sector.pdf>.

²⁶ Women’s Environment and Development Organization. 2020. *Gender Climate Tracker: Quick Analysis*. New York.

²⁷ UNFCCC. 2021. *The Gender Action Plan’ United Nations Climate Change*. <https://unfccc.int/topics/gender/workstreams/the-gender-action-plan>.

²⁸ Committee on the Elimination of Discrimination Against Women. 2018. *General Recommendation No. 37 on Gender-related dimensions of disaster risk reduction in the context of climate change*.

climate change and disasters has been developed and applied in research in three countries in Asia and the Pacific.²⁹

For laws and policies to meaningfully support an increase in women's resilience to climate and disaster risk, they must reflect that women's resilience is reduced by gender inequality and is exacerbated by climate change.³⁰ This can be done through "affirmative action" or using "special measures" to address disadvantage, e.g., by mandating *substantive gender equality* (equality of outcomes and results for women and men, not formal equality, which is the equal treatment of women and men) and providing the necessary resources to achieve it.³¹

KEY ELEMENTS OF CONSTITUTIONAL AND NATIONAL LAWS ON GENDER EQUALITY

Constitutional provisions and laws on gender equality should inform the content and implementation of climate change, disaster risk management, and environmental laws and policies. The most effective way for a country to achieve this is by ensuring that

- (i) they have ratified CEDAW and its optional protocols;
- (ii) they have ratified and adopted relevant treaties and conventions such as International Labour Organization (ILO) Convention 111 on discrimination in employment and occupation and ILO Convention 190 on eliminating violence and harassment in the world of work;
- (iii) the constitution and all national laws include principles and definitions of gender equality and prohibit discrimination against women in a manner consistent with CEDAW; and
- (iv) national laws and constitutional provisions explicitly
 - (a) prohibit direct and indirect discrimination against women, with effective complaint mechanisms and remedies;
 - (b) promote both formal and substantive gender equality, including provisions for temporary special measures (e.g., quotas and affirmative action), or ongoing special measures (e.g., maternity leave), and effective implementation measures (e.g., gender-sensitive budgeting); and
 - (c) require gender-mainstreaming across all laws and policies.³²

Box 1: Good Practice Examples of Constitutions

Mongolia's Constitution (2019) provides comprehensive guarantees of fundamental rights and freedom, and imports into domestic law the international treaties to which Mongolia has acceded. In the climate change context, articles 16(2) and 17(2) provide for a mutual right to a healthy and safe environment and an obligation to protect nature and the environment.

Fiji's Constitution (2013) contains an extensive bill of rights, including articles on equality and nondiscrimination.

Source: ADB. 2021. *Gender-Inclusive Legislative Framework and Laws to Strengthen Women's Resilience to Climate Change and Disasters*. Manila.

Box 2: Good Practice Example of a National Gender Equality Law

Mongolia's Law on the Promotion of Gender Equality (2011)

- (i) implements the Convention on the Elimination of all forms of Discrimination against Women, using its definitions of direct and indirect discrimination, formal and substantive equality, and special measures;
- (ii) requires the promotion of gender equality;
- (iii) prohibits sex discrimination by government, the private sector, and individuals;
- (iv) includes minimum quotas for women's employment within the public sector;
- (v) includes effective mechanisms for its implementation;
- (vi) has its implementation overseen by the (high-level) National Committee for Gender Equality in the Office of the Prime Minister; and
- (vii) is supported by presidentially appointed national gender experts.

The law also includes an innovative and world-leading practical measure for its rollout: developing sector gender strategies with each ministry, approved by each sector's minister. Sector gender strategies practically integrate gender equality into sector targets for climate change and disaster risk management, including the environment and agriculture sectors.

Source: ADB. 2021. *Gender-Inclusive Legislative Framework and Laws to Strengthen Women's Resilience to Climate Change and Disasters*. Manila.

²⁹ Three countries under this ADB TA include Fiji, the Lao PDR, and Mongolia.

³⁰ Global Gender and Climate Alliance. 2016. *Gender and Climate Change: A Closer Look at Existing Evidence*. <https://wedo.org/gender-and-climate-change-a-closer-look-at-existing-evidence-ggca/>.

³¹ CEDAW. 2004. General Recommendations adopted by the Committee on the Elimination of Discrimination Against Women. General Recommendation No. 25. https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/INT_CEDAW_GEC_3733_E.pdf.

³² CEDAW. 2018. *General Recommendation No. 37 on Gender-related dimensions of disaster risk reduction in the context of climate change*.

KEY ELEMENTS OF GENDER-RESPONSIVE DISASTER RISK MANAGEMENT AND CLIMATE CHANGE LAWS

Disaster risk management and climate change laws support policies and programming for women’s resilience most effectively by including the following key elements:

- (i) clear principles on gender equality and nondiscrimination, aligned with CEDAW and applied from national to local levels in disaster risk reduction (preparedness, response, recovery, and reconstruction); climate change adaptation and mitigation; climate and disaster financing; and environmental and natural resource management, including environmental impact assessments;
- (ii) legal mandates, mechanisms, and budgets to implement gender equality, including requirements and resource allocation for
 - (a) gender-responsive policy development;
 - (b) gender mainstreaming in planning, implementation, monitoring, and evaluation, including adopting gender-focused targets and indicators; and
 - (c) sex-disaggregated data collection, analysis, and reporting as part of all climate and disaster-related statistics;
- (iii) provisions for promoting women’s participation as key stakeholders in national and local institutions, including
 - (a) representation of women’s organizations, and an overall minimum of one-third of women on key policy and management committees, councils, and technical advisory bodies; and
 - (b) targets for gender parity in all employment in relevant institutions, while taking positive measures to increase number of women in leadership roles;
- (iv) recognition of the differential impacts of disasters and climate change on women compared with men, requiring implementing authorities to take account of this in policy, planning, and implementation, including
 - (a) risk and needs assessments, including with respect to impacts due to gender roles and pre-existing inequality or discrimination (e.g., care responsibilities, personal autonomy, access to emergency preparedness and warning systems and information, or means of evacuation);
 - (b) provision of goods and services relating to women’s sexual and reproductive health and sanitation during disasters, displacement, and relocations;
 - (c) measures preventing, mitigating, and responding to increased sexual and gender-based violence; and
 - (d) avoiding direct and indirect sex or gender discrimination in relief and recovery support.

Box 3: Good Practice Example of a Disaster Risk Management Law

The Philippine Disaster Risk Reduction and Management Act, 2010 (DRRM Act). The DRRM Act is discussed here as a good global practice example of a gender-inclusive disaster risk management law in the Asia and Pacific region because it

- (i) includes gender equality principles, requiring authorities to ensure that disaster risk reduction and climate change measures are gender-responsive and respect human rights (s. 2);
- (ii) requires gender analysis in early recovery and post-disaster needs assessments (s. 9);
- (iii) prioritizes delivering basic necessities to women (and children) during emergencies (s. 12);
- (iv) makes the chair of the national women’s entity a member of the National Disaster Risk Reduction and Management Council and the head of the local Gender and Development Office in each local DRRMC (ss. 5, 11); and
- (v) has multistakeholder representation of Philippine Red Cross, four civil society organizations, and one private sector representative in national and local DRRM committees, opening up opportunities for women to have a voice (ss. 5, 6, 11).

Source: ADB. 2021. *Gender-Inclusive Legislative Framework and Laws to Strengthen Women’s Resilience to Climate Change and Disasters*. Manila.

Box 4: Good Practice Example of a Climate Change Law

In September 2021, Fiji passed the Climate Change Act 2021 which sets a new global standard for comprehensive legislation on climate change. It regulates climate change adaptation and mitigation and includes specific sections on climate-resilient development, displacement and relocation, carbon sequestration, and oceans, as well as sustainable financing and private sector transition. In terms of gender equality and women’s resilience to climate change, it has several key elements:

- (i) The most important gender elements are expressed in the principles of section 5, which apply to all policy and implementation decisions taken by responsible persons and bodies under the act:
 - (a) the bill of rights in Chapter 2 of the constitution, with its right to formal equality and freedom from discrimination on the basis of “**sex, gender, sexual orientation, gender identity and expression,**” and other human rights;
 - (b) the “**intergenerational equity**” concept includes “**socially and gender-inclusive, equitable**” development; and

continued on next page

Box 4 *continued*

- (c) recognition of the “**inextricable links between gender equity, social inclusion**” and the SDGs, including Universal Principle Two: Leave No-One Behind, making a commitment that Fiji “**will respect, promote and consider...gender equality and responsiveness, women’s human rights and the empowerment of women**” (and others identified) including in employment and livelihood, participation in decision-making, and access to services, health, education, water, sanitation, housing, and transport.
- (ii) When the Minister responsible for climate change reviews the act every 5 years, they are “**required to consult the Minister responsible for women on the extent to which gender principles are adhered to in all aspects of implementation**” (s. 10).
- (iii) There are also specific requirements to include women or their interests, or gender equality referenced throughout the act, including
 - (a) the National Climate Change Policy must “**embed gender, human-rights, and social and cultural issues**” (s. 27);
 - (b) benefit-sharing plans for carbon sequestration must include women (s. 60); and
 - (c) relocation of at-risk communities must protect women’s rights and use “**inclusive and gender-responsive consultation and participatory processes**” (s. 77).

Source: Government of Fiji. 2021. Climate Change Act 2021. Bill No. 31 of 2021. Suva.

LAWS AND POLICIES SUPPORTING WOMEN’S SOCIOECONOMIC RESILIENCE

Strengthening women’s resilience requires more than developing and applying gender-sensitive and responsive laws and policies specifically directed to climate change and disasters. Equal and sustainable socioeconomic development also needs to be promoted through legislative and policy frameworks.

The National Good Practice Legislative Framework on Women’s Resilience to Climate Change and Disasters (Figure 1) includes laws preventing violence against women and girls, land, inheritance,

access to finance, education, and training and decent employment (formal and informal), among others. Although the framework’s scope is far wider, this brief focuses on three themes of utmost significance when analysing women’s resilience to climate and disaster risks:

- (i) combating violence against women and girls,
- (ii) improving women’s rights to assets, and
- (iii) improving women’s access to decent work.

VIOLENCE AGAINST WOMEN

Findings from a three-country study noted that limited links between domestic violence and disasters and climate change exist in national legislation and policy, despite all three countries reporting high levels of violence against women (VAW) and increasing evidence from Asia and the Pacific of exacerbated violence during and post disasters (footnote 24). In Mongolia, while the Law to Combat Domestic Violence is an example of good practice legislation,³³ common concerns over its execution include insufficient protection and access to shelters and service centers, especially for women and girls with disabilities³⁴ and women in remote rural areas,³⁵—which are particular concerns in the context of climate change and disaster risks.

In Fiji, there is little reference to VAW or GBV in disaster or climate change laws or policies, except in the National Disaster Risk Reduction Policy, which includes a brief section on the challenges, including those related to human rights protection and GBV in the case of evacuations.³⁶ The national law on violence is the Domestic Violence Act 2009 (revised 2016),³⁷ and the Fiji National Service Delivery Protocol for Responding to Cases of Gender-Based Violence 2018, which are considered good legal practice.³⁸ Evidence from Fiji and the Pacific acknowledge the significant increase in the prevalence of GBV during and after disasters.³⁹ Importantly, the protocol references how to adapt GBV services in times of crisis and provides guidance of GBV referral pathways developed for emergencies and disasters. Yet, at this time, there is no evidence of how the protocol has been applied to GBV in a disaster context.

In the Lao PDR, the Law on Preventing and Combating Violence against Women and Children 2014⁴⁰ is a comprehensive law that defines violence against women and children, and the Law on Women’s Development and Protection 2004⁴¹ defines and outlines

³³ ADB. 2022. *Women’s Resilience in Mongolia: How Laws and Policies Promote Gender Equality in Climate Change and Disaster Risk Management*.

³⁴ CEDAW. 2018. *Concluding Observations on the Combined Eighth and Ninth Periodic Reports of Mongolia*. paras. 18, 19.

³⁵ Government of Mongolia, National Committee on Gender Equality. 2019. *Mongolia Gender Situational Analysis: Advances, Challenges and Lessons Learned since 2005*. Ulaanbaatar.

³⁶ Government of Fiji, Ministry of Disaster Management and Meteorological Services. 2018. *National Disaster Risk Reduction Policy 2018–2030*. Suva.

³⁷ Government of Fiji. 2016. *Domestic Violence Act 2009 (Rev. 2016)*. Suva. Pub. L. No. 33 of 2009.

³⁸ United Nations, Department of Economic and Social Affairs. 2010. *Handbook for Legislation on Violence against Women*. New York.

³⁹ UN Women. 2014. *Climate Change, Disasters and Gender Based Violence in the Pacific*. Suva.

⁴⁰ Government of the Lao PDR. 2014. *Law on Preventing and Combatting Violence against Women and Children 2014*. Vientiane.

⁴¹ Government of the Lao PDR. 2004. *Law on Development and Protection of Women 2004*. Vientiane.

mediation measures to address “domestic violence” against women and children.⁴² Yet neither of these laws, nor the National Plan of Action on Protection and Elimination of Violence against Women and Children (2021–2025)—still in its draft form—recognize the links between climate and disaster risks and increases in VAW. Across all three project countries, data and evidence are urgently needed on the prevalence of VAW in the context of disasters and climate change to support informed legislative and policy reform. Furthermore, additional support to bridge the gap between policy and action is needed to strengthen policy implementation.

WOMEN’S RIGHTS TO ASSETS

Access to land and inheritance rights are crucial for women’s resilience to climate change and disasters; land tenure security provides greater certainty of access to land in the event of a disaster and underpins the ability of people to return to their livelihoods, food production, and rebuilding activities.⁴³

In the Lao PDR, under the constitution, men and women have equal status regarding property and inheritance rights, including land rights (Article 17),⁴⁴ although traditional succession practices often affect women’s inheritance of land.⁴⁵ Since the mid-1990s, the Government of the Lao PDR has been implementing a land titling program (LTP1 and LTP2), which has increased women’s inclusion on land titles. However, issues remain in rural areas, in which most rural land users, including women, do not have legal documentation to ensure the security of land tenure.⁴⁶

In Mongolia, the Law on Promotion of Gender Equality requires government agencies to ensure that men and women have access to land on equal terms,⁴⁷ and the Law on Land 2002 (revised in 2018) and the Law on Allocation of Land to Mongolian Citizens for Ownership (2002) identify three main types of tenure: ownership, possession, and use. Efforts to improve the registration of women on land titles have included a collaboration between several government and civil society organizations that worked to produce sex-disaggregated land information and data, in addition to training activities at national and subnational levels to improve the situation for women. As a result, the number of women with land registration

increased among the target groups, from 35% to 41% in a 2-year period,⁴⁸ but there is still more work to do.

In Fiji, land is a complex asset tied up in cultural tradition, and falls into three main categories: (i) 83% is *iTaukei* land, which is inalienable under the *iTaukei* Lands Trust Act and cannot be transferred, charged, or encumbered by its customary owners; (ii) 10% is freehold land, which has been alienated by the state or its customary owners, and is now privately owned; and (iii) 7% is state land (or “Crown land”), held by the government.⁴⁹ Ownership practices are generally based on systems in which males inherit property, even in minority groups influenced by Islamic law—which provides that female children inherit at least half of the property inherited by their brothers.⁵⁰ There are a few areas of Fiji where social groups practice matrilineal land inheritance, and women have some decision-making rights in relation to land. However, this is uncommon,⁵¹ and overall, women still lack secure land tenure rights.

WOMEN’S ACCESS TO DECENT WORK

As defined by the ILO, decent work encompasses “opportunities for work that is productive and delivers a fair income, security in the workplace and social protection for families, better prospects for personal development and social integration, freedom for people to express their concerns, organize and participate in the decisions that affect their lives, and equality of opportunity and treatment for all women and men.”⁵² These factors all contribute to women’s ability to build resilience. As many issues fall under decent work, the key issues explored here are harassment and discrimination in employment and the world of work, and lower pay compared to men for doing work of the same value.

In all three project countries, violence and harassment in the world of work was prevalent and gaps in legislation and policy exist. In the Lao PDR, the key law on workplace sexual harassment is the Law on Labor 2014, which prohibits employers from violating the personal rights of employees, especially female employees (Section 141(4)).⁵³ However, the law does not provide a clear definition of “harassment” or “sexual harassment in the workplace.” In a positive development, in Mongolia, there is now a new Labour Law 2020 that includes articles that prohibit harassment

⁴² ADB. 2022. *Women’s Resilience in the Lao People’s Democratic Republic: How Laws and Policies Promote Gender Equality in Climate Change and Disaster Risk Management*. Manila.

⁴³ Government of Mongolia, National Statistics Office and ILO. 2019. *Accelerating the 2030 Sustainable Development Goals through Decent Work SDG Monitoring and Country Profile for Mongolia*. Ulaanbaatar.

⁴⁴ Government of the Lao PDR. 1991. *Lao People’s Democratic Republic’s Constitution of 1991 (rev. 2003)*. Vientiane.

⁴⁵ Lao Women’s Union. 2018. *Lao PDR Gender Profile*. Vientiane.

⁴⁶ FAO. 2018. *Country Gender Assessment of Agriculture and the Rural Sector in Lao People’s Democratic Republic*. Bangkok.

⁴⁷ Ministry of Labour and Social Protection. 2011. *National Program on Gender Equality and Its Action Plan*, Art. 9.2.

⁴⁸ National Committee on Gender Equality. 2019. *Mongolia Gender Situational Analysis: Advances, Challenges and Lessons Learnt Since 2005*. Ulaanbaatar, Mongolia. p. 21.

⁴⁹ Government of Fiji, Ministry of Lands and Mineral Resources. Department of Lands.

⁵⁰ B. C. Prasad and S. Kumar. 2001. *Property Rights in Fiji: Women’s Welfare and Empowerment*. Delhi.

⁵¹ C. Bolabola. 1986. Fiji: Customary Constraints and Legal Progress, in *Land Rights of Pacific Women*. Suva: Institute of Pacific Studies of the University of the South Pacific; Australian Red Cross (ARC) and IFRC. 2018. *Disaster Law Housing, Land and Property Mapping Project: Fiji (Draft)*. Geneva.

⁵² ILO. n.d. Decent Work.

⁵³ Lao PDR. 2014. *Labor Law (Amended)*. [Unofficial Translation]. Vientiane.

and sexual harassment in the workplace with reference to obligations and responsibilities of employers. The new Labour Law 2020 also makes reference to other laws including the Law on the Promotion of Gender Equality for its comprehension and implementation. There is also scope to broaden this beyond “traditional workplaces” to the world of work as promoted by the ILO in Convention C190.⁵⁴

In Fiji, there is no definition of workplace sexual harassment in laws prohibiting sexual and indecent assault—such as section 76 of the Employment Relations Act 2007 (revised 2019), section 19(2) of the Human Rights and Anti-Discrimination Commission Act 2009, and sections 207–213 of the Crimes Act 2009 (revised 2018). However, the 2007 National Policy does have a CEDAW-aligned description of sexual harassment in the workplace, and it also provides good practice guidelines on the types of conduct that would be included. Fiji also ratified the Convention on Violence and Harassment in the Workplace (C190) in 2020, showing positive steps toward addressing this critical issue⁵⁵ and implementation, including reviews of relevant national laws and policies, will be essential.⁵⁶

Evidence from Mongolia, the Lao PDR, and Fiji show that gender pay gaps exist.⁵⁷ In terms of women's employment in Fiji, although women's labor force participation is growing,⁵⁸ it remains low. The pay gap between men and women is the widest in the Pacific region. Women are frequently subject to occupational segregation with concomitant wage differentials and are concentrated in lower-paid jobs, informal or unpaid work, even within the same industry, causing the wage differential to persist (footnote 58). In 2017, the Lao PDR had a gender wage gap of 15.3%,⁵⁹ while in Mongolia, as of March 2019, the National Statistics Office noted that the gender pay gap in the country had increased to over 25%.⁶⁰ These issues impact women's ability to gain and remain in decent work and build economic security to manage shocks caused by climate change and disasters.

KEY ACTIONS TO STRENGTHEN WOMEN'S RESILIENCE

This brief—and associated knowledge products—analyse critical elements of gender-responsive laws and policies, highlighting best practice examples in Asia and the Pacific. However, such laws and policies are not sufficient; key actions are also needed to implement them, to strengthen women's resilience to climate change and disasters. These include, but are not limited to the following:

- (i) **Prioritizing the collection and analysis of sex-disaggregated data, including other factors (such as age and location).** Given increased regional attention on links between gender, climate change, and disasters—with an array of new or revised laws and policies—the speed of collecting sex- and age-disaggregated data must accelerate. Following the first measure of CEDAW General Recommendation 37, such data are vital to understand the complex impacts of climate change and disaster risks, providing the crucial information needed to pursue more gender-responsive climate action.
- (ii) **Acknowledging the links between VAW, GBV, decent work, and access to assets as central to building women's resilience.** Climate and disaster risks are likely to increase in Asia and the Pacific, so links between key socioeconomic areas and climate-related risks must be recognized in laws on climate change and disaster risk management, including legislation and policies on ending VAW, promoting decent work, and enabling universal rights to economic assets.
- (iii) **Increasing women's participation in the management of environmental, climate change, and disaster risks.** Women have very little influence over policy formulation, due to the limited number of women in decision-making positions. However, governments can be guided by the international frameworks promoting more gender-inclusive processes and greater representation of women in climate action. It is necessary to elevate women's participation in decision-making from local to national and international levels. Augmenting women's representation in sectors such as energy, agriculture, and the environment is vital for strengthening women's resilience to climate change and disasters.
- (iv) **Developing gender mainstreaming guidelines on climate change and disaster risk management, to support the implementation of laws and policies.** As legislative reform and new laws on climate change and disasters include gender equality as a fundamental principle, there is a rising need to support the execution of gender-responsive and inclusive action on climate change and disaster risk management. Gender mainstreaming guidelines—including appropriate budgeting, monitoring, and evaluation—are required to consolidate the enforcement of such laws and policies.

⁵⁴ ILO. 2022. *Eliminating Violence and Harassment in the World of Work*. Geneva.

⁵⁵ ILO. 2017. *C190 Violence and Harassment Convention, 2019 (No. 190)*. Geneva.

⁵⁶ Fiji Women's Rights Movement (FWRM). 2019. *FWRM Submission on the Ratification of the Violence and Harassment Convention 2019*. Suva.

⁵⁷ ADB. 2022. *Women's Resilience: How Laws and Policies Promote Gender Equality in Climate Change and Disaster Risk Management*. Mongolia, the Lao PDR, and Fiji country reports.

⁵⁸ CEDAW. 2018. *Concluding Observations on the Fifth Periodic Report of Fiji*. CEDAW/C/FJI/CO/5. 14 March 2018.

⁵⁹ According to the Gender Wage Study undertaken by the Social Development Alliance Association.

⁶⁰ *Xinhua News*. 2019. Women in Mongolia Earn Less than Men. 7 March.

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