







Submission to the Office of the High Commissioner of Human Rights

In regard to the Report on the impact of climate change on the realisation of the equal enjoyment of the right to education by every girl

By the Commonwealth Human Rights Initiative and Commonwealth 8.7 Network members: It's a Penalty and Homes of Hope

1 March 2024

Introduction

The <u>Commonwealth Human Rights Initiative</u> (CHRI), <u>It's a Penalty</u> and <u>Homes of Hope</u>, <u>Fiji</u> welcome the opportunity to respond to the call for inputs from the OHCHR to inform its forthcoming report on the impact of climate change on the realisation of the equal enjoyment of the right to education by every girl.

This submission draws on pertinent international and regional standards, and is also informed by the contribution of members of the <u>Commonwealth 8.7 Network</u>, a global network of over 100 civil society organisations with expertise on women's rights, childs' rights, anti-trafficking, and environmental issues and united by a shared vision to eradicate contemporary forms of slavery and human trafficking in line with SDG Target 8.7.¹

We appreciate the High Commissioner's initiative to focus on this issue, highlighting the negative effects of climate change on the right to education of girls. This submission focuses on the need to understand, acknowledge and respond to the particular interlinkages between climate change, modern slavery, and the enjoyment of the right to education by girls. The impact of climate change intensifies vulnerabilities for girls, contributing to increased risks of modern slavery, child marriage, and gender-based violence, particularly for girls. These forms of exploitation in turn lead to disrupted education, and necessitate urgent, intersectional interventions by State parties.

Barriers for girls to their equal enjoyment of the right to education, in relation to impacts of climate change and modern slavery

A. Climate Change increases risk of modern slavery, particularly for women and girls

Modern slavery is an umbrella term that encompasses various practices like forced labour, debt bondage, forced marriage, and human trafficking. It refers to situations of exploitation where individuals are unable to decline or escape due to threats, violence, coercion, deception, or abuse of power.²

Climate change and climate-induced migration are significant drivers of vulnerability to modern slavery, violence and exploitation in the Commonwealth and beyond.³ As levels of poverty and inequality

¹ See generally, https://www.commonwealth-87.org/.

² International Labour Organisation, International Organisation for Migration and Walk Free (2022), Global Estimates of Modern Slavery, p. 61. Available at: https://cdn.walkfree.org/content/uploads/2022/09/12142341/GEMS-2022_Report_EN_V8.pdf.

³ Inter-American Commission on Human Rights (2021), Climate Emergency. Scope of Inter-American Human Rights Obligations, Resolution 3/2021, para. 19.

increase, so does vulnerability to modern slavery.⁴ Girls, in particular, are disproportionately affected by climate change and its impact on modern slavery.⁵ Reports show that the majority of those displaced by climate change are female and this leads to increased risk of violence and exploitation.⁶ Women and girls are exposed to a heightened risk of trafficking and exploitation in cases of climate-induced migration,⁷ and risks of trafficking are exacerbated during natural disasters.⁸ For example, intensifying drought in the Lake Chad basin has resulted in the significant migration of women and girls, some of whom have fallen victim to human trafficking, sexual exploitation and forced labour.⁹ Similarly, annual floods in Assam north-east India have resulted in a rise in trafficking, as 'middle-men from trafficking networks lure poverty-stricken families into handing over their children with the prospect of giving them well-paying jobs.'¹⁰ Reportedly, many of these children were then forced into domestic servitude or sexual exploitation.¹¹

Child, early and forced marriage (CEFM) often increases in the wake of climate change and climate-related disasters, ¹² as families engage in the practice aiming to reduce their economic vulnerability. ¹³ In a 2020 study, the likelihood of CEFM increased following a heatwave in Bangladesh, as well as rates of gender-based violence (GBV) within these marriages. ¹⁴ This link was further confirmed by a 2023 assessment by the International Rescue Committee (IRC) that revealed a 39% increase in CEFM within Bangladesh's highly disaster-prone and climate-vulnerable coastal regions, particularly in Bhola and Shatkhira, after climate-induced disasters. ¹⁵ A similar trend has also been identified in Mozambique, where a 2016 report found that the effects of drought led to CEFM taking place. ¹⁶ Following flooding in

⁴ Inter-American Commission on Human Rights (2021), Climate Emergency. Scope of Inter-American Human Rights Obligations, Resolution 3/2021, para. 19.

⁵ Asadullah, M.N., Islam, K.M.M., and Wahhaj, Z. (2021). Child marriage, climate vulnerability and natural disasters in coastal Bangladesh. Journal of Biosocial Science, 53(6), 948-967; UNODC. (2022). Policy Brief Climate, Crime and Exploitation: The gendered links between climate-related risk, trafficking in persons and smuggling of migrants. United Nations Office on Drugs and Crime, Vienna.

⁶ Swaine, A. (2018). Conflict-related violence against women: Transforming transition. Cambridge University Press.

⁷ For example, drought in Northern Ghana had forced people to migrate to cities, where many women started working as porters and were at risk of trafficking, sexual exploitation, as well as debt bondage. See International Institute for Environment and Development (IIED) and Anti-Slavery International (2021), Climate-induced migration and modern slavery: a toolkit for policymakers. Available at: https://www.iied.org/20441g. Similarly, see Anti-Slavery International (2021), Climate-induced migration and modern slavery, p.14. Available at: https://www.antislavery.org/wp-content/uploads/2021/09/ClimateMigrationReportSep2021 low res.pdf.

⁸ International Labour Organisation, International Organisation for Migration and Walk Free (2022), Global Estimates of Modern Slavery, p. 61. Available at: https://cdn.walkfree.org/content/uploads/2022/09/12142341/GEMS-2022 Report EN V8.pdf.

⁹ International Organisation for Migration (2016), The Climate Change – Human Trafficking Nexus, p.4. Available at: https://publications.iom.int/system/files/pdf/mecc_infosheet_climate_change_nexus.pdf; Bharadwaj, R. et. al. (2021), 'Climate-induced migration and modern slavery', p. 8. Available at: https://pubs.iied.org/sites/default/files/pdfs/2021-09/20441G.pdf.

¹⁰ Santoshini, S. (2017). 'Assam Floods Drive Trafficking, Child Marriage and Women's Ill-Health', The New Humanitarian, 27 July. Available at: https://deeply.thenewhumanitarian.org/womenandgirls/articles/2017/07/27/assam-floods-drive-trafficking-child-marriage-and-womens-ill-health

¹¹ Santoshini, S. (2017). 'Assam Floods Drive Trafficking, Child Marriage and Women's Ill-Health', The New Humanitarian, 27 July. Available at: https://deeply.thenewhumanitarian.org/womenandgirls/articles/2017/07/27/assam-floods-drive-trafficking-child-marriage-and-womens-ill-health

¹² Anti-Slavery International (2021), Climate-induced migration and modern slavery, p.14. Available at: https://www.antislavery.org/wp-content/uploads/2021/09/ClimateMigrationReportSep2021_low_res.pdf. Similarly, Molinari, N. 'Intensifying Insecurities: The impact of climate change on vulnerability to human trafficking in the Indian Sundarbans', Anti-Trafficking Review, Issue 8, 2017, pp. 50—69. Available at: www.antitraffickingreview.org.

¹³ Alston, M., Whittenbury, K., Haynes, A., and Godden, N. (2014). Are climate challenges reinforcing child and forced marriage and dowry as adaptation strategies in the context of Bangladesh? Women's Studies International Forum, 47, 137–144.

¹⁴ Carrico, A.R., Donato, K.M., Best, K.B., and Gilligan, J. (2020). Extreme weather and marriage among girls and women in Bangladesh. Global Environmental Change, 65, 102160.

¹⁵ International Rescue Committee (2023). Bangladesh: IRC study reveals a staggering 39[~]% surge in child marriage due to climate change, 6 December. Available at:

https://www.rescue.org/press-release/bangladesh-irc-study-reveals-staggering-39-surge-child-marriage-due-climate-change

¹⁶ Carrico, A.R., Donato, K.M., Best, K.B., and Gilligan, J. (2020). Extreme weather and marriage among girls and women in Bangladesh. Global Environmental Change, 65, 102160.

Assam north-east India, a 2017 article found that women and girls were forced into child labour or marriage in order to make ends meet.¹⁷

Child labour also sees an increase in the aftermath of climate change induced events. ILO's issue paper states that it is clear that climate change – and public and private responses to it - is having a profound impact on child labour.¹⁸ As climate change significantly disrupts agricultural productivity, triggers extreme weather events, fosters climate-driven migration and conflict, and compromises health and essential infrastructure, households grappling with these challenges are driven into increased poverty. In such circumstances, families are compelled to resort to child labour as a coping mechanism, exacerbating the risks faced by children who are forced into hazardous labor instead of pursuing education.¹⁹

Global research demonstrates the exacerbating effects that disasters have on pre-existing rates of sexual and gender-based violence (GBV).²⁰ As described by Michelle Bachelet, UN High Commissioner for Human Rights, "While they sleep, wash, bathe or dress in emergency shelters, tents or camps, the risk of sexual violence is a tragic reality of their lives as migrants or refugees...Compounding this is the increased danger of human trafficking, and child, early and forced marriage which women and girls on the move endure." UNICEF also reports that women and girls are at increased risk of violence during and after extreme weather events.²² Following the 2007 Gizo tsunami, rates of GBV including rape were reported in the Solomon Islands.²³ Subsequently, a women's counselling centre in Vanuatu announced that reported cases of domestic violence increased by 300% in the wake of two major tropical cyclones in 2011.²⁴

Commonwealth 8.7 Network member Homes of Hope Fiji have reported that crises, such as natural disasters, exacerbate existing patriarchal structures within the indigenous culture, expanding the control men have over women and girls in their community. While men and boys are also victims of GBV, existing gender inequalities and power imbalances mean that women and girls are most likely to feel the impact of increased instances of GBV. In a recently released report on Climate Risk Country Profile for Fiji, several factors were identified that account for the differences between women's and men's vulnerability to climate change risks. These include: gender-based differences in time use; access to assets and credit; treatment by formal institutions, which can constrain women's opportunities; limited

¹⁷ Santoshini, S. (2017). 'Assam Floods Drive Trafficking, Child Marriage and Women's Ill-Health', The New Humanitarian, 27 July. Available at: https://deeply.thenewhumanitarian.org/womenandgirls/articles/2017/07/27/assam-floods-drive-trafficking-child-marriage-and-womens-ill-health

¹⁸ ILO (2023). Issue paper on child labour and climate change. Available at:

https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_905673/lang--en/index.htm#:~:text=GENEVA%20(ILO%20News)%20%E2%80 %93%20Climate,International%20Labour%20Organization%20(ILO).

19 Id.

²⁰ UN Women Fiji 2014, Climate change disasters and gender based violence in the Pacific, UN Women. available from: https://asiapacific.unwomen.org/en/digital-library/publications/2015/. [13 July 2021]

²¹ UN News (2022). Put women's rights 'front and centre' of climate policies: Bachelet, 27 June. Available at: https://news.un.org/en/story/2022/06/1121442

²² CEDAW Committee, General Recommendation No. 38 on trafficking in women and girls in the context of global migration, UN Doc. CEDAW/C/GC/38, 20 November 2020, para. 33. Available at:

https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-recommendation-no38-2020-trafficking-women_

²³ UN Women Fiji (2012). Scoping of key issues in gender, climate change and disaster risk management to inform proposed UN Women five-year, five-country Pacific Program. Available from: https://www.researchgate.net/publication/267925379.

²⁴ UN Women Fiji (2012). Scoping of key issues in gender, climate change and disaster risk management to inform proposed UN Women five-year, five-country Pacific Program. Available from: https://www.researchgate.net/publication/267925379.

²⁵ CHRI, Vanuatu Human Rights Coalition, Homes of Hope Fiji and Pacificwin (2021). Case study: Increased risks of contemporary forms of slavery for women and girls facing climate change-related disasters in Pacific Island Countries and Territories, 16 July. Available at: https://www.ohchr.org/sites/default/files/2022-02/Commonwealth-Human-Rights-Initiative.pdf

access to policy discussions and decision making; a lack of sex-disaggregated data for policy change.²⁶ Disparities in power lead to fewer choices for victims and survivors of GBV, rendering them more vulnerable to human trafficking. Human trafficking requires an act, such as transportation, through coercive or forceful means (although coercion is not required for children) for the purpose of exploitation. GBV is linked to the 'exploitative purpose' element of human trafficking, because violence often functions as a tool of exploitation as well as a catalyst for exploitative conditions.²⁷ Furthermore, both SGBV and modern slavery and exploitation of girls exist as a result of persistent and pervasive structures of gender inequality;²⁸ these same structures limit girls' access to education around the world.

2. Climate change and modern slavery both have an impact on the enjoyment of the right to education by girls

The impact of climate change and climate-related disasters on girls' access to education is well documented.²⁹ Due to their impact on familial income, climate shocks often result in girls dropping out of school as their education is no longer seen as a priority when their family feels they have to redirect

Children who are in slavery and vulnerable to slavery experience significant barriers to accessing and remaining in education.³¹ This in turn may exacerbate the existing barriers that many girls already face.³²

First, children, particularly girls who are subjected to forms of modern slavery and child labour may not be able to participate in schooling on equal terms. Exploitative practices like child labour harms children's physical and mental development, is often mentally, physically, socially or morally dangerous and interferes with a child's education.³³ It may affect attendance and performance in school.³⁴ For instance, children who have been trafficked and employed as domestic workers often work during late hours, and their fatigue or exhaustion may lead them to fall asleep while at school.³⁵ In Nigeria, children trafficked to urban areas are often required to sell items before going to school.³⁶ This often results in their late arrival, causing them to miss lessons, not have time for homework, affecting their learning capacity. Trafficked children engaged in hazardous labour may also face obstacles to learning caused by deformities, poor health, infections, and psychological trauma from distressing experiences.³⁷

Second, children subjected to forms of modern slavery and child labour might not be able to access to education at all. Child labour, depending on the circumstances, might deprive children of their right to go

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²⁶ World Bank Group (2021). Climate Risk Country Profile: Fiji. Available at:

https://climateknowledgeportal.worldbank.org/sites/default/files/country-profiles/15854-WB_Fiji%20Country%20Profile-WEB.pdf

²⁷ SGBV in the Context of Human Trafficking, https://www.unhcr.org/583577ed4.pdf

²⁸ The Freedom Fund (2020). Gender inequality and modern slavery How to break the cycle of women and girls' exploitation. Available at: https://freedomfund.org/wp-content/uploads/GenderInequalityModernSlaveryWeb 2020 02.pdf

²⁹ Swaine, A. (2018). Conflict-related violence against women: Transforming transition. Cambridge University Press.

³⁰ Swaine, A. (2018). Conflict-related violence against women: Transforming transition. Cambridge University Press.

³¹ Anti-Slavery International (2022). Child slavery: denying children the right to an education, 24 January. Available at: https://www.antislavery.org/latest/education-child-slavery-denying-children-the-right/#:~:text=However%2C%20children%20in%20slavery%20and.cycle%20of%20poverty%20and%20exploitation.

³² Foreign, Commonwealth and Development Office (2023). International Women and Girls Strategy 2023–2030, March. Available at: https://assets.publishing.service.gov.uk/media/640a0bb1d3bf7f02f7d9db18/international-women-and-girls-strategy-2023-2030.pdf

³³ CHRI (2022). Children, Not Workers. Available at: https://www.humanrightsinitiative.org/download/1671536153CHRI%20Child%20Labour.pdf
³⁴ UNICEF. Child labour and exploitation. Available at:

 $[\]frac{\text{https://www.unicef.org/india/what-we-do/child-labour-exploitation\#:} \text{"::text=schools%2C\%20not%20workplaces.--,Child%20labour%20deprives%20children%20of%20their%20right%20to%20go%20to,and%20exploitation%20threatens%20national%20economies."} \text{":text=schools%2C\%20not%20workplaces.--,Child%20labour%20deprives%20children%20of%20their%20right%20to%20go%20to,and%20exploitation%20threatens%20national%20economies."} \text{":text=schools%2C\%20not%20workplaces.--,Child%20labour%20deprives%20children%20of%20their%20right%20to%20go%20to,and%20exploitation%20threatens%20national%20economies."} \text{":text=schools%2C\%20not%20workplaces.--,Child%20labour%20deprives%20children%20of%20their%20right%20to%20go%20to,and%20exploitation%20threatens%20national%20economies."} \text{":text=schools%2C\%20not%20workplaces.--,Child%20labour%20deprives%20national%20economies."} \text{":text=schools%2C\%20not%20workplaces.--,Child%20labour%20deprives%20national%20economies."} \text{":text=schools%2C\%20not%20workplaces.--,Child%20labour%20deprives%20national%20economies."} \text{":text=schools%2C\%20not%20workplaces.--,Child%20labour%20deprives%20national%20economies."} \text{":text=schools%2C\%20not%20workplaces.--,Child%20labour%20deprives%20workplaces.--,Child%20labour%20deprives%20workplaces.--,Child%20labour%20deprives%20workplaces.--,Child%20labour%20deprives%20workplaces.--,Child%20labour%20deprives%20workplaces.--,Child%20labour%20deprives%20workplaces.--,Child%20labour%20deprives%20workplaces.--,Child%20labour%20deprives%20workplaces.--,Child%20labour%20deprives%20workplaces.--,Child%20labour%20workplaces.--,Child%20labour%20workplaces.--,Child%20labour%20workplaces.--,Child%20labour%20workplaces.--,Child%20labour%20workplaces.--,Child%20labour%20workplaces.--,Child%20labour%20workplaces.--,Child%20labour%20workplaces.--,Child%20labour%20workplaces.--,Child%20labour%20workplaces.--,Child%20labour%20workplaces.--,Child%20labour%20workplaces.--,Child%20labour%20workplaces.--,Child%20labour%20workplaces.--,Child%20labour%20workplaces.--,Child%20labour%20work$

³⁵ Coker-Kolo, Doyin, and S. Renée Jones (2021). 'Human Trafficking and Violation of Girls' Rights to Education in Sub-Saharan Africa'. Human Trafficking in Africa: New Paradigms. New Perspectives 255-272.

³⁶ Aibangbe, Mary O (2015). 'Child trafficking: A hindrance to the girl-child education'. Planning and Changing 46.¾, 311.

³⁷ Coker-Kolo, Doyin, and S. Renée Jones (2021). 'Human Trafficking and Violation of Girls' Rights to Education in Sub-Saharan Africa'. Human Trafficking in Africa: New Paradigms, New Perspectives 255-272.

to school altogether.³⁸ Employers may either explicitly forbid children from going to school or, alternatively, the extended working hours they require make attending school practically unfeasible.³⁹ Forcing children, especially girls, into marriage limits their access to schools.⁴⁰ Plan UK in its study found that it was common for girls to be forced to drop out of school and marry.⁴¹ Moreover, due to its illegality in many countries, early marriage tends to be underreported as a factor contributing to school dropout rates. When a girl marries, she's often required to quit school, with a higher likelihood of dropping out during the pre-marriage period or shortly after.⁴² As a wife or mother, she's expected to manage household duties, children, and extended family, making it nearly impossible for her to resume education. Practical barriers, including household responsibilities, stigma, forced exclusion, and gender norms, all hinder married girls from accessing education. Adolescent pregnancy resulting from early marriage often leads to school dropout due to legal restrictions, lack of re-enrolment support, and societal stigma.⁴³

This is a cyclic process - not only does modern slavery impact the right to education, but evidence also shows that where there are barriers to education for girls in place, the risk of modern slavery increases. ⁴⁴ Contemporary forms of modern slavery are both a cause and consequence of barriers to education. Access to education is a key factor in reducing girls' vulnerability to modern slavery, exploitation and violence. ⁴⁵ According to Anti-Slavery International, when girls are not in school, they are at particular risk of CEFM or experiencing forced labour and exploitation. ⁴⁶ CHRI's report on Child Labour during the Covid-19 pandemic demonstrated that disruption of education during the pandemic was a key factor impacting the increased the vulnerability of children to child labour. ⁴⁷

Recommendations

To counter these risks, it is important that States "adopt differentiated measures to address all women [and girls] in their various roles, to prevent and eradicate all forms of violence when exposed to natural

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https://www.girlsnotbrides.org/learning-resources/child-marriage-and-education/

³⁸ UNICEF, Child labour and exploitation. Available at:

³⁹ Human Rights Watch. 'Child Labour. Available at: https://www.hrw.org/reports/2005/education0905/8.htm

⁴⁰ Anti-Slavery International (2022). Child slavery: denying children the right to an education. Available at: https://www.antislavery.org/latest/education-child-slavery-denving-children-the-right/#:~:text=This%20can%20manifest%20in%3A,instead%20 of%20going%20to%20school

⁴¹ Plan UK (2011). 'Because I am a Girl - Breaking Vows: Easy and Forced Mariage and Girls' Education'. Available at: https://plan-uk.org/file/breaking-vows-efm-3462225pdf/download?token=RIE5iobL

⁴² Girls not Birdies. 'Child marriage and education'. Available at:

⁴³ Human Rights Watch (2018). 'Leave no girl behind in Africa: Discrimination in education against pregnant girls and adolescent mothers'. Available at: https://www.hrw.org/news/2018/06/14/africa-pregnant-girls-young-mothers-barred-school

⁴⁴ Swaine, A. (2018). Conflict-related violence against women: Transforming transition. Cambridge University Press.

⁴⁵ Anti-Slavery International (2022). Child slavery: denying children the right to an education, 24 January. Available at: https://www.antislavery.org/latest/education-child-slavery-denying-children-the-right/#:~:text=However%2C%20children%20in%20slavery%20and.cycle%20of%20poverty%20and%20exploitation.

⁴⁶ Anti-Slavery International (2022). Child slavery: denying children the right to an education, 24 January. Available at: https://www.antislavery.org/latest/education-child-slavery-denying-children-the-right/#:~:text=However%2C%20children%20in%20slavery%20and.cycle%20of%20poverty%20and%20exploitation.

⁴⁷ CHRI (2022). Children, Not Workers. Available at: https://www.humanrightsinitiative.org/download/1671536153CHRI%20Child%20Labour.pdf

disasters, such as floods, storms, avalanches, and landslides, caused by climate change". In particular, we recommend that the report of the High Commissioner:

- Integrated Response Framework: Propose an integrated framework that acknowledges the interplay of climate change, modern slavery, and girls' right to education, guiding states in developing holistic policies.
- Reintegration Programmes: Encourage the establishment of tailored reintegration programmes for girls who are forced to drop out of formal or informal education owing to marriage and/or childbirth, and including in situations of disasters, crises and conflict leading to displacement.
- Preventive Measures: Advocate for proactive measures addressing root causes like poverty, climate-induced migration, and economic vulnerabilities to prevent modern slavery and enhance educational opportunities for girls.
- Protection and Support: Recommend the establishment of confidential reporting mechanisms and support systems tailored for girls affected by climate-induced vulnerabilities and modern slavery.
- Trauma-Informed Education: Stress the importance of trauma-informed education policies to cater to the unique needs of girls who have experienced modern slavery or climate-induced vulnerabilities.
- **Gender-Responsive Climate Policies:** Emphasise the necessity of gender-responsive climate policies to mitigate risks, combat modern slavery, and improve girls' access to quality education.
- **Capacity Building and Awareness:** Encourage capacity building for educators and stakeholders to identify and support girls at risk, fostering a secure educational environment.
- Data Collection and Disaggregation: Highlight the significance of collecting and disaggregating data to understand the intersectional impact of climate change and modern slavery on girls' education.
- Intersectional Educational Programs: Promote the implementation of intersectional educational programs addressing the specific challenges faced by girls affected by climate-induced vulnerabilities and modern slavery.
- Alternative Livelihood Opportunities: Research and introduce climate smart nature-based or value-added alternative livelihood options for food security and help mitigate hunger threats.

https://www.downtoearth.org.in/blog/climate-change/climate-change-conflict-what-is-fuelling-the-lake-chad-crisis-75639 and Plan International (2018), Adolescent girls in crisis: voices from the lake Chad basin, p. 6, 13 and 15. Available at: https://plan-international.es/files_informes/lao_chad_doc_42.pdf.

⁴⁸ See Mohanty, A., Robson, K., Ngueping, S., Sampurna Nanda, S. (2021), 'Climate change, conflict: What is fuelling the Lake Chad crisis', Down to Earth, 23 February 2021. Available at: