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**Different Effects on Different People:
advancing gender protection and equality in disaster
displacement and disaster management in the Caribbean**

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Abstract

Natural disasters and climate change are continuously threatening the life and livelihoods of millions of people worldwide, and especially in the Caribbean. While a small number of communities have proven to be resilient to such events, the majority are forced to relocate, becoming internally displaced persons. Within this context, women experience the impacts of disasters in unique ways, as they often face additional vulnerabilities that make them highly susceptible to such events. These vulnerabilities include widespread inequalities, gender-based violence and culture of masculinity. Therefore, there is the need to protect and enhance women's rights during disasters and displacements through the development and adoption of specific laws and policies. This thesis aims at analyzing the current disaster displacement in the Caribbean SIDS, and the vulnerabilities and impacts of women in such situations. Within this context, the national legal frameworks of two selected Caribbean SIDS, namely Haiti and the Dominican Republic, will be analyzed in order to understand whether and to what extent they mainstream gender. The research concludes that women are partially included in national policies and laws, but their vulnerabilities and rights are not sufficiently addressed. Therefore, the thesis provides a set of recommendations to overcome the main issues found.

Key Words: Natural Disasters, DRR, Gender Mainstreaming, Caribbean, SIDS, Internal Displacement, Haiti, Dominican Republic.

Different effects on different people: advancing gender protection and equality in disaster displacement and disaster management in the Caribbean

Abstract

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CEDAW: Committee on the Elimination of Discrimination Against Women

CEDAW: Convention on the Elimination of all Forms Discrimination Against Women

COVID-19: Coronavirus Disease 2019

DRM: Disaster Risk Management

DRR: Disaster Risk Reduction

GBV: Gender-based Violence

IASC: Inter-Agency Standing Committee

ICAT: Inter-Agency Coordination Group Against Trafficking in Persons

ICCPR: International Covenant on Civil and Political Rights

ICESCR: International Covenant on Economic, Social and Cultural Rights

IDMC: Internal Displacement Monitoring Center

IDPs: Internally Displaced Persons

IFRC: International Federation of the Red Cross

IHL: International Humanitarian Law

IHRL: International Human Rights Law

IL: International Law

ILC: International Law Commission

IOs: International Organizations

IOM: International Organization for Migration

NGO: Non-Governmental Organizations

PNGRD: Plan National de Gestion des Risques de Désastre 2019-2030

PNRU: Plan National de Réponse aux Urgences

R2P: Responsibility to Protect

SADDD: Sex, Age and Disability Disaggregated Data

SIDS: Small Islands Developing States

UDHR: Universal Declaration on Human Rights

UN: United Nations

UNDP: United Nations Development Programme

UNDRR: United Nations Office for Disaster Risk Reduction

UNESCO: United Nations Educational, Scientific and Cultural Organization

UNGA: United Nations General Assembly

UNHCR: United Nations High Commissioner for Refugees

UNOCHA: United Nations Office for Coordination of Humanitarian Affairs

UN OHCHR: United Nations Office of the High Commissioner for Human Rights

UN Women: United Nations Entity for Gender Equality and the Empowerment of Women

Introduction

1. Why should gender protection and equality be advanced in disaster displacement and disaster risk management in the Caribbean?

The Caribbean region has historically been extremely vulnerable to the negative impacts of climate change and natural disasters, which have contributed to a widespread loss of lives and livelihoods, as well as displacement. This has resulted in thousands of people in the region leaving their homes due to the severe impacts of, or as a coping strategy to disasters. In addition, as climate change is worsening the impact and intensity of natural disasters, displacement and migration is predicted to intensify in the near future¹. Within this context, it is important to acknowledge that not all inhabitants are affected in the same way, and that the specific characteristics and vulnerabilities of the individuals should be always taken into account when developing national laws and policies to cope with the risks and impacts of natural disasters and displacement. For instance, according to a UN Women article on the impact of natural disasters on women², gender plays a key role in disaster situations, as determines the extent and intensity to which people are more or less vulnerable to it. In fact, women and girls are disproportionately affected by these disasters, are more likely to die³, and to experience violence and discrimination during displacement. This is because natural disasters as well as displacement exacerbate the already existing inequalities, gender roles and patriarchal norms, and thus make women more vulnerable to its effects⁴. In particular, it has been reported that women in displacement situations in the Caribbean face sexual and gender-based violence, discrimination and inequalities in decision-making, participation and labor opportunities. In addition, such events worsen the gender-based impact of poverty and economic inequalities, making even more difficult for women to recover in the aftermath of disasters. Nevertheless, Caribbean women are also well known for being

¹ Amelia Bleeker et al., “Advancing Gender Equality in Environmental Migration and Disaster Displacement in the Caribbean”. *ECLAC, Studies and Perspectives series*, No. 98 (2021): 19, <https://repositorio.cepal.org/handle/11362/46737>

² UN Women Caribbean, “Disasters Affect Us All Differently”, March 7, 2022. <https://caribbean.unwomen.org/en/stories/news/2022/03/disasters-affect-us-all-differently>

³ According to UNDP, women (and children) are 14 times more likely than men to die in the context of natural disasters worldwide. Reference: Okai Asako, "Women Are Hit Hardest in Disasters, So Why Are Responses Too Often Gender-Blind?", UNDP, March 24, 2022. <https://www.undp.org/blog/women-are-hit-hardest-disasters-so-why-are-responses-too-often-gender-blind>

⁴ UN Women Caribbean, “Disasters Affect Us All Differently”.

active agents within their families and communities and thus play essential roles during and after disasters, ensuring better outcomes for displaced communities⁵. Within this scenario, it has been acknowledged that women are not an heterogeneous group, and thus their specific vulnerabilities should be recognized and addressed through intersectional lenses. This means that within the group of women, not all experience disaster displacement in the same way. For example, poor women face higher risks during displacements⁶, and women of Haitian origins in neighboring SIDS have often been discriminated and had less access to humanitarian aid and resources to cope with and recover from disasters due to the fear of being deported, as often have an irregular migratory status⁷.

Within this context, the Caribbean has been chosen as the focus region because of its peculiar characteristics: it is one of the most gender-unequal regions in the world and is the second most hit region by natural disasters. For instance, some of the SIDS in the region are subject to a variety of different hazards, which if summed with the internal contexts and gender dynamics, result into extremely vulnerable places to disasters, displacement and inequalities. One of the best ways to successfully respond to disasters and displacements is to already have a national legal framework and targeted policies mainstreaming gender on the management of internal displacement and disaster risk, with assigned responsibilities and best practices to follow prior, during and in the aftermath of such events. Within this context, regional and international frameworks have already stressed the necessity to develop national laws and policies and address disaster-induced displacement from a gender perspective in order to protect women's vulnerabilities as well as enhance their decision-making and contributions when disaster hit⁸. Mainstreaming gender equality in such policies means developing more resilient women and thus more resilient societies, which are better able to address the impacts of and recover faster from disasters⁹. Nevertheless, such vulnerabilities are often not taken into account when developing national policies and strategies for displacement and disaster risk management, and the role of women in such contexts is often relegated as mere victims of disasters rather than agents of change¹⁰. Therefore, this thesis aims at understanding whether and to what extent women's vulnerabilities are taken into account in national laws and policies on internal displacement and disaster risk management in the Caribbean SIDS.

⁵ Bleeker, et al., "Advancing Gender Equality in Environmental Migration and Disaster Displacement in the Caribbean", 19.

⁶ This has been found to happen specifically in the Caribbean, nevertheless it is a common characteristic worldwide.

⁷ Bleeker, et al., 39.

⁸ Bleeker, et al., 19.

⁹ Okai, "Women Are Hit Hardest in Disasters, So Why Are Responses Too Often Gender-Blind".

¹⁰ Bleeker, et al., "Advancing Gender Equality in Environmental Migration and Disaster Displacement in the Caribbean", 19.

2. Methodological approach and objectives

This thesis will focus on the need for a gender-based approach in national laws and policies of two selected Caribbean SIDS in the context of disaster displacement and risk management. The scope of this thesis is twofold: firstly to analyze the impacts of natural disasters in terms of internal displacement, and women's vulnerabilities and contributions during displacement in the Caribbean region, secondly to analyze the existing policies currently in place in two case studies. These will draw upon two selected Caribbean SIDS, namely Haiti and the Dominican Republic. The main objective is to understand whether a gender-based approach has been applied to internal displacement and disaster risk management and to what extent women's vulnerabilities and contributions are really taken into account at a political and operational level. In order to do so, this thesis will draw upon a qualitative research and analysis of the already existing literature and data in light of the human rights obligations of the countries analyzed that arise from IHRL. Specifically, data will be collected from UN and NGOs reports, governmental documents, and academic research papers.

With the purpose of developing the thesis' objective, an introduction to the issue of natural disasters and climate change in the Caribbean will be made, including the particular vulnerabilities and characteristics of the region to natural disasters. Moreover, there will be a brief discussion on the consequences of natural disasters linked to human mobility and internal displacement. Within this context, the existing legal framework for the protection of IDPs – with a particular mention to women's rights – will be discussed. This is essential in order to understand that at the international level there is no legal framework establishing specific protection for IDPs, nor for women in this context. Therefore, the legal analysis will actually draw upon other Human Rights Conventions, namely the ICCPR, ICESCR, UDHR and CEDAW. This is because IDPs are primarily persons entitled of human rights, no matter the contexts in which they are temporarily compelled to live in. The legal analysis will ultimately show a lack of protection at the international level and the actual implication of this shortfall at the national levels. Due to a lack of space and time, the thesis will not argue in depth for the development and adoption of an international convention for IDPs, nevertheless the benefits of a special instrument will be shortly addressed. The second chapter will draw attention towards women's vulnerabilities in the context of internal displacement and natural disasters, emphasizing why the effects of natural disasters are not gender neutral. In particular, notions of gender, gender-based violence, discrimination, human trafficking and intersectionality will be analyzed. In this context, women will also be depicted as strong actors and agents of change rather

than simple victims. In order to understand how their vulnerabilities and strengths are addressed at the international level, this thesis will base the overall analysis upon the CEDAW Convention and the General Recommendation No.37 on Gender and Disaster Risk Reduction, which will be the basis of the final recommendations, as well as the light upon which the analysis of the case study's national laws and policies will be made. For instance, the two legal documents will draw attention to the importance of developing strong national laws and policies in order to protect and enhance women's role during disaster displacement. Then, two different case studies will be analyzed. Their selection will draw upon the incidence of natural disasters, the number of IDPs displaced yearly and the gender inequality index ranking. The aim is to understand to what extent they have developed policies to protect women and enhance their participation during disasters. Therefore, if existing, displacement and disaster risk management policies and laws will be analyzed. To conclude, the main findings and shortcomings will be addressed, and recommendations to improve the gendered dimension of disaster displacement in the Caribbean will be made.

Chapter 1: General overview of disaster displacement in the Caribbean

1. Disaster-induced displacement in the Caribbean SIDS

The people living in Small Islands Developing States (SIDS), and especially in the Caribbean, are particularly vulnerable to climate-related humanitarian crises. These include for example displacements triggered by natural disasters and exacerbated by poor risk management, response, and relocation. Worldwide there are more than 50 SIDS, most of which are located in the Caribbean and the Pacific regions. The Caribbean is a region located in the Americas and is composed of the Caribbean Sea and its islands¹¹. The overall territory is organized into 16 sovereign nations and several dependent territories¹². This region is well known for its subtropical and tropical climate, which is not only characterized by high temperatures but also by extreme weather events. In fact, due to its geographical location, geomorphological conformation, and weather patterns, the region has historically been vulnerable to frequent and intense natural hazards, including hurricanes, floods, volcanic eruptions, and earthquakes; and is reported to be the second most hit region by natural disasters in the world, second only to the Pacific¹³. For instance, according to Bleeker et al., 17% of the natural disaster registered worldwide between 1970 and 2010 happened in Latin America and the Caribbean¹⁴. Moreover, SIDS are also the most affected by climate change, which exacerbates the intensity and duration of extreme events, threatening not only lives and livelihoods, but in some cases the mere existence of these islands¹⁵. The vulnerability of the entire region is also characterized by

¹¹ which include Anguilla, Antigua and Barbuda, Aruba, Bahamas, Barbados, Belize, British Virgin Islands, Cuba, Dominica, Dominican Republic, Grenada, Guyana, Haiti, Jamaica, Monserrat, Netherlands Antilles, Puerto Rico, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname, Trinidad and Tobago, And the United States Virgin Islands. Reference: United Nations, “List of SIDS”, UN Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States, accessed April 1, 2023, <https://www.un.org/ohrlls/content/list-sids>

¹² For instance including Puerto Rico, Guadelupe, Aruba, and others.

¹³ International Organization for Migration, *Evacuations and Disaster Risk Reduction in the Caribbean*, (Costa Rica: IOM, 2021), 2, https://programamesoamerica.iom.int/sites/default/files/evacuations_and_disaster_risk_reduction_caribbean_0.pdf

¹⁴ Bleeker, et al, “Advancing Gender Equality in Environmental Migration and Disaster Displacement in the Caribbean”, 23.

¹⁵ Hamza Mo, Ida Koch, and Malte Plewa, “Disaster-Induced Displacement in the Caribbean and the Pacific.” *Forced Migration Review*, Issue no. 56 (2017): 62-64, https://ora.ox.ac.uk/objects/uuid:2d4e1da0-d795-42be-9d06-8f4de6641950/download_file?file_format=application%2Fpdf&safe_filename=hamza-koch-plewa.pdf&type_of_work=Journal+article

the lack of secure infrastructure and a rise in the density of population in areas of high exposure, like in coastline and low-elevation zones. According to Bleeker et al., of 44 million people living in the Caribbean, 55% actually reside on the coastline, and the remaining one-third in low-elevation areas prone to floods¹⁶. As these communities are particularly affected by natural disasters and hazards, there has been an observed increase in the use of human mobility as a coping strategy and reaction mechanism employed by the most affected by natural calamities. Of the 16 independent Caribbean countries, 8 have been recognized to have the highest displacement risk due to natural disasters relative to population size¹⁷. This clearly shows the level of vulnerability that communities living in the Caribbean face due to natural disasters. In addition to that, the region has been facing major challenges, including Covid-19, migration and refugee crises. These, mixed with natural hazards have resulted in increasing vulnerabilities, poverty and inequalities across the region¹⁸. The Caribbean is also well known for being one of the most gender-unequal regions in the world, characterized by gender-based violence, physical and sexual violence, huge gender-based inequalities and feminization of poverty¹⁹. This is reflected also when disasters hit communities, as women have been reported to be the ones that suffer the most.

In order to understand the issue of internal displacement linked to natural disasters in the Caribbean and how disasters affect people differently based on their gender, it is important to first introduce the phenomena of natural disasters, internal displacement and protection legal framework.

1.1 Natural hazards

According to the United Nations Office for Disaster Risk Reduction (UNDRR), natural hazards are defined as “a process, phenomenon or human activity that may cause loss of life, injury or other health impacts, property damage, social and economic disruption or environmental degradation”²⁰. Hazards can have different types of origins, including natural, anthropogenic, and socio-natural; as well as

¹⁶ Bleeker, et al., “Advancing Gender Equality in Environmental Migration and Disaster Displacement in the Caribbean”, 22.

¹⁷ This depends on factors such as climate change, risk, vulnerability and poor living conditions. Reference: Bleeker, et al., 23.

¹⁸ European Union, “Caribbean Factsheet”, European Civil Protection and Humanitarian Aid Operations, October 10, 2022, https://civil-protection-humanitarian-aid.ec.europa.eu/where/latin-america-and-caribbean/caribbean_en

¹⁹ These issues will be properly analyzed and addressed in Chapter 2.

²⁰ United Nations Office for Disaster Risk Reduction, “Hazard”, accessed April 1, 2023, <https://www.undrr.org/terminology/hazard>

different characteristics depending on the location, intensity, frequency and probability of the hazard. In the case of the Caribbean SIDS, hazards are mainly natural and socio-natural, as are associated with a combination of anthropogenic factors and natural phenomena of geophysical, hydrological, meteorological, climatological, or biological origins. Natural hazards are not the same as extreme events, and what differentiates them is actually the impact that these are likely to have on humans and human activities²¹. This means that the perception of how severe the hazard is, depends on both the physical characteristics of the hazard as well as on the human presence and activities in the hit area²². In addition, a natural hazard can turn into a natural disaster when an extreme event causes huge harm, and the national and local authorities cannot properly respond and cope with it²³.

1.2 Natural disaster

The UNDRR defines a disaster as “a serious disruption of the functioning of a community or a society at any scale due to hazardous events interacting with conditions of exposure, vulnerability and capacity, leading to one or more of the following: human, material, economic and environmental losses and impacts”²⁴. Therefore, the risk of a natural disaster is the product of a combination of exposure, vulnerability and the hazard itself. While exposure refers to the condition of individuals, infrastructure, housing, and tangible human assets situated in regions that are susceptible to natural hazards²⁵, vulnerability is defined as the traits that are shaped by physical, social, economic and environmental factors that make individuals, communities and assets more or less prone to the effects of the hazard²⁶. Hence, a natural hazard does not always turn into a disaster. This is because the impact and losses that result from the natural hazard are linked to the situation of people, infrastructure, housing as well as to physical, social and economic factors of those involved rather than only with the severity of the natural hazard itself. Thus, its impact can increase or decrease depending on our

²¹ UNDRR, “Hazard”.

²² Petra Tschakert et al., “What is a Natural Hazard?”, PennState College of Earth and Mineral Sciences, e-Education Institute, accessed April 4, 2023, <https://www.e-education.psu.edu/geog30/node/378>

²³ Tschakert, et al., “What is a Natural Hazard?”.

²⁴ United Nations Office for Disaster Risk Reduction, “Disaster”, accessed April 1, 2023, <https://www.undrr.org/terminology/disaster>

²⁵ United Nations Office for Disaster Risk Reduction, “Exposure”, accessed April 1, 2023, <https://www.undrr.org/terminology/exposure>

²⁶ United Nations Office for Disaster Risk Reduction, “Vulnerability”, accessed April 4, 2023, <https://www.undrr.org/terminology/vulnerability>

ability to reduce the above-mentioned vulnerabilities²⁷. According to the International Federation of the Red Cross (IFRC), the frequency and complexity of natural disasters are also affected by phenomena such as climate change, conflict, technological hazards, and coping capacities, among others. For instance, if climate change is taken into account, the IFRC has noted that it is a “risk magnifier”. This means that climate change-related rising of temperatures and sea levels are already affecting climate patterns and are amplifying the extremity, unpredictability, and likelihood of extreme events, which can turn into disasters²⁸. Not all disasters are the same, as they can have different characteristics and impacts. For instance, natural disasters can be classified into 5 types, namely meteorological, hydrological, climatological, geophysical, and biological. For example, meteorological disasters include storms, hydrological disasters include floods and landslides, and geophysical disasters include earthquakes and volcanic eruptions. Another important distinction can be made at a temporal level, as disasters can be slow-onset or sudden-onset. Such distinction is essential as it requires different types of coping and response strategies and has peculiar and different impacts on the population. Additionally, natural disasters can be localized and instant or widespread and protracted. Also, not always there is an international response to a natural disaster, as this depends on the harm caused to the local community and on the capacity of the government and local authorities to deal with it²⁹. If the Caribbean is particularly taken into account, it emerges that the region is hit by both slow-onset and sudden-onset natural disasters.

1.3 *Slow-onset v. sudden-onset natural disasters*

Slow-onset disasters occur progressively over a long period of time³⁰ without a clear start or end point in time, and are the product of various circumstances, including the degradation of the environment and climate change. Therefore, such events in the Caribbean are associated with droughts, sea level rise, and coastal erosion; and their impacts can range from damage and loss of ecosystems, livelihoods and biodiversity to migration as a coping strategy. In this case, the most affected are the vulnerable communities living in coastal areas, as their subsistence depends on fewer assets and their coping

²⁷ PreventionWeb, “Disaster Risk”, accessed April 4, 2023, <https://www.preventionweb.net/understanding-disaster-risk/component-risk/disaster-risk>

²⁸ International Federation of the Red Cross, *World Disasters Report 2020, Come Heat or High Water*, (Geneva: IFRC, 2020), 22, https://www.ifrc.org/sites/default/files/2021-05/20201116_WorldDisasters_Full.pdf

²⁹ International Federation of the Red Cross, “What is a disaster?”, accessed April 4, 2023, <https://www.ifrc.org/our-work/disasters-climate-and-crises/what-disaster>

³⁰ Years, decades and centuries.

capacity is lower and takes longer. Due to the fact that such disasters develop over a long period of time, authorities have more time to plan anticipatory actions and early responses to reduce the impacts, which otherwise could irreversibly damage the region and its population³¹.

Instead, sudden-onset natural disasters have been defined as disasters that emerge quickly and unexpectedly, and in this case are triggered by natural hazards. Usually, they are characterized by a clear start and end point in time, although their occurrence is less predictable and thus likely to have a greater impact and destruction. Another characteristic is that sudden-onset disasters have immediate impacts on the population and livelihoods, which are greater felt at the local level where disasters hit. Some examples of sudden-onset natural disasters are earthquakes, flash floods, volcanic eruptions, landslides, and hurricanes among others³². Sudden-onset disasters can result in immediate damage and loss of lives and livelihoods, immediate evacuation, short-term and long-term displacement of the affected population, and to a restriction to the full enjoyment of human rights. Cyclically the Caribbean is hit by natural hazards, which depending on the hazard itself, exposure and vulnerability can result in disasters. Some examples can include the earthquake in Haiti in 2010, and hurricanes in 2017 hitting Puerto Rico, the Dominican Republic and Haiti, and in 2019 hitting the Bahamas among others³³. Because sudden-onset natural disasters are the ones that produce the most losses in terms of lives and livelihoods, as well as the highest numbers of internally displaced persons in the Caribbean, it is essential for these countries to develop and implement proper policies and practices to reduce disasters' risks and vulnerabilities, as well as to protect IDPs and vulnerable groups in case of displacement.

1.4 Climate change

In the context of natural disasters, another peculiar element that must be taken into account is climate change. This is because the phenomenon highly contributes to increasing the likelihood and intensity of natural hazards. According to the United Framework Convention on Climate Change, climate change is defined as “a change of climate which is attributed directly or indirectly to human activity

³¹ IOM, *Evacuations and Disaster Risk Reduction in the Caribbean*, 5.

³² UN Academy, “Slow Onset Disasters”, accessed April 4, 2023, <https://unacademy.com/content/upsc/study-material/disaster-management/slow-onset-disasters/>

³³ IOM, *Evacuations and Disaster Risk Reduction in the Caribbean*, 4.

that alters the composition of the global atmosphere and which is in addition to natural climate variability observed over comparable time periods³⁴”.

Worldwide, climate change highly contributes to humanitarian crises, as it increases vulnerabilities, inequalities, human rights abuses, the spread of diseases and displacements³⁵. In fact, although it is difficult to say whether climate change is the direct and only responsible for extreme events like hurricanes, scientists believe that it contributes to an increase in the scale of destruction and intensity of natural hazards. This is because changes in climate patterns exacerbate natural hazards and increase the risks of disasters. For instance, hurricanes, floods and landslides have always hit certain territories, but recently have become more frequent, intense and devastating³⁶. According to OXFAM, in the last three decades the number of climate-related disasters has tripled, and more than 20 million people yearly are obliged to leave their homes because of climate change³⁷. Therefore, while analyzing natural disasters, the impact of climate change must always be considered.

2. Human mobility as a consequence to natural disasters

Historically there has been a strong link between the environmental degradation/climate change and human mobility³⁸. In fact, mobility has always been one of the main strategies used for centuries to adapt to natural hazards and disasters. Nowadays, while a huge number of people move due to economic and educational purposes or as a consequence of war, a high number of people are actually migrating as a coping strategy to environmental challenges. This number is expected to rise in line with the deterioration of the environment and changing patterns of climate. In the context of natural hazards and disasters, migration can have specific characteristics depending on the type of the disaster and on its impacts on the local population. For instance, migration can be undertaken internally,

³⁴ United Nations General Assembly, “United Nations Framework Convention on Climate Change”, A/RES/48/189, (1992), <https://unfccc.int/resource/docs/convkp/conveng.pdf>

³⁵ Humanitarian Action, “The Climate Crisis is a Humanitarian Crisis”, accessed April 5, 2022, <https://humanitarianaction.info/article/climate-crisis-humanitarian-crisis>

³⁶ International Rescue Committee, “How Climate Change Drives Humanitarian Crises”, 2021, <https://www.rescue.org/article/how-climate-change-drives-humanitarian-crisis>

³⁷ OXFAM International, “5 Natural Disasters That Beg for Climate Action”, accessed April 5, 2023, <https://www.oxfam.org/en/5-natural-disasters-beg-climate-action>

³⁸ The term “Human Mobility” has been used by the UN to refer to the “constant movement of people—by choice or by force—across communities, countries, and continents”. Therefore, the term encompasses all situations of migration, including international, regional and internal migration and all types of migrants, including IDPs. Reference: United Nations Development Programme, *Human Mobility, Shared Opportunities. A Review of the 2009 Human Development Report and the Way Ahead*, (New York: UNDP, 2020), 3, <https://www.undp.org/publications/human-mobility-shared-opportunities-review-2009-human-development-report-and-way-ahead>

regionally, and internationally, can be voluntary or forced, and can be planned in advance or be the result of a sudden-onset disaster³⁹. While especially in the case of slow-onset natural disasters cross-border migration in neighboring countries is a widely used coping strategy, when sudden-onset natural disasters hit, local communities are forced to move, and often do so within their country's borders⁴⁰. Such movements are more likely to be only temporary, as IDPs aim at coming back to their lives and activities as soon as the conditions allow it. Additionally, it is worth mentioning that while inflow migration has been proving to have positive effects on host communities as skills gap and labor demand are filled, sudden displacement and migration due to sudden natural disasters can negatively affect the host community's markets and available services such as water and sanitation, health care, education, and labor opportunities⁴¹. In the following paragraphs, the phenomenon of internal displacement in the Caribbean will be analyzed, by understanding definitions, trends, and the IDPs' international protection legal framework.

2.1 *Disaster Displacement and IDPs*

In the context of sudden-onset natural disasters, communities are often obliged to suddenly leave their homes due to the risks or the actual negative impacts of natural disasters. This kind of displacement is referred to as “disaster displacement” and is defined by the IFRC as “situations where people are forced to leave their homes or places of habitual residence as a result of a disaster or in order to avoid the impact of an immediate and foreseeable natural hazard⁴².” Therefore, disaster displacement occurs either before, during, or after the hazard, and is the result of the impact that the natural hazard has on the affected community. Such communities usually cannot properly cope with the hazard due to vulnerabilities and a lack of resilience to withstand its impacts, and thus are forced to temporarily move⁴³. The displacement is usually undertaken within the country's borders and for a certain period

³⁹ referred to as internal displacement.

⁴⁰ Although a small number of displaced persons have been reported to move across borders in order to reach protection and assistance – usually in neighborhood countries. Reference: Bleeker, et al., “Advancing Gender Equality in Environmental Migration and Disaster Displacement in the Caribbean”, 19.

⁴¹ International Organization for Migration, “Human Mobility: Shaping Vulnerability and Resilience to Disasters”, (paper presented to the HFA2 Dialogue), 13, https://www.iom.int/sites/g/files/tmzbdl486/files/migrated_files/What-We-Do/docs/background-paper-for-HFA2-light.pdf

⁴² International Federation of the Red Cross, *Forecast-based Financing and Disaster Displacement: Acting Early to Reduce the Humanitarian Impacts of Displacement*, (Geneva: IFRC, 2020), 4, https://www.forecast-based-financing.org/wp-content/uploads/2020/10/RCRC_IFRC-FbF-and-Displacement-Issue-Brief.pdf

⁴³ United Nations High Commissioner for Refugees, “Key Concepts on Climate Change and Disaster Displacement”, accessed April 6, 2023, <https://www.unhcr.org/5943aea97.pdf>

of time, which can be for a short-term evacuation or for a protracted period⁴⁴. According to Abeldaño Zuñiga et Al., although the duration of such displacement is not expected to be of long-term, the return depends mostly on the management of the hazard by local and governmental authorities, meaning on the capacity and rapidity to cope with it. Rarely, it can happen that the area destroyed by the natural hazard cannot be recovered, and in this case the displacement could be permanent. Forced displacement could happen even before the disaster hits, and in this case is triggered by the intervention of local authorities that evacuate the communities considered at risk, and also in this case the displacement could be temporal or permanent⁴⁵. The needs of the displaced population might vary, and usually are related to emergency shelter, food, water, health care, protection and support to rebuild and recover livelihoods⁴⁶. Usually, internal displacement is managed by the country's authorities and rarely international aid and relief cooperation is activated. This mainly depends on whether the affected State declares a state of emergency and the need for international aid⁴⁷. While the displacement is managed by the State, those affected can opt to move either to family/friends' houses when available, or to evacuation centers, temporary settlements, camps and collective centers which are usually built within the affected country's borders⁴⁸. These people are denominated as "Internally Displaced Persons" (IDPs), and are defined by the UN Guiding Principles on Internal Displacement as "persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized border⁴⁹".⁵⁰ Therefore, this definition contains mainly three elements that make IDPs unique and differentiate them from refugees and migrants: the movement is involuntary in nature, it occurs within the country's borders, and they still enjoy the protection of their home country, as according to national and international legal frameworks.

⁴⁴ the period of time of displacement can range from few months to years, depending on the coping capacity and rapid response of the government and institutions to the disaster, as well as on the amount of damages provoked.

⁴⁵ Roberto Abeldaño Zuñiga and Javiera Fanta Garrido, "Internal Displacement Due to Disasters in Latin America and the Caribbean", in *Climate Change, Hazards and Adaptation Options*, ed. Walter Leal Filho, et al. (Switzerland: Springer, 2020), 392-393.

⁴⁶ IFRC, *Forecast-based Financing and Disaster Displacement: Acting Early to Reduce the Humanitarian Impacts of Displacement*, 4.

⁴⁷ United Nations General Assembly, "Strengthening the Coordination of Humanitarian Emergency Assistance of the United Nations". *UN A/RES/46/182*, (1992), Principle 4, <https://digitallibrary.un.org/record/135197?ln=en>

⁴⁸ Although in some cases disaster displacement can result into cross-border migration and resettlement.

⁴⁹ Although not legally binding, this definition has been widely accepted by the international community.

⁵⁰ UN, "About Internally Displaced Persons", OHCHR, accessed April 5, 2023, <https://www.ohchr.org/en/special-procedures/sr-internally-displaced-persons/about-internally-displaced-persons>

2.1.1 Disaster displacement in the Caribbean

People living in SIDS, and especially in the Caribbean, are particularly vulnerable to disaster displacement as the region is highly prone to natural hazards. According to the Internal Displacement Monitoring Center (IDMC), within 28 countries and territories⁵¹ of the Caribbean analyzed between 2010 and 2022, more than 205 natural disaster events hit the region. These were mainly storms⁵², earthquakes⁵³ and floods⁵⁴ – and to a smaller extent volcanic eruptions and wildfires, causing the internal displacement of more than 7.2 million people⁵⁵. A detailed table with data retrieved from IDMC’s database has been produced specifically for this thesis in order to show the types and numbers of disasters that affect each Caribbean SIDS and the number of IDPs that arise from each phenomenon. For the purpose of this exercise, in this table all 28 Caribbean countries and territories have been included. The countries that are most affected by the phenomena and the higher number of natural disasters have been specifically highlighted in red⁵⁶. A special consideration must be made because although objectively these numbers might not seem as high as in countries in other regions of the world, they actually are. In fact, if compared to the total number of inhabitants (2022), findings show that the percentage of IDPs for each State/territory in the period 2010-2022 is quite high. For instance, Dominica had a total of 49,9% of IDPs; Cuba 36,9%; St. Martin 34,4%; Sint Maarten 30,3%; St. Vincent and the Grenadines 24,9%; the British Virgin Islands 19,2%; Haiti 18,5%; the Bahamas 6,4%; Puerto Rico 4,5%; Belize 3,7%; and the Dominican Republic 3,2%⁵⁷.

Below is depicted the number of IDPs in Caribbean SIDS per State, type, and number of natural disasters:

⁵¹ The data of the countries and territories analyzed are Anguilla, Antigua and Barbuda, Bahamas, Barbados, Belize, British Virgin Islands, Cayman Islands, Cuba, Dominica, Dominican Republic, French Guyana, French Polynesia, Grenada, Guyana, Haiti, Jamaica, Martinique, Puerto Rico, Réunion, Sint Maarten, St. Kitts and Nevis, St. Lucia, St. Martin, St. Vincent and the Grenadines, Suriname, Trinidad and Tobago, Turks and Caicos Islands, Virgin Islands.

⁵² Storms caused 5.2 million internal displacements. Reference: Internal Displacement Monitoring Centre, “Global Internal Displacement Database”, IDMC, 2023, <https://www.internal-displacement.org/database/displacement-data>

⁵³ Earthquakes caused 1.7 million internal displacements. Reference: IDMC, “Global Internal Displacement Database”.

⁵⁴ Floods caused 170 thousand internal displacements. Reference: IDMC.

⁵⁵ These data only include internal displacement and not cross-border migration. Reference: IDMC.

Although these data are highly valuable for our analysis, it is important to stress that they do not contain disaggregate information, for example related to gender and other vulnerable groups, nor for how long IDPs were displaced.

⁵⁶ Highlighted in red is the highest percentage of IDPs compared to population size.

⁵⁷ These numbers were calculated by dividing the total number of IDPs by the total number of inhabitants in each state.

Table 1. Internal Displacements and Natural Disasters data⁵⁸

State/territory	Number of Internal Displacements	Types of natural disaster	Number of disasters
Anguilla	500	Storm	1
Antigua and Barbuda	1400	Storm	1
Bahamas	26130	Storm, Wildfire	6
Barbados	570	Storm	3
Belize	15310	Storm, Flood	8
British Virgin Islands	6000	Storm	1
Cayman Islands	41	Storm	1
Cuba	4156763	Storm, Flood	19
Dominica	36170	Storm, Flood	6
Dominican Republic	404770	Storm, Flood	49
French Guiana	140	Flood	1
French Polynesia	4674	Storm, Flood	6
Grenada	199	Storm, Flood	4
Guyana	703	Storm, Flood	7
Haiti	2122818	Storm, Flood, Earthquake	36
Jamaica	5578	Storm, Flood	7
Martinique	2	Flood	1
Puerto Rico	147429	Storm, Earthquake	11
Réunion	14	Flood	1
Sint Maarten	13000	Storm	1
St. Kitts and Nevis	33	Storm	1
St. Lucia	1915	Storm	4
St. Martin	11000	Storm	1
St. Vincent and the Grenadines	25993	Storm, Flood, Volcanic Eruptions	8
Suriname	14300	Flood	4
Trinidad and Tobago	1210	Storm, Flood, Volcanic Eruption, Landslide	12
Turks and Caicos Islands	320	Storm	3
Virgin Islands	2290	Storm	2

A similar analysis can be done if specifically looking only at 2022: the IDMC reported that a total of 23 natural disasters hit the region, mainly earthquakes, storms, volcanic eruptions and floods, causing the internal displacement of more than 214 thousand people. Instead, if analyzing the data by looking at the disaster that hit more countries, it was Hurricane Irma in 2017 that caused the major number of

⁵⁸ IDMC, “Global Internal Displacement Database”.

IDPs, amounting to 1.8 million people internally displaced in 13 countries⁵⁹. For what concerns earthquakes and volcanic eruptions, in the last decade they caused more than 1.8 million to internally displace, but only few countries were hit. For example, in 2010 and 2021 Haiti was shacked by two devastating earthquakes, that together caused more than 1.7 million displaced people. Countries like Puerto Rico are also particularly vulnerable to the phenomenon⁶⁰.

2.1.2 Main Issues and Drawbacks

Two main issues have been found during the research for this thesis. In particular, while analyzing the problem of displacement linked to natural hazards in the Caribbean, on the one hand, the data analyzed do not contain disaggregated information, for example related to sex, and age; and on the other hand the time in which IDPs were displaced is not mentioned. This makes it particularly difficult to focus on women in the context of internal displacement and to give a proper understanding of the issue in detail. Having access to disaggregated data by sex is essential for the development of gender-based displacement, migration and disaster risk reduction policies. In fact, mainstreaming gender in disaster displacement data is a useful tool to identify and evaluate particular risks suffered by vulnerable groups⁶¹. On the other hand, a lack of literature has been found on disaster displacement with a focus on the protection and enhancement of gender specifically related to the Caribbean countries. In fact, while there has been a remarkable step forward in the recognition of women's rights, vulnerabilities and needs for inclusion in decision-making, most countries in the region do not have proper policies and plans for the protection of specific groups, such as women, during displacements and situations of disaster. This means that while most Caribbean countries have developed and adopted Migration, Disaster Risk Reduction and Climate Change Adaptation Plans, they lack a specific gender-based approach⁶². This means that when disasters happen, the vulnerabilities of women in some countries are not properly taken into account.

⁵⁹ Antigua and Barbuda, Bahamas, Cuba, Dominican Republic, Haiti, St. Kitts and Nevis, St. Martin, Puerto Rico, Sint Maarten, Turks and Caicos Islands, British Virgin Islands, Virgin Islands.

⁶⁰ IDMC, "Global Internal Displacement Database".

⁶¹ Bleeker, et al., "Advancing Gender Equality in Environmental Migration and Disaster Displacement in the Caribbean", 32-33.

⁶² Hamza, Koch, and Plewa, "Disaster-Induced Displacement in the Caribbean and the Pacific", 62-64.

3. Discussion on IDPs legal framework

One of the main issues to briefly be discussed when introducing internal displacement is related to the (non) existing protection legal framework for IDPs⁶³. In fact, at the international level there is a lack of an international legally binding convention specifically designed for IDPs. This is because the primary duty and main responsibility of humanitarian assistance, protection and enhancement of their human rights lie within the national State itself. In fact, as reported in the UN Charter and international customary law, States have the right to manage their internal affairs, especially when it comes to the protection of their own citizens⁶⁴. This means that IDPs are firstly entitled to protection under the State's domestic law, and thus should enjoy the same rights and freedoms as other citizens, equally and without discrimination. In addition, IDPs are also entitled to enjoy rights and freedoms under international human rights law, as these apply to all individuals in all circumstances and without any discrimination. Applicable relevant protection mechanisms might include for example the 1966 International Covenant on Economic, Social and Cultural Rights (ICESCR), and the International Covenant on Civil and Political Rights (ICCPR), as well as the 1979 Convention on the Elimination of all Forms Discrimination Against Women (CEDAW), which establishes a protection framework for women's rights and freedoms⁶⁵. Nevertheless, the lack of a specific international convention on IDPs translates into the fact that the unique needs and risks that internally displaced people face – especially women IDPs – could fail to be properly addressed, especially if the State in question is unable or unwilling to do so; for example in case of collapse, weak governance, or conflicts. In order to cope with that gap, the international community has already stressed the importance of extending the protection of IDPs through an international convention, as displaced people are often unable to benefit from the protection of their own country. According to this view, international humanitarian organizations and relevant actors have the responsibility to offer their services and assist the local population when the national government is unable or unwilling to do so, especially in cases of

⁶³ Although it must be recalled that non-binding instruments such as the Guiding Principles on Internal Displacement have been developed for the protection of IDPs.

⁶⁴ United Nations General Assembly, “Strengthening the Coordination of Humanitarian Emergency Assistance of the United Nations”, Principle 4.

⁶⁵ United Nations High Commissioner for Refugees, “Chapter 2: The Legal Framework for the Protection of Internally Displaced Persons”, in *Handbook for the Protection of the Internally Displaced Persons, Draft 1,0*, (UNHCR, n.d.), 6, <https://www.icvanetwork.org/uploads/2022/04/Chapter-Global-Protection-Cluster-Handbook-for-the-Protection-of-Internally-Displaced-Persons-Part-1-The-Legal-Framework-for-the-Protection-of-Internally-Displaced-Persons.pdf>

humanitarian crises and human rights violations. Nevertheless, such assistance cannot be imposed to the State⁶⁶, but rather it has to be asked and agreed for⁶⁷.

In order to overcome a lack of protection to persons affected by disasters, the International Law Commission (ILC)⁶⁸ has adopted in 2016 the “Draft Articles on the Protection of Persons in the Event of Disasters⁶⁹”, with the goal to develop IL in the context of the protection of persons in case of natural calamities, as well as to promote an efficient response to and mitigation of disasters, in order to fulfill their pressing needs while fully respecting their rights. The Draft Articles adopt a “rights-based approach”, according to which the victims of the disasters are entitled of rights, which must be respected, protected and fulfilled. This approach also considers the rights holders as proactive agents in the achievement of their human rights. Thus, the Draft Articles envisage that in case of calamities, victims can legally demand effective protection from disasters⁷⁰. Nevertheless, the Draft Articles are only an ongoing project, whose results will be further discussed at the end of 2024⁷¹.

Moreover, soft law instruments – which are by definition not legally binding – have been developed to overcome the need for international standards for the protection of IDPs. These instruments give guidance to States and humanitarian actors in the application of well-established human rights treaties in situations of displacement and natural disasters. For instance, these include the UN Guiding Principles on Internal Displacement, among others⁷². The Guiding Principles were adopted in 1998 by the UN Human Rights Commission⁷³. The main aim of the Guiding Principles is to address the specific needs of internally displaced people and guarantee their protection and assistance, as well as to identify the responsibility that parties have. Although not legally binding, the Principles are

⁶⁶ This is an issue of sovereignty.

⁶⁷ Adama Dieng, “Protecting Internally Displaced Persons: the Value of the Kampala Convention as a Regional Example, in Migration and Displacement”, *International Review of the Red Cross*, 99, no. 904 (2017), 265. doi:10.1017/S1816383117000613

⁶⁸ The ILC aims at fostering the “progressive development” of IL along with its codification, as stated in its Statute. This include for example the development of draft conventions in subjects that have not yet been addressed by IL, or whose laws have not been adequately developed through States practice. Reference: International Law Commission, “About the Commission: Organization, Programme and Methods of Work, Object of the Commission”, accessed May 5, 2023, <https://legal.un.org/ilc/work.shtml>

⁶⁹ The Draft Articles were submitted to the UN General Assembly along with the suggestion to establish an international convention based on the draft articles. Reference: Arnold N. Pronto, “Developments on the Draft Articles on the Protection of Persons in the Event of Disasters (2021)”, *Yearbook of International Disaster Law Online*, 4.1, (2023), 467, doi: https://doi.org/10.1163/26662531_00401_022

⁷⁰ Hans-Joachim Heintze, “The ILC Codification Project on the Protection of Persons in the Event of Disasters”, in “*The Humanitarian Challenge*”, ed. Pat Gibbons and Hans-Joachim Heintze, (Switzerland: Springer, 2015), 176.

⁷¹ Pronto, “Developments on the Draft Articles on the Protection of Persons in the Event of Disasters (2021)”, 472.

⁷² International Federation of the Red Cross, “Displacement, Climate and the Law”, *IFRC Fact Sheet 12*, (2015), 5-6, https://ctk.climatecentre.org/downloads/modules/training_downloads/2g%20FactSheet%2012%20-%20Displacement%20and%20Climate%20-%20Law.pdf

⁷³ Replaced by the UN Human Rights Council in 2006.

considered the major international legal protection framework for IDPs, and gather together norms of International Human Rights Law (IHRL) and International Humanitarian Law (IHL)⁷⁴. Therefore, for the purpose of this thesis, a brief look into the existing key human rights instruments applicable for the protection of IDPs will be made.

3.1 Key Human Rights and Soft Law Instruments for the protection of IDPs

When mentioning the protection of IDPs in contexts of internal displacement, it is interesting to analyze briefly the key international legal framework that applies in these circumstances. For instance, while the most relevant are the Guiding Principles on Internal Displacement as were designed specifically for IDPs, other legally binding treaties must be taken into account because are of particular relevance for displaced persons: the International Covenant on Economic, Social and Cultural Rights (ICESCR), the International Covenant on Civil and Political Rights (ICCPR) and the Draft Articles on the Protection of Persons in the Event of Disasters⁷⁵. The latter is essential to be included, as it specifically addresses women's rights. All the Human Rights instruments mentioned, besides establishing rights and freedoms to which also IDPs are entitled, set out the duties and responsibilities of State parties. In this context, States have the duty to respect and fulfill with international human rights law obligations, ensuring that their domestic laws, policies, and practices are in line and promote the rights enshrined in these treaties. Another mention should be made on the development of international instruments that protect vulnerable groups; these include for example the CEDAW Convention. Therefore, this will be analyzed in Chapter 2, since this is a unique and relevant treaty for the purpose of this thesis as it covers a wide set of risks and vulnerabilities that women IDPs might face during displacement and sets forth the duties and responsibilities of States to address these issues and protect the human rights of women.

3.1.1 UN Guiding Principles on Internal Displacement

The UN Guiding Principles on Internal Displacement represent a significant achievement in creating a normative structure to safeguard the rights of IDPs. Although not legally binding, they have been

⁷⁴ Dieng, "Protecting Internally Displaced Personst", 268-269.

⁷⁵ Global Protection Cluster, *Handbook for the protection of Internally Displaced Persons*, (UNHCR, 2010), 18, <https://www.unhcr.org/sites/default/files/legacy-pdf/5ad5a43a7.pdf>

widely accepted by the international community and States, and they are used as a tool to identify protection gaps, and to plan and implement protection activities. They embody principles enshrined in international human rights law, international humanitarian law, as well as refugee law, which are adapted to the specific needs of IDPs. For instance, the Principles address all phases of displacement, including before, during and after the forced movement⁷⁶; and recognize certain needs, risks and rights specifically applicable to IDPs. These for example include the right to request and receive protection and humanitarian assistance from national authorities, the right not to be arbitrarily displaced, the right to return voluntarily to their homes, and the right to resettle voluntarily in another part of the country⁷⁷. While the Principles acknowledge that the primary duty and responsibility for providing assistance and protection to IDPs lies within the State itself, it also grants the right of international organizations to offer their assistance to support the efforts of local authorities during internal displacement crises in line with the principles of humanity and impartiality, and without any discrimination⁷⁸. In addition, it is interesting to notice that the Guiding Principles specifically recognize and address the needs and protection of the most vulnerable, including for example women⁷⁹, children, elderly and people with disabilities. In particular, a special mention is made against rape, gender-based violence, forced prostitution, assault, sale into marriage and sexual exploitation⁸⁰. This recognition is essential in order to push States worldwide to recognize that the effects of internal displacement hit people differently, and that some are more vulnerable than others. This should drive States to adopt a more gender-focused perspective towards the protection of IDPs, in order to reduce vulnerabilities, enhance the safety and security of women, as well as female participation and decision-making before, during and after displacements.

3.1.2 Draft Articles on the Protection of Persons in the Event of Disasters

Within the context of the legal protection of persons in case of disasters, although no International Convention has been developed and adopted yet, there have been some advancements. For instance, as already mentioned above, the International Law Commission (ILC) has elaborated the “Draft

⁷⁶ Internal Displacement Monitoring Centre, “Guiding Principles on Internal Displacement”, accessed April 10, 2023, <https://www.internal-displacement.org/internal-displacement/guiding-principles-on-internal-displacement>

⁷⁷ Dieng, “Protecting Internally Displaced Persons”, 268-269.

⁷⁸ United Nations Office for Coordination of Humanitarian Affairs, “Guiding Principles on Internal Displacement”, (New York: UNOCHA, 1998), Principle 25, <https://www.unhcr.org/sites/default/files/legacy-pdf/43ce1cff2.pdf>

⁷⁹ In particular, the reference is made to expectant mothers, mothers with young children, and female heads of household. Reference: UNOCHA, “Guiding Principles on Internal Displacement”, Principle 4.

⁸⁰ UNOCHA, Principle 11.

Articles on the Protection of Persons in the Event of Disasters”, which has been driven by the challenges faced during disasters⁸¹. This is considered by scholars to be a first significant step towards the creation and adoption of an ad hoc convention for the protection of persons in such contexts. For instance, the Draft Articles incorporate branches of IL, including IHRL, IHL, Refugee Law and International Environmental Law, in order to provide a more comprehensive and stronger legal text for the protection of those affected by disasters in areas such as human rights, disaster risk reduction and national/international assistance⁸². According to Bartolini, the Draft Articles present two dimensions, namely a vertical and a horizontal. While the vertical refers to the interaction between the victims of the disaster and the aid actors, focusing on the importance of safeguarding the rights and dignity of those affected⁸³; the horizontal dimension refers to the legal dynamics between the affected States and the supporting actors during the disaster cycle, including disaster risk reduction, relief and recovery, and international cooperation⁸⁴. For what concerns the mainstreaming of gender, interesting to notice is that although no specific mention is made with regards to women’s rights and protection, a reference is made to the “needs of the particularly vulnerable” (Art.6)⁸⁵. In this case, the “particularly vulnerable” are usually considered to be women, children, elderly persons, persons with disabilities, minorities and indigenous people⁸⁶.

3.1.3 *International Covenant on Economic, Social and Cultural Rights ICESCR*

Another relevant treaty is the ICESCR, which was adopted in 1966. Although not specifically focusing on IDPs, it sets out relevant human rights related to the economic, social and cultural spheres as well as State duties and responsibilities. For example, it includes the right to adequate food, health care, clothes, adequate standard of living and social welfare⁸⁷. Therefore, it is relevant to the protection of IDPs as in contexts of displacement their economic, social and cultural rights are often violated. For example, IDPs face difficulties in accessing basic services during displacement, which

⁸¹ Particularly by the 2004 tsunami that affected the Indian Ocean. Reference: Giulio Bartolini, “A universal treaty for disasters? Remarks on the International Law Commission’s Draft Articles on the Protection of Persons in the Event of Disasters”. *International Review of the Red Cross*, 99(906), (2017), 1107, doi:10.1017/S1816383119000067

⁸² Bartolini, “A universal treaty for disasters?”, 1109.

⁸³ Bartolini 1115.

⁸⁴ Bartolini, 1118.

⁸⁵ International Law Commission, “Draft Articles on the Protection of Persons in the Event of Disasters”, (Geneva (68th session): UN, 2016), https://legal.un.org/ilc/texts/instruments/english/draft_articles/6_3_2016.pdf

⁸⁶ Alexander Morawa, “Vulnerability as a Concept of International Human Rights Law”, *Journal of International Relations and Development* 6, No.2 (2003): 139-155, https://ciaotest.cc.columbia.edu/olj/jird/jird_jun03_moa01.pdf

⁸⁷ Global Protection Cluster, *Handbook for the protection of Internally Displaced Persons*, 21.

can lead to poverty and to a risk of exploitation and abuse. By properly implementing the ICESCR, States ensure that even in contexts of displacement IDPs have their basic human rights protected and access to basic services to rebuild their lives and recover from the disaster. Nevertheless, it must also be recalled that in Art.2 of the ICESCR the protection of the rights enshrined in it can be undertaken progressively as according to their capacity, and if agreed with international help. Of particular relevance are Art.9 right to social security; Art.10 right to family protection and assistance, with a special focus on the protection of mothers; Art.11 right to adequate standard of living, including food, housing and clothing; and Art.12 right to enjoy the highest standard of physical and mental health⁸⁸.

3.1.4 International Covenant on Civil and Political Rights ICCPR

Similarly to the ICESCR, the ICCPR⁸⁹ is another key human rights instrument for the protection of IDPs. This is because, although it does not specifically address internal displacement, it covers risks that IDPs might face, and contains civil and political rights to which IDPs are inherently entitled. For instance, these include the right to life, to physical integrity, freedom of movement and protection of the family⁹⁰. Of particular relevance is Art.6, which recognizes the right to life of every human being (including IDPs) as well as the State's obligation to take all necessary measures to protect it. This includes the protection of the lives of IDPs, and especially of those groups within IDPs that are particularly at risk of violence and harm. Art.9 right to liberty and security is also of utmost importance in the context of IDPs, as they might be restricted in their movements. Another relevant article is Art.12 right to freedom of movement, as they might need to quickly move to safer locations in order to seek assistance and humanitarian aid. Lastly, Art.26 equal protection before the law is also of utmost importance, in particular when looking at the issue of gender inequality, as it specifically refers to the protection against discrimination on the basis of sex⁹¹.

⁸⁸ United Nations General Assembly, "International Covenant on Economic, Social and Cultural Rights", Treaty Series vol. 993, (1966), <https://www.refworld.org/docid/3ae6b36c0.html>

⁸⁹ It has been ratified by 13 Caribbean countries: Antigua and Barbuda, the Bahamas, Barbados, Belize, Cuba, Dominica, Dominican Republic, Grenada, Guyana, Haiti, Jamaica, Saint Vincent and the Grenadines, and Trinidad and Tobago.

⁹⁰ Global Protection Cluster, *Handbook for the protection of Internally Displaced Persons*, 21.

⁹¹ United Nations General Assembly, "International Covenant on Civil and Political Rights", UN, Treaty Series, vol. 999, (1966), <https://www.refworld.org/docid/3ae6b3aa0.html>

3.1.5 Universal Declaration of Human Rights UDHR

Although not legally binding⁹², the UDHR should be mentioned even in the case of IDPs because it sets out the basic human rights entitled to all persons equally and without discrimination. The UDHR was adopted in 1948 and it establishes the main civil, political, economic, social and cultural rights that all individuals are entitled to without discrimination. The rights enshrined in it constitute international customary law and have been incorporated into the main legally binding treaties, including ICCPR and ICESCR⁹³. The UDHR has been acknowledged to be a protection tool for IDPs as it recognizes their rights to non-discrimination, right to life, freedom of movement and adequate standard of living, which are essential to ensure the safety and protection of IDPs, and to promote their social and economic well-being. Of particular relevance for the protection and enhancement of IDPs' rights are Art.2 right to non-discrimination; Art.3 right to life, liberty and security; Art.5 right not to be subjected to torture, cruel, inhuman or degrading treatment or punishment; Art.7 right to equal protection before the law without discrimination; Art.13 right to freedom of movement; and Art.25 right to an adequate standard of living, including food, clothing, medical care, as well as special attention to motherhood⁹⁴.

3.2 States' Obligations for the Protection of IDPs

As already mentioned above, in the event of internal displacement the State itself has the obligation to give assistance, protect and uphold the human rights of the affected population that are located within its national borders. For instance, as stated in the General Assembly Resolution 46/182 on the coordination of humanitarian emergency assistance, the State itself has the primary duty to protect and assist the victims, and organize, coordinate, and implement activities of humanitarian assistance⁹⁵. Humanitarian assistance from the international community can be provided at the request of the affected State⁹⁶. This is because according to the “sovereignty principle” under international law, a sovereign State has exclusive jurisdiction over what happens within its territorial boundaries,

⁹² The UDHR is not legally binding, nevertheless it is considered to be customary international law. Reference: IPleaders, “A Critical Analysis of UDHR”, IPleaders, October 28, 2019, <https://blog.ipleaders.in/critical-analysis-udhr/>

⁹³ Global Protection Cluster, 21.

⁹⁴ United Nations General Assembly, “Universal Declaration of Human Rights”, UN, 217 A (III), (1948), <https://www.refworld.org/docid/3ae6b3712c.html>

⁹⁵ United Nations General Assembly, “Strengthening the Coordination of Humanitarian Emergency Assistance of the United Nations”, Principle 4.

⁹⁶ United Nations General Assembly, Principle 3.

and is thus responsible to respect, protect and fulfill human rights in its territory⁹⁷. For instance, the State has a duty to respect, meaning that it should not engage in activities that negatively interfere with the enjoyment of human rights. Moreover, the State has also positive obligations, namely the duty to protect and to fulfill. This means that a State has the obligation to take all the necessary measures to prevent and cease any threats or abuses of human rights, including during displacement⁹⁸. When it comes to the “positive obligations” of the State in the context of internal displacement and natural disasters, specific duties arise. For example, the State has the obligation to provide humanitarian assistance to all those affected by the disaster and in situations of displacement, according to the principles of humanity, neutrality, impartiality, and independence, and of relevant human rights instruments⁹⁹. In particular, the displacement must be “necessary” and “justifiable”, and its adverse effects should be mitigated. This includes ensuring adequate safety, shelter, health and hygiene; as well as protection and assistance to IDPs. When a State is unable to do so, it has the duty to seek assistance from other States and ensure access to humanitarian actors. The so-called “non-action” from the affected State can thus constitute a breach of international law, human rights, as well as of the principle of humanity¹⁰⁰. Moreover, in contexts where a state of emergency has been declared, the enjoyment of certain human rights can be restricted¹⁰¹. Nevertheless, such limitations must be established by the law, be indispensable in a democratic society and in harmony with IHRL and must be undertaken without any form of discrimination¹⁰².

3.2.1 The Right to Humanitarian Assistance, Cooperation and R2P Debates

Within the context of internal displacement and natural disasters, it is essential to look at debates concerning the right to humanitarian assistance, international cooperation and R2P. Humanitarian assistance, which is the set of activities undertaken during and after natural disasters in order to preserve lives, mitigate suffering and uphold human dignity, is a right regulated at the national and

⁹⁷ Heintze, “The ILC Codification Project on the Protection of Persons in the Event of Disasters”, 167.

⁹⁸ United Nations High Commissioner for Refugees, “Chapter 2: The Legal Framework for the Protection of Internally Displaced Persons”, 6.

⁹⁹ Heintze, “The ILC Codification Project on the Protection of Persons in the Event of Disasters”, 164.

¹⁰⁰ Global Protection Cluster, *Handbook for the protection of Internally Displaced Persons*, 140.

¹⁰¹ Not all human rights can be restricted. For instance, the right to life; freedom from torture and inhuman treatment or punishment; freedom from slavery (...) can never be suspended. Reference: UNHCR, “Chapter 2: The Legal Framework for the Protection of Internally Displaced Persons”, 7.

¹⁰² UNHCR, 7.

international level, and whose legal foundation lies in the principle of international cooperation¹⁰³. The right to humanitarian assistance has been recognized by the UNGA in its Resolution 46/182 Principle 1 and Principle 2, which state that providing humanitarian assistance holds paramount significance for individuals affected by natural disasters and must be delivered conforming to the principles of humanity, neutrality, and impartiality¹⁰⁴. Similarly, it has been included in the UN Guiding Principles on Internal Displacement in its Principle 3, which states that specifically IDPs have the right to ask for humanitarian assistance from national authorities¹⁰⁵. Other instruments where such right is included are for example the Sphere Handbook Humanitarian Charter and Minimum Standards, where the right to receive humanitarian assistance is recognized as an essential component to the right to a dignified life. In particular, it includes a satisfactory standard of living, sufficient provisions and necessities for good health, such as food, water, clothing and shelter, which must be provided with impartiality and non-discrimination¹⁰⁶. Additionally, such assistance should be granted by the affected State itself, and if allowed by the international community and humanitarian actors active in this field. As reported by Heintze, a reference to the right to humanitarian assistance can also be found in Art.25 of the UDHR and Art.11 of the ICESCR. In fact, in both cases a mention is made to the right to an adequate standard of living, including food, housing, clothing, health and well-being. The same author reports that according to the General Comment 12 of the Committee on Economic, Social and Cultural Rights (CESCR) such obligations are applicable to individuals affected by (natural) disasters¹⁰⁷. If the State cannot meet such obligations, then it should seek assistance through cooperation with other States and humanitarian actors¹⁰⁸. Nevertheless, when it comes to humanitarian assistance and cooperation, debates on the issue of R2P arise, especially when the affected State is not able or is unwilling to implement the required measures to prevent the misuse of humanitarian assistance and human rights violations. For instance, although the UNGA 2005 World Summit Outcome does not include natural disasters within the R2P¹⁰⁹, such a concept might

¹⁰³ Development Initiatives, “Defining Humanitarian Assistance”, accessed May 30, 2023, <https://web.archive.org/web/20171102215158/http://www.globalhumanitarianassistance.org/data-guides/defining-humanitarian-aid>

¹⁰⁴ United Nations General Assembly, “Strengthening the Coordination of Humanitarian Emergency Assistance of the United Nations”, Principle 1 and Principle 2.

¹⁰⁵ UNOCHA, “Guiding Principles on Internal Displacement”, Principle 3.

¹⁰⁶ Sphere Association, *The Sphere Handbook: Humanitarian Charter and Minimum Standards in Humanitarian Response*, (Geneva: Sphere Association, 2018), 30, <https://www.unicef.org/media/61556/file>

¹⁰⁷ Heintze, “The ILC Codification Project on the Protection of Persons in the Event of Disasters”, 170.

¹⁰⁸ Heintze, 171.

¹⁰⁹ According to the UNGA 2005 World Summit Outcome, the international community has the responsibility to protect populations from crimes against humanity, genocide and ethnic cleansing when the affected State is unable or unwilling to do so. Reference: United Nations General Assembly, “2005 World Summit Outcome”, UN A/RES/60/1, (2005), 30, https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_RES_60_1.pdf

apply if the treatment of those affected by natural disasters satisfies the criteria for a crime against humanity¹¹⁰.

3.3 *Brief Discussion on the Differences Between IDPs and Refugees*

When looking into displacement definitions and issues, it is important to remark the difference between IDPs and Refugees. In fact, these two categories widely differ from each other's. While IDPs' definitions and characteristics have already been analyzed above, refugees' definitions and main characteristics will be analyzed below. According to Art.1 of the 1951 Convention Relating to the Status of Refugees, a refugee is defined as a person who:

owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it¹¹¹.

Therefore, a refugee is someone that possesses at least two characteristics: he/she has crossed his/her home country's national borders, and he /she cannot return due to a well-founded fear of persecution. A similar definition is given by the 1984 Cartagena Declaration on Refugees, which stresses the elements of crossing the border and protecting their lives and safety by fleeing from violence, conflicts or massive human rights violations as distinctive factors from migrants and IDPs¹¹². Refugees, differently than IDPs, are no more under the protection of their own country, but are protected by an ad hoc treaty, namely the Refugee Convention, which sets out the rights and freedoms of refugees, as well as the duties and responsibilities of State parties. Critical to this group is the principle of non-refoulement, which guarantees that they cannot be returned to their country of origin if there is a well-founded fear of danger to their lives and well-being. Additionally, this Convention also stresses that refugees must have equal rights and protection to that of the other citizens in that

¹¹⁰ Heintze, "The ILC Codification Project on the Protection of Persons in the Event of Disasters", 177.

¹¹¹ United Nations General Assembly, "Convention Relating to the Status of Refugees". United Nations, Treaty Series, vol. 189, (1951), Art.1, <https://www.refworld.org/docid/3be01b964.html>

¹¹² United Nations High Commissioner for Refugees, "Refugees Magazine Issue 99 (Regional solutions) - The Cartagena Declaration: a decade of progress", 1995, <https://www.unhcr.org/publications/refugees-magazine-issue-99-regional-solutions-cartagena-declaration-decade-progress>

country¹¹³. When it comes to natural disasters and climate change, there are major problems in applying this context to the Refugee convention. This is because the refugee status is granted to those that are fleeing persecution, and no mention is made to natural disasters or climate change-related issues. In recent times, scholars and the international community have been debating this issue, as there is a high consensus on the need to include climate refugees seeking asylum under the protection of a specific protection legal framework¹¹⁴.

When comparing IDPs and Refugees, it is important to recognize that they often face similar issues and vulnerabilities. For example, both are displaced people who might have lost or left behind family, livelihoods and economic resources. In particular, they might experience a higher level of vulnerability, as in displacement contexts domestic and community violence can arise. While displaced, both groups also face huge economic difficulties linked to a loss of material and economic assets, as well as formal and informal jobs. This reduces their ability to recover independently and makes them particularly reliant on humanitarian aid and assistance. Another interesting similarity is linked to the role of host communities, which often see both refugees and IDPs as “unwelcomed”. This is mainly due to the low level of resources and economic opportunities already present in the area, which might be strained even more when IDPs and refugees arrive. Therefore, this creates a high vulnerability to abuse, sexual violence and economic exploitation¹¹⁵.

Clearly, the two groups present similarities in characteristics and issues they face, but also huge differences when it comes to the protection framework and institutions. Therefore, it is important to emphasize that in the present analysis, only IDPs and the national policies about them will be considered.

¹¹³ Judy El Bushra and Kelly Fish, “Refugees and Internally Displaced Persons”, in *Inclusive Security, Sustainable Peace: A Toolkit for Advocacy and Action*, (London: International Alert and Women Waging Peace, 2004), 1, https://www.inclusivesecurity.org/wp-content/uploads/2012/04/40_refugees.pdf

¹¹⁴ Jane Mcadam, “Protection’ or ‘Migration’? The ‘Climate Refugee’ Treaty Debate”, in *Climate Change, Forced Migration, and International Law*, (Oxford: Oxford Academic, 2012). <https://doi.org/10.1093/acprof:oso/9780199587087.003.0008>

¹¹⁵ El Bushra and Fish, “Refugees and Internally Displaced Persons”, 2, 3, 4.

Chapter 2 - Different Effects on Different People: Natural Disasters, Displacement and Gender

1. Introduction

It has been widely recognized by scholars and the international community that natural disasters impact people differently. For instance, while vulnerable people like children, the elderly and disabled are the ones that suffer the most, it has been seen that also gender plays a role in how disasters affect individuals. Natural disasters by definition are “gender neutral”, as in fact the intensity of a cyclone or an earthquake is the same for both men and women. Nevertheless, the impacts of the disasters are not, due to the fact that men and women are exposed to different levels of vulnerability, preparedness and coping capacity. This translates into the fact that, especially in the Caribbean where the society is characterized by huge gender inequalities, women are more affected than men in several areas including in social and economic activities and face a higher level of physical and psychological violence¹¹⁶. Within this context it is essential to understand the role that gender, and power dynamics play in their day-to-day life, but also during disasters and displacement. In fact, especially in emergency situations, gender dynamics play a decisive role in the likelihood to be adversely affected by the disaster/displacement. During such contexts, women suffer unique impacts, including in the area of gender-based violence, human trafficking, labor, health and education. This leads to an overall vulnerability of the basic human rights to which, as analyzed above, women are entitled of even in contexts of internal displacement¹¹⁷. Therefore, such concepts will be explained in depth within this chapter. In addition, it is also important to underline that women must not be considered only as “victims” of such events, and thus just in need of protection. In fact, their crucial and leading role in disaster displacement response and recovery must be recognized, underlined, and promoted. Empowering and protecting women in such circumstances also means promoting and ensuring gender equality and guaranteeing that the unique needs of this vulnerable group are met. Therefore, the importance of recognizing the role of women and their contribution even in times of crisis will be

¹¹⁶ Alvina Erman et al., *Gender Dimensions of Disaster Risk and Resilience*, (USA: World Bank. 2021), 12, <https://openknowledge.worldbank.org/server/api/core/bitstreams/80f2e78e-f04f-5a59-86a6-9cfe6bcd7b87/content>

¹¹⁷ Internal Displacement Monitoring Centre. *Hidden in Plain Sight: Women and Girls in Internal Displacement*, (Geneva: IDMC, 2020). <https://www.internal-displacement.org/sites/default/files/publications/documents/202003-twice-invisible-internally-displaced-women.pdf>

addressed. Lastly, this thesis will argue the importance of adopting a gender-based approach to policies and practices, as underlined in International legal frameworks and non-binding documents.

1.1 Gender

Gender is an essential concept in today's societies, as it has extensive implications in the private, social, economic and political spheres. Nevertheless, often it is not properly taken into account and is even misunderstood, thus leading to discrimination and negative stereotypes. Gender issues affect all societies across the world, including the Caribbean, which has a unique history and experience with gender. But what is gender? According to IASC:

Gender refers to the social differences between males and females that are learned, and though deeply rooted in every culture, are changeable over time, and have wide variations both within and between cultures. "Gender" determines the roles, responsibilities, opportunities, privileges, expectations, and limitations for males and for females in any culture¹¹⁸.

Therefore, based on this definition, gender encompasses all the differences between men and women constructed by the society, and it determines roles, responsibilities, power and access to resources. It differs from sex, which instead refers to the biological characteristics of a person¹¹⁹. According to UN Women, when defining gender, elements such as roles, behaviors, context and time are critical to its definition. For instance, the roles and behaviors that a certain society at a given time attributes to women and men are specific in context and time. This means that when looking particularly at the Caribbean region, the concept of gender is shaped uniquely by the regional socio-cultural context and characteristics¹²⁰. For instance, gender norms in this region of the world are particularly male-dominated. Thus, huge inequalities between men and women can be found, both in responsibilities and decision-making, as well as in the work carried out, and access and control over resources. This in turn translates in the fact that these gender roles can limit women's (and in certain cases men's)

¹¹⁸ Inter-Agency Standing Committee, *Gender-Based Violence Interventions in Humanitarian Assistance: Focusing on Prevention of and Response to Sexual Violence in Emergencies*, 2005, 7, <https://interagencystandingcommittee.org/system/files/2021-03/Guidelines%20for%20Gender-based%20Violence%20Interventions%20in%20Humanitarian%20Settings.pdf>

¹¹⁹ Sphere Association, *The Sphere Handbook*, 13.14.

¹²⁰ UN Women, "Gender: Concepts and Definitions", UN Women Training Centre, May 5, 2023, <https://trainingcentre.unwomen.org/mod/glossary/view.php?id=36&mode=search&hook=gender&sortkey&sortorder=asc&fullsearch=1&page=1>

opportunities, choices, freedoms and resources within their society¹²¹. Additionally, it is essential to recognize that gender has also an intersectional element. This means that gender should never be considered alone, but rather in conjunction with other socially constructed categories, such as race, nationality, age, sexuality, and class among others. These, in turn, create unique forms of disadvantages and discrimination that contribute to maintaining gender inequality and discrimination in the region. For example, it has been reported that Haitian women in the Caribbean face unique forms of discrimination, including during and after disaster emergencies and displacement. This is because their gender intersects with their race and nationality, as well as with their unique vulnerable situation¹²² and thus leads to extreme forms of discrimination and violence¹²³.

Another essential notion to be further analyzed is the concept of “gender dynamics”, which refers to the way people interact with each other’s based on their gender. These dynamics are usually shaped by concepts of gender and power proper to a specific culture and society, and therefore they can preserve or contest the already established norms in a given society¹²⁴. Gender dynamics are essential to understand in this context because they have an impact on several aspects, including but not limited to preparedness levels and the availability of coping mechanisms. When looking specifically at the Caribbean, despite some improvements, societies are still patriarchal and gender dynamics are male dominated. For instance, a low number of women hold leading powers in the political, economic and religious spheres, and very few are engaged in the formal economic sector as workforce¹²⁵. In the context of natural disasters, gender dynamics have a huge influence also on exposure, preparedness, displacement and recovery. For example, gender dynamics affect evacuation behaviors, access to early warning systems and safe shelters, as well as types of assets owned. In particular, a lack of access to a safe shelter discourages women from evacuating, and a lower access to bank accounts, formal and stable working activities impact their ability to cope and recover from a disaster. For example, when examining the types of assets owned, it has been acknowledged that due to a lack of access to bank accounts, women tend to own tangible resources. This means that in case of a natural disaster, women are more at risk to lose their assets than men, and thus might fall easily into poverty, exacerbating gender inequalities¹²⁶. These examples show how gender actually matters especially in

¹²¹ Sharla Blank, “An Historical and Contemporary Overview of Gendered Caribbean Relations”, *Journal of Arts and Humanities (JAH)*, Volume -2, Issue No.-4. (2013): 5, <https://doi.org/10.18533/journal.v2i4.90>

¹²² As refugees, migrants or undocumented migrants.

¹²³ Raquel Casares Garcia, *Mujeres y niñas en Contexto de Desastres: Tres Estudios de Caso sobre Vulnerabilidad y Capacidades en la República Dominicana*, (Dominican Republic: OXFAM and Plan International, 2013), 28-29, <https://dipecholac.net/docs/files/caribe/mujeres-y-ninas-contexto-desastres-16.pdf>

¹²⁴ Erman, *Gender Dimensions of Disaster Risk and Resilience*, 12.

¹²⁵ Blank, “An Historical and Contemporary Overview of Gendered Caribbean Relations”, 5.

¹²⁶ Erman, *Gender Dimensions of Disaster Risk and Resilience*, 10, 12, 15.

times of crisis, and how important it is to always take into account gender and women's vulnerability even during situations of crisis.

1.2 Vulnerability

The concept of “gender” is intrinsically linked to the concept of “vulnerability”, which is defined by the IFRC as “the propensity or predisposition to be adversely affected. Vulnerability encompasses a variety of concepts and elements including sensitivity or susceptibility to harm and lack of capacity to cope and adapt¹²⁷”. While vulnerability results from economic, social, cultural, and political factors, specific and intrinsic characteristics such as gender and access to social protection systems must be taken into account as extensively influence the propensity to be adversely affected, especially in times of emergency¹²⁸.

But why women are considered to be a vulnerable group? This is because the existing gender dynamics – especially in the Caribbean – influence their way of living. For example, the traditional gender roles depict women as caregivers, they clearly lack resources and formal labor, which make them even more vulnerable during disasters and displacements. According to a research published by Oxfam and Plan International on the situation of women in context of disaster in the Dominican Republic, women have been found to be more vulnerable to disasters due to gender inequalities and gender-based discrimination. In particular, not only more women were reported to die during disasters, but also faced greater risks during and in the aftermath of the calamity. For example, their workload hugely increased, and their health was highly affected. In fact, in the context of disasters and displacement, it has been found that women are at higher risk to suffer from sexual and intra-family violence¹²⁹. These risks amplify in the context of displacement. As it has been pointed out in the first chapter of this thesis, not all natural disasters lead to displacement, hence the issues that women face in these two contexts – although very similar – present some peculiar characteristics. Therefore, this chapter will proceed by depicting the unique impacts of natural disaster induced displacement on women and girls.

¹²⁷ IFRC, *World Disasters Report 2020, Come Heat or High Water*, 120.

¹²⁸ IFRC, 120.

¹²⁹ Casares, *Mujeres y niñas en Contexto de Desastres*, 8.

2. The Unique Impacts of Disasters' Induced Displacement on Women

Internal displacement has a unique characteristic: it amplifies the pre-existing vulnerabilities and inequalities of the most vulnerable, including women. As already mentioned above, in this context women are more severely affected and face a higher vulnerability to death, violence, poverty, unequal access to opportunities and violations of human rights. For example, it has been found that when women experience displacement, they tend to become even less involved in formal employment compared to men; and similarly, girls also tend to be less engaged in education¹³⁰. These kinds of experiences have already been found and debated in the Caribbean, where heightened levels of gender-based violence, socio-economic marginalization, and lack of access to healthcare target particularly women in displacement contexts¹³¹. Therefore, the issues of gender-based violence, human trafficking, labor and feminization of poverty, health, education and vulnerability of basic human rights of women in situations of displacement will be analyzed in the region in order to demonstrate the unique impacts that they face in this context and the necessity to develop specific protection policies targeting women during displacement¹³².

2.1 Gender-Based Violence

As observed, while women are a vulnerable group in ordinary contexts, their vulnerability to violence and abuse increases exponentially during displacements. In fact, according to IOM, evidence has shown that Gender-based violence (GBV) – in all its forms – increases during disasters due to inadequate measures to ensure the safety of women and girls who have been displaced. For example, after the 2010 earthquake in Haiti, GBV rates increased as a result of family conflicts worsened by the loss of relatives, livelihoods and possessions, as well as by the insecure living conditions in

¹³⁰ Erman, *Gender Dimensions of Disaster Risk and Resilience*, 9.

¹³¹ Bleeker, et al., “Advancing Gender Equality in Environmental Migration and Disaster Displacement in the Caribbean”, 24.

¹³² It is important to mention that also men and boys face specific vulnerabilities in such contexts. For instance, men tend to be exposed to injuries and deaths as often occupy the role of first responders. Their specific vulnerabilities and need to address them will not be taken into account in this thesis, as it specifically focuses on women and girls. Reference: Thomas Tsahai, “Adopting Gender-Sensitive Approaches to Hurricane Preparedness, Relief and Recovery Planning in the Caribbean”, (Gender, Climate Change and Disaster Risk Management Working Paper Series, No. 7, Institute of Gender and Development Studies and Friedrich Ebert Stiftung, Jamaica, 2013), 10-11, <https://library.fes.de/pdf-files/bueros/fescaribe/10711.pdf>

shelters¹³³. But what is gender-based violence? According to the IASC, GBV is defined as “an umbrella term for any harmful act that is perpetrated against a person’s will, and that is based on socially ascribed (gender) differences between males and females¹³⁴”. Thus, GBV includes all actions that cause physical, sexual, and mental harm, along with threats of such acts, and limitations of personal freedom, both in the private and public sphere. In particular, GBV is connected to gender inequality, gender dynamics, power imbalances in a given society, and is exacerbated during conflicts and crises¹³⁵. Moreover, there exist several types of GBV, including sexual, physical, emotional, psychological, social, and economic violence. For example, sexual violence includes rape, sexual assault, and sexual exploitation; physical violence includes all those acts that do not have a sexual nature but might cause injury, such as hitting, slapping, or choking; and social or economic violence includes violence perpetrated through laws and policies that deny women’s access to income, services and social opportunities, such as education, health and paid employment¹³⁶. These forms of GBV can be perpetrated by a wide range of actors, including intimate partners, family and community members, state authorities and security forces, armed groups, and humanitarian aid workers – especially in the context of displacement¹³⁷. Thus, GBV is a violation of human rights, especially to the right to life, liberty, and security; the right to freedom from torture or cruel, inhuman, or degrading treatment or punishment; and the right to education, social security and personal development, among others¹³⁸.

When examining the specific context of internal displacement following a disaster in the Caribbean, it has been found that GBV is likely to occur. This is because displacement increases the risks that women face both within their relations with partners and within the community itself. For example, it has been found that displaced women in Colombia faced an increasing domestic violence by their partner during displacement, linked to stress and trauma. Additionally, GBV can also be exacerbated

¹³³ IOM, *Evacuations and Disaster Risk Reduction in the Caribbean*, 13.

¹³⁴ IASC, *Gender-Based Violence Interventions in Humanitarian Assistance*, 7.

¹³⁵ UN Women, “Gender-based violence: Concepts and Definitions”, UN Women Training Centre, May 5, 2023, <https://trainingcentre.unwomen.org/mod/glossary/view.php?id=36&mode=search&hook=gender&sortkey&sortorder=asc&fullsearch=1&page=1>

¹³⁶ GBV Guidelines, *How to Support a Survivor of Gender-based Violence When There is no GBV Actor in your Area*, GBV Guidelines, User Guide, 2018, 9-10, https://gbvguidelines.org/wp/wp-content/uploads/2018/03/GBV_UserGuide_021618.pdf

¹³⁷ Office of the United Nations High Commissioner for Human Rights, “Submission to the UN Secretary General’s High-Level Panel on Internal Displacement”, OHCHR, accessed May 6, 2023, 10, https://www.un.org/internal-displacement-panel/sites/www.un.org.internal-displacement-panel/files/published_ohchr_submission.pdf

¹³⁸ United Nations High Commissioner for Refugees, *Sexual and Gender-Based Violence against Refugees, Returnees and Internally Displaced Persons.: Guidelines for Prevention and Response*, (Geneva: UNHCR, 2003), 8, <https://www.unhcr.org/protection/women/3f696bcc4/sexual-gender-based-violence-against-refugees-returnees-internally-displaced.html>

by separating women from their community and family – which is a source of protection, and by bringing them closer to traffickers, security forces and opportunists – especially if living in camps. Another source of insecurity and violence is related to the loss of livelihoods in displacement, which might lead to forcing women to engage in transactional sex – making them more vulnerable to abuses; as well as forcing girls into early marriage (including child marriage) as a coping mechanism¹³⁹.

2.2 Human Trafficking

Linked to the concept of GBV, there is human trafficking – and in particular sex trafficking. The UNHCR defined “trafficking” as “the recruitment, transportation, transfer, harboring or receipt of persons by improper means, such as the threat or use of force or other forms of coercion, abduction, fraud, deception, or abuse of power for the purpose of exploitation¹⁴⁰”. This violation of human rights, which indeed is prohibited under international and national laws, is inherently linked to displacement and migrations. In fact, situations of internal displacement and conflict can exacerbate the risk and likelihood of human trafficking, especially for women and children. This is because in such situations, normal family and community structures, and self-protection mechanisms are undermined. Additionally, a lack of economic resources, livelihoods, and poverty make traffickers’ offers – often considered as “lifesaving” – even more appealing. Within this context of vulnerability, those who are most affected by human trafficking are mostly displaced women and children, which end up trafficked for sexual exploitation – including prostitution – or forced labor purposes¹⁴¹. For instance, according to ICAT, women comprise 71% of the victims of trafficking worldwide¹⁴². This kind of trafficking is a form of gender-based violence, which has been acknowledged as both a catalyst for trafficking and as a mean of exerting control over the victims¹⁴³. When analyzing the Caribbean region, findings show that there is an uninterrupted human trafficking flow within and between Caribbean countries of women that move mainly in search of new jobs and life-changing opportunities. Nevertheless, it has been found that in the context of displacement due to natural disasters, Caribbean women might be persuaded by deception to human trafficking, specifically for the purpose of prostitution and sexual

¹³⁹ IDMC. *Hidden in Plain Sight*, 14.

¹⁴⁰ Global Protection Cluster, *Handbook for the protection of Internally Displaced Persons*, 218.

¹⁴¹ Global Protection Cluster, 219.

¹⁴² Inter-Agency Coordinator Group Against Trafficking in Persons, “The Gender Dimensions of Human Trafficking” *ICAT*, Issue Brief no.4, (2017): 1, <https://icat.un.org/sites/g/files/tmzbdl461/files/publications/icat-ib-04-v.1.pdf>

¹⁴³ Mary Burke, Barbara Amaya and Kelly Dillon, “Sex Trafficking as Structural Gender-Based Violence: Overview and Trauma Implications”, in *The Palgrave International Handbook of Human Trafficking*, ed. John Winterdyk and Jackie Jones, (New York: Springer International Publishing, 2020), 452-453.

work. For example, a high number of Haitian women after the devastating earthquake of 2010 were trafficked to the frontier with the Dominican Republic, where they were sold and forced into sexual activities and prostitution¹⁴⁴. Therefore, recognizing this problem and its interconnection with (internal) displacement is essential in order to address the issue, and to promote the protection of women and girls that find themselves in situations of vulnerability¹⁴⁵.

2.3 Health

Another important issue that all IDPs – and in particular women – face is linked to health. According to Cantor et al., IDPs are exposed to new hazards due to a new environment, poor living conditions and trauma from the disaster, and thus they tend to experience worse health outcomes. Contrary to the refugees, IDPs do not receive the same level of protection, which in turn depends on national legislation and policies. This might influence whether gender is taken into account or not when addressing the health of IDPs. In addition, according to the same authors, determinants to IDPs' health are poverty, overcrowding as well as cultural norms – including gender relations and power dynamics¹⁴⁶. By looking specifically at internally displaced women, it has been acknowledged that besides the issues listed above, they face unique health needs – particularly linked to the sphere of reproductive and sexual health, as well as maternal care. For instance, according to the UN OHCHR, displaced women are more vulnerable to mental and physical problems due to their trauma and living conditions. Additionally, the prevalence of GBV place them at higher risks of unintended pregnancies, unsafe abortions, maternal health complications, sexually transmitted infections, and mental health disorders¹⁴⁷. In the context of pregnant women, an IDMC Report on Women and Girls in Displacement found that internally displaced pregnant women received less antenatal care and faced an increased exposure to violence, malnutrition, unsanitary conditions, communicable diseases and maternal mortality compared to non-displaced pregnant women¹⁴⁸. For what concerns mental

¹⁴⁴ Casares, *Mujeres y niñas en Contexto de Desastres*, 27 and 32.

¹⁴⁵ This thesis refers specifically to the Caribbean, therefore all the information collected and analyzed are proper to the region. Nevertheless, it must be acknowledged that this problem does not concern only the Caribbean, but also other regions of the world. This is because internal displacement per se is strongly connected to human trafficking and abuse. Reference: International Organization for Migrations, “No Escape: Assessing the Relationship Between Slavery-Related Abuse and Internal Displacement in Nigeria, South Sudan, and the Democratic Republic of the Congo”, IOM, February 17, 2023, <https://publications.iom.int/books/no-escape-assessing-relationship-between-slavery-related-abuse-and-internal-displacement>

¹⁴⁶ David Cantor, Jina Swartz, Roberts Bayard, et al., “Understanding the health needs of internally displaced persons: A scoping Review”. *Journal of Migration and Health, Volume 4*, (2021): 3, <https://doi.org/10.1016/j.jmh.2021.100071>

¹⁴⁷ UN OHCHR, “Submission to the UN Secretary General’s High-Level Panel on Internal Displacement”, 10.

¹⁴⁸ IDMC. *Hidden in Plain Sight*, 15.

health, although it impacts all IDPs, its effects are not equally felt. For example, women IDPs experience higher rates of post-traumatic stress disorder, depression, and anxiety compared to men IDPs and women who have not been displaced. This is most likely due to the disruption of their social networks, the risk of violence they face, as well as the challenging living conditions in which they live¹⁴⁹. Unfortunately, most of the times and in most countries their specific vulnerabilities are not taken into account in policies and practices, thus leading to the fact that their health needs are not met during displacement. Various factors contribute to this, including a limited access to services and facilities (especially the specialized ones), the presence of stigma surrounding sexual and reproductive health, insufficient child-friendly and gender-sensitive information, and financial constraints¹⁵⁰. Another important issue to be taken into account is that in the context of internal displacement due to natural disasters health infrastructure and facilities might have been destroyed, leading to a complete lack of services, which could be detrimental to women's health in certain cases (like pregnant women)¹⁵¹. Therefore, in order to achieve an inclusive response to health needs within IDPs, it is essential to address such issues at the local and national level through the development of specific policies for emergency care that recognize and address women's health through a gender-based approach¹⁵².

2.4 Livelihoods and Feminization of Poverty

During non-crises times, women – especially in the Caribbean – have been reported to lack access to formal employment opportunities and to face restrictions in terms of land ownership, financial resources, and access to credit¹⁵³. This has historically led to the feminization of poverty, which has proved to worsen in times of crises and displacement¹⁵⁴. In fact, during displacement IDP's living standards tend to deteriorate as a consequence of the loss of assets, properties and income, as well as employment opportunities and access to resources. While these struggles affect both men and women, the latter face more significant difficulties¹⁵⁵. According to a survey undertaken by IDMC among

¹⁴⁹ IDMC, 15.

¹⁵⁰ IDMC, 15.

¹⁵¹ Medecins Sans Frontieres, *International Women's Day 2014: Briefing paper. Forced To Flee: Women's Health and Displacement*, (MSF: 2014): 3, https://www.msf.org/sites/default/files/iwd_briefing_paper_en.pdf

¹⁵² UN OHCHR, "Submission to the UN Secretary General's High-Level Panel on Internal Displacement", 10.

¹⁵³ Although not exclusive of the Caribbean, feminization of poverty is a widespread issue in the region.

¹⁵⁴ IOM, *Evacuations and Disaster Risk Reduction in the Caribbean*, 13.

¹⁵⁵ IDMC. *Hidden in Plain Sight*, 12.

IDPs, a higher number of women IDPs became unemployed or had a lower salary compared to men¹⁵⁶. If we look specifically at the context of the Caribbean SIDS, it emerges that women frequently experience limited access to and control over resources, including job opportunities. For example, the majority of women are engaged into unpaid household work and caregiving, as well as in the tourism sector, which are directly affected by natural disasters, leaving them unemployed. This, together with a general lack of control over resources and livelihoods, contribute to limiting women's resilience to natural disasters. In addition, their marginalized socio-economic status makes it less probable for them to possess the financial means to rebuild their homes in the aftermath of the disaster, and thus to return to a "normal life" after the crisis¹⁵⁷. For example, in Dominica women have been found to stay longer in shelters compared to men due to social and economic obstacles even though they would have preferred to go back to their home communities¹⁵⁸.

Moreover, specific and unique characteristics of women might increase their vulnerability to poverty. For instance, not all women are equally vulnerable to natural disasters, displacement, unemployment, and poverty. That is why intersectionality must be taken into account while analyzing similar issues. For example, according to a study conducted by IOM on disaster displacement in the Caribbean, a larger proportion of individuals living in poverty reside in households led by women¹⁵⁹; and similarly according to UN Women, female-headed households in the Caribbean face the greatest likelihood of falling below the poverty line. This is because they usually face unique disparities in employment opportunities and are responsible for taking care of their family members, particularly of children and elderly while working to earn an income¹⁶⁰. This kind of disadvantage worsen during natural disasters and displacement contexts, as besides losing assets and properties, they have to take more care of their family members, work in order to be financially autonomous and reconstruct the community in which they used to live¹⁶¹.

Another interesting issue to underline when combining feminization of poverty and natural disasters is the degree of women's exposure and vulnerability. For instance, due to their socio-environmental vulnerability, female-headed households are more likely to reside in disaster-prone regions

¹⁵⁶ IDMC, 13.

¹⁵⁷ Bleeker, et al., "Advancing Gender Equality in Environmental Migration and Disaster Displacement in the Caribbean", 24.

¹⁵⁸ IOM, *Evacuations and Disaster Risk Reduction in the Caribbean*, 13.

¹⁵⁹ Bleeker, et al., "Advancing Gender Equality in Environmental Migration and Disaster Displacement in the Caribbean", 26.

¹⁶⁰ UN Women, *Share the Care - Child Support Poverty and Gender Equality - Barbados Country Report*, (Barbados: UN Women Multi-Country Office – Caribbean, 2008), <https://caribbean.unwomen.org/en/materials/publications/2008/4/share-the-care-child-support-poverty-and-gender-equality-barbados-country-report#view>

¹⁶¹ UN OHCHR, "Submission to the UN Secretary General's High-Level Panel on Internal Displacement", 10.

characterized by precarious housing, inadequate infrastructure, and absence of water, sanitation, and drainage. These factors contribute to heightening the vulnerability of impoverished communities to natural hazards and disasters. Additionally, poorer communities and women-led households due to a limited access to resources, face challenges in pursuing disaster risk mitigation and adaptation measures. This has important consequences on their ability to mitigate possible losses and recovering from the impacts of the disaster¹⁶². Therefore, it is essential to take into account the feminization of poverty, the disproportionate burdens that female – and especially widow/single females – face during displacements and disasters, and their vulnerability in terms of residence and living conditions in order to ensure that adequate measures are taken to help them become autonomous again.

2.5 Education

Relevant to this study is also the access to education for girls in the context of natural disasters and displacement. This is because such crises contribute to inequalities and limit girl's opportunities to develop personally, culturally, and academically. For instance, displacement exacerbates harmful gender norms that perpetuate discrimination and undervalue female's education. These norms, coupled with the emergency situation, financial difficulties, the usual gender-based violence, early pregnancy and marriage, and financial disadvantages all play a role in preventing girls from going to school¹⁶³. For instance, these factors highly contribute to gender inequalities in education, as even in “normal times”, families are more likely to support male education rather than girls'. As a result, many female students do not attend school. In addition, sexual harassment and violence have been reported to increase in situations of crises, including during displacement, and thus many girls are prevented from attending school because of the risks that educational contexts pose to them¹⁶⁴. For instance, according to a report made by IDMC on women and girls in internal displacement, the majority of girls IDPs are not enrolled in any educational program, while a higher percentage of boys in the same context is enrolled in education. Therefore, it is clear that not only internal displacement exacerbates pre-existing barriers to girl's education, worsening their economic prospects, mental

¹⁶² Erica Ramos Pires and Keila McFarland Dias, “Gender, Migration, Climate Change and Disasters in Latin America and the Caribbean”, (UN Women, Expert Group Meeting, 2021): 8, https://www.unwomen.org/sites/default/files/Headquarters/Attachments/Sections/CSW/66/EGM/Expert%20Papers/Erika%20RAMOS_CSW66%20Expert%20Paper.pdf

¹⁶³ IDMC. *Hidden in Plain Sight*, 15.

¹⁶⁴ Eva Iversen and Else Oestergaard, “Gender Equality in Education in Emergency”, *Forced Migration Review*, Issue No. 60, (2019), <https://www.fmreview.org/sites/fmr/files/FMRdownloads/en/education-displacement/iversen-oestergaard.pdf>

health and social well-being, but also in contexts of internal displacement educational priorities are given to boys. This in turn perpetuates gender and socio-economic inequalities during their lifetime¹⁶⁵. Another issue that has been highlighted by UNESCO on barriers to female education during displacement and natural disasters is the absence of suitable water and sanitation facilities, which pose huge challenges for girls in their menstrual hygiene management at school. This might contribute to reduce school attendance for girls, especially during adolescence¹⁶⁶. Therefore, it is essential to ensure gender equality for girls in educational activities even in situations of crisis. This can be done through the development of specific policies that target equality in emergency education, including changing the gender stereotypes in the community, addressing the economic barriers of displaced families in order to support them, avoid their children's engagement in labor activities, and eliminate gender-based violence and risks at school and in the affected community¹⁶⁷. These steps are necessary to ensure the protection of girls and women, and to ensure their development, and socio-economic opportunities.

2.6 Vulnerability of Human Rights

Lastly, it is important to underline that although an analysis of the main areas in which women experience particular issues – education, labor, health, security (...) – has been done, actually there are many more. In fact, an extensive variety of human rights is put at risk in situations of crisis. For example, in the event of sexual and gender-based violence, a wide range of human rights are violated, including the right to life, liberty and security of a person; the right to physical and mental health, the right to freedom from torture or cruel, inhuman, or degrading treatment or punishment; and the right to social security, and personal development, among others¹⁶⁸. Human rights are recognized under International Law and Human Rights Law to be “universal, inalienable, indivisible, interconnected, interdependent, equal and non-discriminatory¹⁶⁹”. States have the obligation to guarantee that all women and girls enjoy equally such economic, social, cultural, civil, and political rights, even during disasters and displacement. In particular, in such contexts the right to protection and assistance, and

¹⁶⁵ IDMC. *Hidden in Plain Sight*, 15.

¹⁶⁶ United Nations Educational, Scientific and Cultural Organization, *Central America and the Caribbean Regional Synthesis: Climate Change, Displacement And The Right To Education*, (France: UNESCO, 2023), 38-39, <https://unesdoc.unesco.org/ark:/48223/pf0000385183>

¹⁶⁷ Iversen and Oestergaard, “Gender Equality in Education in Emergency”.

¹⁶⁸ UNHCR, *Sexual and Gender-Based Violence against Refugees, Returnees and Internally Displaced Persons*, 8-9.

¹⁶⁹ Office of the United Nations High Commissioner for Human Rights, “What are Human Rights?”, accessed May 31, 2023, <https://www.ohchr.org/en/what-are-human-rights>

the right to life with dignity are included in provisions of IL, IHRL, IHL and Refugee Law, and should be protected and ensured to both women and men equally and without discrimination. For example, the right to life¹⁷⁰ enshrined in most of the UN Conventions and Treaties, not only includes the duty to preserve life, but also positive obligations such as to provide life-saving aid especially in crises contexts, and special protection to vulnerable groups, including women. For instance, the entitlement to receive humanitarian aid is a fundamental element of the right to life with dignity.¹⁷¹ Therefore, it is clear that internal displacement especially during emergencies hinder the full enjoyment of human rights of the affected communities, but especially of the most vulnerable groups, that are more fragile to exploitation, abuses and violence.

3. Women as Agents of Change: Leadership of Women in Situations of Crisis

Despite the in-depth analysis that has been made up to this point showing the vulnerability and exposure of women in emergency and displacement contexts, it is essential to acknowledge that women must not be considered only as a vulnerable group in situation of crises. Rather, their strengths and leadership as powerful agents within the community should be recognized. In fact, their knowledge, skills and actions have been proven to be instrumental in facilitating family and community's disaster preparedness, response and displacement adaptation¹⁷². For instance, women have resilience and adaptation skills that allow them to mobilize resources and find innovative solutions in the face of a crisis; they are historically considered caregivers and community builders, as especially in times of crises they take care of their family and ensure to keep community networks and support systems in place during displacement. Specifically, they have been shown to play a pivotal role in advocating for their community's needs and in providing support in areas such as psychological wellbeing, healthcare, and organization of community¹⁷³. Giving women leadership roles and decision-making powers does not only mean to empower them at a personal level¹⁷⁴, but

¹⁷⁰ According to General Comment No.36, the right to life also concerns the right to “enjoy a life with dignity” without distinction even in situations of emergency. Reference: UN Human Rights Committee, General Comment No.36: Art.6 (Right to Life), 124th session, adopted 3 September 2019, *UN CCPR/C/GC/36*, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/261/15/PDF/G1926115.pdf?OpenElement>

¹⁷¹ Common principles, rights and duties. Reference: Sphere Association, *The Sphere Handbook*, 29-30.

¹⁷² Bleeker, “Advancing Gender Equality in Environmental Migration and Disaster Displacement in the Caribbean”, 26.

¹⁷³ Andrew Harper, Kira Vinke, Julia Blocher, “Gender, Displacement, and Climate Change”, DGAP External Publications, 2022, <https://dgap.org/en/research/publications/gender-displacement-and-climate-change>

¹⁷⁴ Intended as increasing income, access to education, and healthcare.

also to empower the community as a whole. For instance, women bring unique and valuable perspectives, experiences and insights, leading to better informed, more effective and balanced decisions¹⁷⁵.

Therefore, a short analysis will be made in order to show that in the Caribbean SIDS women are not just victims of disasters but can also be leaders and agents of change. For instance, several examples of leadership of women in contexts of displacement due to natural disasters can be found. After the natural disasters that hit the city of Jimaní¹⁷⁶, the capital of the Provincia de Independencia, the city of El Rosario¹⁷⁷ in the province of Azua, and the neighborhood La Barquita in the city of Santo Domingo¹⁷⁸ in the Dominican Republic, the role of women during the humanitarian aid activities was essential. For instance, activities were coordinated by women's associations and neighborhood groups in which women were active participants and leaders. Women were in charge of evaluating the damages and identifying necessities, attending the injured in health facilities, taking care of the unaccompanied minors, and providing logistical support as well as redistribution of food and clothing to the victims of the disasters¹⁷⁹. In this and similar cases, the support and leadership of women has been proven essential to overcome the crisis and build a better and more resilient society.

4. International Normative Framework for the Protection of Women During Displacement and Disasters

The main idea of this thesis¹⁸⁰ finds its legal basis in international human rights treaties, guidelines, and other documents¹⁸¹. While these documents underline that is essential to protect women in order to ensure their safety, well-being, and enjoyment of their fundamental human rights free from

¹⁷⁵ Global Facility for Disaster Reduction and Recovery, *Disaster Recovery Guidance Series: Gender Equality and Women's Empowerment in Disaster Recovery*, (Washington: GFDRR, 2018), 22-23, <https://www.gfdr.org/sites/default/files/publication/gender-equality-disaster-recovery.PDF>

¹⁷⁶ Namely the flood of 2004 and the Haitian earthquake of 2010. Reference: Casares, *Mujeres y niñas en Contexto de Desastres*, 18.

¹⁷⁷ Namely la Tormenta Tropical Sandy of 2012. Reference: Casares, 36.

¹⁷⁸ Casares, 47.

¹⁷⁹ Casares, 24,26,37,49,50.

¹⁸⁰ which is the need to focus on the protection of women and on the mainstreaming of substantive equality within the context of displacement and natural disasters.

¹⁸¹ These include for example the ICESCR, which shares with the CEDAW common principles of equality, non-discrimination and equal enjoyment of human rights. Reference: United Nations General Assembly, "International Covenant on Economic, Social and Cultural Rights", Art.2.

violence and discrimination, they also advocate for substantive equality. This concept recognizes the structural and systemic disadvantages of individuals/groups – in this case women – and acknowledges that they might need additional support to overcome systemic disparities and discrimination. For instance, women are not “inherently vulnerable”, rather they are vulnerable because of the existing structural gender inequalities that reduce their access to resources, education, and overall autonomy¹⁸². Therefore, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) was developed and adopted in order to address these issues and promote gender equality, even in contexts of natural disasters and displacement¹⁸³. This thesis will center on the CEDAW and its General Recommendation No.37, which serves as the primary legal foundation for advocating and safeguarding women's rights. However, a brief reference will also be made to the other documents on displacement and disaster risk reduction that mention the protection of women and the achievement of equality in such contexts. These include the Guiding Principles on Internal Displacement, the Sendai Framework for Disaster Risk Reduction 2015-2030, the Hyogo Framework for Action 2005-2015, and the Beijing Declaration and Platform for Action.

4.1 Convention on the Elimination of all Forms of Discrimination Against Women CEDAW

The CEDAW, which was adopted in 1979, is the main legal document upon which the present analysis is based. This is because the Convention focuses on the rights and protection of women in all contexts, including during disasters and displacement. The CEDAW is relevant because it seeks to eliminate discrimination against women, enhance gender equality, and protect them from particular issues and vulnerabilities specific to women, which might also face during displacement. In fact, as already analyzed, in situations of displacement women are particularly vulnerable to sexual and gender-based violence, discrimination, and lack of access to economic opportunities, health care, and education. Thus, the CEDAW aims at enhancing and protecting the right to gender equality, equal

¹⁸² UN Women, *Beyond Vulnerability to Gender Equality and Women's Empowerment and Leadership in Disaster Risk Reduction: Critical Actions for the United Nations System*, (New York: UN Women, UNFPA, UNDRR, 202), 10, <https://www.unwomen.org/sites/default/files/2021-11/Research-paper-Beyond-vulnerability-to-gender-equality-en.pdf>

¹⁸³ For instance, the CEDAW Art.3 states that “States Parties shall take in all fields (...) all appropriate measures, including legislation, to ensure the full development and advancement of women (...)”. Reference: United Nations General Assembly, “Convention on the Elimination of All Forms of Discrimination Against Women”, Treaty Series, vol. 1249 (1979), <https://www.ohchr.org/sites/default/files/Documents/ProfessionalInterest/cedaw.pdf> ; and as pointed out in the General Recommendation No.37 on the Gender Related Dimensions of Disaster Risk Reduction in the Context of Climate Change.

protection before the law, equal enjoyment of human rights, and protection against violence, rape, sexual exploitation, and forced marriage without any discrimination¹⁸⁴. In particular, discrimination is the main pillar around which the Convention is centered. According to the Committee's view, while such concept is intended as any differentiation based on gender in order to undermine women's enjoyment of rights¹⁸⁵, it should be interpreted in a broader sense¹⁸⁶:

The Convention goes beyond the concept of discrimination used in many national and international legal standards and norms. While such standards and norms prohibit discrimination on the grounds of sex and protect both men and women from treatment based on arbitrary, unfair and/or unjustifiable distinctions, the Convention focuses on discrimination against women, emphasizing that women have suffered, and continue to suffer from various forms of discrimination because they are women¹⁸⁷.

Discrimination against women has been recognized to undermine women's fundamental human rights as well as their participation and contribution to the society, ultimately creating negative social and economic consequences. Moreover, when it comes to displacement contexts, it has been acknowledged to occur at all stages of the displacement cycle. Therefore, while the Convention ultimately recognizes such issue, it also strongly encourages States to adopt laws and policies that specifically address women's discrimination and inequalities¹⁸⁸. These specific laws and policies should be guaranteed through the adoption of "appropriate measures", which include the development and implementation of specific national laws and policies "in all fields", as stated in Art.3:

States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and

¹⁸⁴ Global Protection Cluster, *Handbook for the protection of Internally Displaced Persons*, 21.

¹⁸⁵ United Nations General Assembly, "Convention on the Elimination of All Forms of Discrimination Against Women", art.1.

¹⁸⁶ Alice Edwards, "Displacement, Statelessness, and Questions of Gender Equality and the Convention on the Elimination of All Forms of Discrimination Against Women", (Background Paper, University of Nottingham, 2009), 27, https://www2.ohchr.org/english/bodies/cedaw/docs/unhcr_cedaw_background_paper4.pdf

¹⁸⁷ UN Committee on the Elimination of Discrimination Against Women, "General Recommendation No.25, on Article 4, Paragraph 1, of the Convention on the Elimination of All Forms of Discrimination Against Women, on Temporary Special Measures". (New York 30th session: UN Committee on the Elimination of Discrimination Against Women, 2004), para 2.5, <https://www.refworld.org/docid/453882a7e0.html>

¹⁸⁸ Edwards, "Displacement, Statelessness, and Questions of Gender Equality and the Convention on the Elimination of All Forms of Discrimination Against Women", 35.

advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men¹⁸⁹.

Art.3 is of utmost relevance in this thesis, as it is the basis for the application of the CEDAW in all fields including social and economic. These apply even in situations of crises, displacements, and natural disasters. For instance, the scope of the Convention is not limited to specific contexts, but rather it encompasses all scenarios, including crisis settings¹⁹⁰.

Additionally, it is interesting to recall that the Convention aims at achieving substantive equality. This means considering women's biological, social, and cultural differences in order to ensure equality in outcomes, through non-identical treatment of women and men¹⁹¹. This concept is addressed in Art.4 of the CEDAW, which states that:

Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved¹⁹².

This principle is essential to consider in the event of displacement and natural disasters, as well as in the development and adoption of national laws and policies, as women's specific vulnerabilities make them more insecure and exposed to such events. This means that besides adopting non-discrimination laws and policies, special measures should be guaranteed to women and girls in such crises. For instance, the CEDAW Committee specified that special measures should be applied in contexts of natural disasters in order to prohibit intersecting forms of discrimination, enhance women's rights, and ensure women's participation in decision-making, development, and application of policies on disasters and climate change¹⁹³.

¹⁸⁹ United Nations General Assembly, "Convention on the Elimination of All Forms of Discrimination Against Women", art.3.

¹⁹⁰ Edwards, "Displacement, Statelessness, and Questions of Gender Equality and the Convention on the Elimination of All Forms of Discrimination Against Women", IV.

¹⁹¹ Committee on the Elimination of Discrimination Against Women, "General Recommendation No.25", para 8.

¹⁹² United Nations General Assembly, "Convention on the Elimination of All Forms of Discrimination Against Women", art.4.

¹⁹³ Un Committee on the Elimination of Discrimination Against Women, "General Recommendation No.37 (2018) on the Gender-Related Dimensions of Disaster Risk Reduction in the Context of Climate Change", (New York: Committee on the Elimination of Discrimination Against Women, 2018), para.30, <https://digitallibrary.un.org/record/1626306?ln=en>

This brief analysis shows the relevance of the CEDAW in this specific context, and it demonstrates the cruciality of implementing the Convention in order to ensure that the human rights of displaced women are fully protected, and that they have the proper access and means to recover from the disaster without any form of discrimination. In summary, relevant to this case are Art.2 on the elimination of any form of discrimination against women; Art.3 equal right to a full enjoyment of human rights and fundamental freedoms; Art.4 right to equal opportunity and treatment through the implementation of special measures to guarantee equality; and Art.6 protection against human trafficking, exploitation, and prostitution¹⁹⁴.

4.2 General Recommendation No.37 on the Gender Related Dimensions of Disaster Risk Reduction in the Context of Climate Change

Important to mention in this case are the General Recommendations made by the Committee on the Elimination of Discrimination Against Women (CEDAW), and in particular the General Recommendation No.37 on the Gender Related Dimensions of Disaster Risk Reduction in the Context of Climate Change¹⁹⁵. For instance, the Committee recognized the correlation between gender and natural disasters, and the need to address inequalities and discrimination within this context in national laws and policies in order to strengthen the ability of individuals and communities to withstand and recover from the impacts of climate change and natural disasters. For instance, the Recommendation mentions the need to mitigate the effects of climate and related disasters with a focus on the impacts on the rights of women¹⁹⁶. In particular, three general principles are mentioned and should be ensured as are essential to guarantee that all interventions are executed in compliance with the provisions of the Convention: equality and non-discrimination, participation and empowerment, accountability and access to justice. In order to do so, the General Recommendation reminds States of their obligations under the above-mentioned Convention, which include adopting targeted laws, policies, mitigation and adaptation strategies specifically aimed at addressing

¹⁹⁴ United Nations General Assembly, “Convention on the Elimination of All Forms of Discrimination Against Women”, art.2, art.3, art.4, art.6.

¹⁹⁵ CEDAW, “General Recommendation No.37 (2018) on the Gender-Related Dimensions of Disaster Risk Reduction in the Context of Climate Change”.

¹⁹⁶ It encompasses prevention, mitigation, response, recovery and adaptation. Reference: UN Committee on the Elimination of Discrimination Against Women, “General Recommendation No.37”, 6.

discrimination against women and enhancing their participation in decision-making processes in contexts of disasters¹⁹⁷.

4.3 Other Relevant Treaties, Guiding Principles and Declarations

Other relevant instruments that take into account the necessity to focus on the right of women within contexts of natural disasters and displacement include non-legally binding treaties, guidelines and declarations: the Guiding Principles on Internal Displacement, the Sendai Framework for Disaster Risk Reduction 2015-2030, the Hyogo Framework for Action 2005-2015, and the Beijing Declaration and Platform for Action, among others. Although the description of these instruments will not be given in detail, they are worth to be mentioned because represent a legal basis for the protection and promotion of women's rights and participation in contexts of disasters and displacement. Although each document focuses on specific areas, they all address the need to protect women's rights and vulnerabilities, to include their participation in DRM policies in all phases of the disaster management, and recognize women's strengths, unique insights, and roles in such crises.

4.4 Conclusion: the need to focus on the protection and empowerment of women in such crises

After having analyzed the vulnerabilities that women – and in particular Caribbean women – face during and after disasters and displacement, it is important to draw the final conclusions on why in general terms it is essential to focus on the protection of women's rights and on their inclusion in decision-making in such contexts. These conclusions also explain why this thesis is investigating on the issue of gender in the Caribbean SIDS, on the existing legal framework for the protection of their human rights, and on the analysis of existing policies in the context of gender, displacement, and natural disasters. Clearly, the results of this research up to this point have shown that prioritizing the protection and empowerment of women in times of crisis is a crucial necessity recognized by the CEDAW and other international instruments. For instance, one notable aspect of such documents is the recognition of women's vulnerabilities as well as of their valuable contributions to decision-

¹⁹⁷ UN Committee on the Elimination of Discrimination Against Women, 4, 7, 8.

making and leadership roles. Such recognition is essential as provides a basis for pushing towards the development and application of specific laws and policies that guarantee substantive equality¹⁹⁸. Therefore, this analysis has shown the need to recognize and advocate for the participation of women at every level of decision-making, as well as in displacement and Disaster Risk Management (DRM) activities.

¹⁹⁸ UN Women, *Beyond Vulnerability to Gender Equality and Women's Empowerment and Leadership in Disaster Risk Reduction*, 10.

Chapter 3 – Case Studies: Haiti and the Dominican Republic

1. Rationality for the Selection of the Case Studies and Tools Used for the Research

The case studies that have been selected are Haiti and the Dominican Republic. The rationality behind this choice is a combination of factors, that include the number of natural disaster events during the period 2010-2022, the number of internal displacements, and the gender inequality index ranking. Additionally, the choice has been driven by the interest to analyze two different sovereign states lying on the same island. Although not representing the whole Caribbean SIDS, Haiti and the Dominican Republic will serve as case studies to understand to what extent gender is taken into account in policies and laws on internal displacement and disaster risk management. The development of such policies has not been taken into account as an element for the selection of the case studies. This means that such policies might not have been developed yet, or might not include at all a focus on the protection of women.

This analysis is not meant to compare the two selected states, nor to resume the development of laws and policies of all the Caribbean SIDS in only two countries. Rather, the aim is to briefly show the development of policies and laws in two specific case studies, as due to space and time limits this thesis will not address all Caribbean SIDS. Nevertheless, a brief introduction to the current IDPs and DRM policies in the region will be summarized with the use of a table.

In order to undertake the research, technological tools were used as a first investigatory instrument. These include databases such as the UNHCR IDP Law and Policy Instruments¹⁹⁹, and the IFRC Disaster Law Database²⁰⁰. Subsequently, more in-depth research was undertaken by looking at the Government's official websites and National Laws Databases, in order to understand whether recent developments in the National legal frameworks have been made.

¹⁹⁹ United Nations High Commissioner for Refugees, "IDP Law and Policy Instruments Database", (UNHCR, accessed June 16, 2023), <https://app.powerbi.com/view?r=eyJrIjoizjVhYzhkMzItNDQ3MC00MGQyLThlMjItYzZmZDdkZjQ0ZTA2IiwidCI6ImU1YzZmOTgxLTY2NjQ0NDEzNC04YTBlYTY1NDNkMmFmODBiZSIsImMiOiJh9> [last accessed on 16/06/2023].

²⁰⁰ International Federation of the Red Cross, "Disaster Law Database". (IFRC, accessed June 16, 2023), https://disasterlaw.ifrc.org/disaster-law-database/national-documents?text=&keyword=All&geographical_area=628&countries=73&language=All&national_documents_type=All&date%5Bmin%5D=19120101&date%5Bmax%5D=20231231

1.1 Brief Introduction to the IDPs and DRM Policies in the Caribbean SIDS

While the two case studies aim at giving a more in-depth overview of the context, as well as of the development of laws and policies on IDPs and DRM to understand whether or not they actually take into account women as a vulnerable group, a brief overview of the overall situation in the Caribbean SIDS has been compiled. This aims to give a general understanding of the development of such laws and policies within the selected region. The research has been done with the use of databases on IDPs and DRM, namely the UNHCR IDP Law and Policy Instruments, and the IFRC Disaster Law Database mentioned above, as well as of a research paper published by IOM²⁰¹ on the matter. No further discussion will be made on the table below.

Table 2. IDPs and DRM Policies in the Caribbean²⁰²

<i>Country</i>	<i>IDPs Policies</i>	<i>DRM Policies</i>	<i>Provisions Related to Women</i>
Anguilla	X	V	X
Antigua and Barbuda	X	V	X
Bahamas	X	V	X
Barbados	X	V	V
Belize	X	V	X
Dominica	X	V	V
Dominican Republic	X	V	V
Grenada	X	V	V
Guyana	X	V	V
Haiti	X	V	V
Jamaica	X	V	X
Montserrat	X	V	X
Saint Kitts and Nevis	X	V	X
Saint Lucia	X	V	V
Saint Vincent and the Grenadines	X	V	V
Suriname	X	X	X
Trinidad and Tobago	X	V	X

²⁰¹ IOM, *Evacuations and Disaster Risk Reduction in the Caribbean*, 28-30.

²⁰² Adapted from: UNHCR, "IDP Law and Policy Instruments Database"; IFRC, "Disaster Law Database"; IOM, *Evacuations and Disaster Risk Reduction in the Caribbean*, 28-30.

2. Case study 1: Haiti

Haiti has been chosen as the first case study due to its unique situation. For instance, Haiti has been hit by 36 Natural Disasters in the period 2010-2022, which caused a total of 2.122.818 internal displacements²⁰³. Additionally, Haiti is one of the worst countries in terms of gender inequality, as it ranks 163 in the UNDP Gender Inequality Index of 2020²⁰⁴. The country is also experiencing a high level of conflict and violence, which have led to the further displacement of more than 137.000 people in the period 2010-2022. Nevertheless, this category of IDPs is not taken into account in this thesis because the main focus is on natural disasters and related internally displaced persons²⁰⁵.

2.1 Overall Natural Disaster Situation

Haiti is located in the eastern part of the island of Hispaniola and is one of the most vulnerable countries in the Caribbean when it comes to natural disasters. For instance, Haiti is well known for its devastating earthquakes, intense storms, and the related humanitarian emergencies that arise from these events. The devastation of such calamities in the territory is due to a combination of geographical location, environmental factors, inadequate infrastructure, and socioeconomic challenges, which make the population extremely vulnerable to the impacts of such events. As a consequence, natural disasters have caused a loss of lives, devastation, and endless humanitarian crises²⁰⁶. The most devastating events that happened in the country are related to earthquakes, and in particular to the 2010 earthquake that shacked the entire country and caused more than 250,000 deaths and more than 1.6 million internal displacements. Such event happened due to the country's unique position, as it sits between two tectonic plates namely the Enriquillo-Plantain Garden Fault and the Septentrional Fault. In particular the former, is considered to be the main cause of both the earthquakes of 2010 and 2021. Additionally, Haiti is also hit by a major number of hurricanes and tropical cyclones – followed by floods – which have historically contributed to the destruction of

²⁰³ Unfortunately, no disaggregated data on gender are available. Reference: IDMC, “Global Internal Displacement Database”.

²⁰⁴ United Nations Development Programme, “Gender Inequality Index (GII)”, UNDP Human Development Reports, 2021, <https://hdr.undp.org/data-center/thematic-composite-indices/gender-inequality-index#/indicies/GII>

²⁰⁵ Haiti has also been defined as a “failed state”, nevertheless, this aspect will not be addressed in this thesis.

²⁰⁶ The World Bank Group, “Country Haiti”, The World Bank Group, Climate Change Knowledge Portal for Development Practitioners and Policy Makers, 2021, <https://climateknowledgeportal.worldbank.org/country/haiti/vulnerability>

public and private infrastructures²⁰⁷. Since 2010, these include for instance Hurricane Thomas (2010), Hurricane Sandy (2012), Hurricane Matthew (2016) and Hurricane Laura (2020). All these events have caused a total of 2.122.818 internal displacements²⁰⁸. Such disasters are in part due to natural hazards, but what makes them extremely catastrophic has been the modification of the nature and the building of substandard infrastructure by the local population. For instance, Haitians have destroyed their forests, whose trees used to protect the country from devastating natural hazards and have built underdeveloped and inadequate houses and infrastructure that have collapsed during earthquakes²⁰⁹.

2.2 Overall Status of Women

The gender equality situation in Haiti is worrying as the country faces huge gender-based violence, gender inequality and women's unemployment. For instance, Haiti has been ranked 163rd – out of 191 countries – in the UNDP Gender Inequality Index. This takes into account the maternal mortality ratio, the adolescent birth rate, the share of seats in parliament, women with secondary education and women's labor force participation rate²¹⁰. In particular, when comparing Haiti's data to the other Caribbean SIDS, it is clear that Haiti is worst off. These data reflect the situation of women within the society, but most of all hide the awful circumstances in which women are compelled to live²¹¹. In particular, Haitian women already face gender inequality and vulnerability prior to a disaster, as they face a scarcity of economic opportunities, restricted access to information, and limited participation in disaster management policies and decision-making. But when disasters hit, their living conditions and security are even worst, as they are less likely to be employed, have limited access to savings/credits, have less access to health services, and face higher levels of domestic and community violence, especially in IDP camps²¹². For instance, according to UNOCHA, shelters for IDPs lack sufficient security and protective measures, as illustrated by camps' overcrowding, promiscuity, lack of privacy and lighting, which have all contributed to an increase in sexual

²⁰⁷ Michael Veitenhans, "Haiti's Natural Disaster Problem", Cross Catholic Outreach, June 24, 2022, <https://crosscatholic.org/blogs/2022/06/haitis-history-of-natural-disasters/>

²⁰⁸ This number refers to internal displacements caused by earthquakes (1.7m), storms (528k) and floods (36k). Unfortunately, these data are not disaggregated by gender, meaning that there is no available information on the number of females IDPs. Reference: IDMC, "Global Internal Displacement Database".

²⁰⁹ Veitenhans, "Haiti's Natural Disaster Problem".

²¹⁰ UNDP, "Gender Inequality Index (GII)".

²¹¹ UNDP.

²¹² World Bank Group, *Haiti's Untapped Potential: an Assessment of the Barriers to Gender Equality*, Washington: World Bank Publications, (2023) 27,28, <https://thedocs.worldbank.org/en/doc/4b69af839b59351a5d7a245d71a57c13-0370012023/related/Haiti-Gender-Assessment-report-Summary.pdf>

assaults²¹³. When it comes to gender-based violence and insecurity, data from the World Bank show that these have increased recently. For instance, this is due on the one hand to the poverty and loss of livelihoods following natural disasters, and on the other to the development of gangs whose members have been reported to sexually harass and assault Haitian women, especially those living in IDP camps and shelters. Similarly, it has been reported that in order to survive, Haitian women engage in transactional sex activities, which pose them at risk of violence, abuses and insecurity²¹⁴.

It is important to recall that Haiti ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in 1981, as well as the Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women (Belém do Para Convention) in 1997, in addition to other human rights treaties that are applicable to the rights of women. In this regard, the Haitian State has strengthened its national legal framework on women's related issues by amending the Civil Code in 1982, the Penal Code in 2005, and the Constitution in 2012 with the aim of providing gender equality, married women with a status in line with the Constitution, to eradicate any forms of discrimination and discriminatory provisions against women, and to treat sexual offenses as a punishable crime²¹⁵. Moreover, Haiti has developed and adopted specific policies for the protection of women's rights, which include for instance the “Politique d'Égalité Femmes Hommes 2014-2034”. Yet, despite the arising legally binding obligations and updates in national laws and policies, Haiti has fallen short in providing equal opportunities and substantial protection to Haitian women in the context of displacement due to natural disasters, as they still face pervasive gender-based violence, harassment, and discrimination²¹⁶.

2.3 *Laws and Policies on Internal Displacement and DRM Mainstreaming Gender*

While the research done in Haiti has evidenced a lack of specific policies and laws dedicated exclusively to the protection of women in the context of internal displacement, and more broadly on

²¹³ ONU Femmes France, “Haiti: les Femmes et les Filles Surexposées aux Violences Depuis le Séisme”, ONU Femmes France, 2021, <https://www.onufemmes.fr/nos-actualites/2021/11/17/haiti-les-femmes-et-les-filles-surexposees-aux-violences-depuis-le-seisme>

²¹⁴ World Bank Group, *Haiti's Untapped Potential*, 28-29.

²¹⁵ Louis Eunide, “Violences Faites aux Femmes en Haiti; état des Lieux et Perspectives”, *Haiti Perspectives*, vol.2, Issue no.3 (2013): 47, <http://www.haiti-perspectives.com/pdf/2.3-violences.pdf>

²¹⁶ Bureau des Avocats Internationaux et al, “Gender-Based Violence in Haiti Report”, (Submission to the UN Universal Periodic Review 40th session, Bureau des Avocats Internationaux et al., 2022), http://www.ijdh.org/wp-content/uploads/2021/12/Gender-Based-Violence-in-Haiti_UPR-Submission_EN-1.pdf

IDPs²¹⁷, other national policies relevant to the subject of this thesis have been developed, specifically on Disaster Risk Management (DRM) and Emergency Response. These include the “Plan National de Réponse aux Urgences 2001” and the “Plan National de Gestion des Risques de Désastre 2019-2030”. While they cover a wide range of issues and topics, the protection of women in contexts of disaster and displacement is only partly envisaged. These policies will be briefly discussed in light of the inclusion of women.

The “Plan National de Réponse aux Urgences” (PNRU), adopted in 2001 and updated in 2009, is the first policy developed in Haiti specifically for the coordination of relief efforts in case of natural disasters. In particular, it gives a structured framework for the coordination of government agencies and national actors, the mobilization of resources and the coordination of emergency responses at the national and international level. These include for example logistics, security measures, evacuation procedures, environmental protection, healthcare services, reconstruction efforts and rehabilitation programs. Although very comprehensive, the PNRU does not explicitly include the protection of IDPs and management of IDP camps, and no explicit mention to the protection, vulnerability and different impacts on women is made. Nevertheless, the PNRU Chapter VI “Population Services” briefly mentions the responsibilities of the “Ministère de la Condition Féminine²¹⁸” related to the identification and coordination of the specific needs of women affected by the disaster²¹⁹. Moreover, the group of IDPs is generally incorporated in the “Rehabilitation and Reconstruction²²⁰” chapter VIII of the PNRU, in which specific measures in emergency response mainly refer to “governance, livelihoods, shelter, environment, and social aspects, including the reintegration of displaced populations and human security”²²¹. Within the chapter VIII, different ministries are given responsibilities for the coordination of support activities to help individuals, families and communities to recover from disasters, including reconstruction and relocation. Nevertheless, no chapter was specifically designed for the establishment of a groundwork for protecting and providing aid to women IDPs, as well as guarantees to the application of human rights norms²²².

²¹⁷ According to the UNHCR research tool on IDP Law and Policy Instruments, in Latin America and the Caribbean only 6 countries have developed such legal instruments for the protection of IDPs. These countries are Colombia, El Salvador, Guatemala, Honduras, Mexico and Peru. Reference: UNHCR, “IDP Law and Policy Instruments Database”.

²¹⁸ Translated: Ministry of Women’s Affairs.

²¹⁹ République d’Haiti, “Système National de Gestion du Risque: Plan National de Réponse aux Urgences (PNRU)”, (2001), 34, https://www.preventionweb.net/files/30709_788fr1.pdf

²²⁰ Chapter VIII – Fonction De Réponse Aux Urgence Viii (FRU VIII) - *Réhabilitation et Reconstruction*. Reference: Plan National de Réponse aux Urgences (PNRU), 38.

²²¹ PNRU, 38.

²²² PNRU, 38.

The “Plan National de Gestion des Risques de Désastre 2019-2030” (PNGRD), which was adopted in 2019 by the Government of Haiti, has been developed in line with Haiti’s Strategic Development Plan and following the objectives and targets proposed by international documents such as the Sendai Framework for Disaster Risk Reduction and the 2030 Agenda for Sustainable Development²²³. Thus, climate change issues and matters pertaining to human security have been included. These cover aspects such as sensitivity to gender, the inclusion of persons with disabilities, and participation/inclusion in disaster risk management. While the Plan is mainly structured around the enhancement of knowledge of disaster risks, the strengthening of governance, the building of resilient communities and the improvement of response and recovery, it also stresses the importance of focusing on women’s participation and vulnerabilities²²⁴. In particular, while presenting the susceptibility of Haiti to natural disasters, the group of women is reported to be the most vulnerable. Therefore, the PNGRD Strategic Framework adopts a DRM approach that prioritize “Gender and Social Inclusion” in targeting priority actions²²⁵. Particularly, when it comes to the participation of women, the PNGRD includes the necessity to ensure at least a 30% of participation of women in DRM as in line with the Haitian Constitution²²⁶. The inclusion of women in this national plan represents a big step forward in the recognition of women’s vulnerabilities, contributions and leadership in contexts of disaster. Nevertheless, despite this document, once again no specific mention is made of women IDPs – nor of IDPs in general, and no specific policy has been further developed on the rights of those internally displaced in Haiti.

3. Case study 2: the Dominican Republic

The Dominican Republic has been chosen as the second case study due to its distinctive gender and disaster situation. For instance, the country is the most affected among the Caribbean SIDS in terms of natural calamities, as it has been hit by 49 natural disasters in the period 2010-2022, resulting in a total of 404.770 internal displacements²²⁷. Additionally, the Dominican Republic is also one of the

²²³ République d’Haiti, “Plan National de Gestion des Risques de Désastre 2019-2030”, (2019), V-VI, https://www.preventionweb.net/files/72907_plannationaldegestiondesrisquesdeds.pdf

²²⁴ Plan National de Gestion des Risques de Désastre 2019-2030, V-VI.

²²⁵ Plan National de Gestion des Risques de Désastre 2019-2030, 28.

²²⁶ According to it, there is the principle of ensuring a minimum quota of participation of women of at least 30% across all levels of national life and public services. Reference: Plan National de Gestion des Risques de Désastre 2019-2030, 2019, 34.

²²⁷ IDMC, “Global Internal Displacement Database”.

worst countries in terms of gender inequality, as it ranks 106 in the UNDP Gender Inequality Index of 2020²²⁸.

3.1 Overall Natural Disaster Situation

The Dominican Republic is located in the western part of the island of Hispaniola, and together with Haiti, is the most vulnerable country in the Caribbean when it comes to natural disasters. For instance, the Dominican Republic is the most hit country by natural calamities among the Caribbean SIDS, as is exposed to multiple threats, including hurricanes, storms and floods, as well as landslides and earthquakes, as it sits on tectonic faults²²⁹. The country is particularly vulnerable to the latter, due to its geographic location as well as to the rapid construction of inadequate infrastructure. The Dominican Republic is exposed to natural disasters especially during the hurricane season (June-November), which has led the country to be included amongst the ten most disaster-prone countries in the world since 2012 as a consequence of natural hazards, rapid urbanization and widespread poverty. As a result, a higher number of people are vulnerable to the impacts of natural hazards as they live in high-risk areas and do not possess the means to recover²³⁰. This contributed to the displacement of more than 404k people in the country since 2010. In particular, disastrous events include Hurricane Matthew (2016), and Hurricane Fiona (2022), which have respectively left 83.000 and 44.000 people internally displaced²³¹. Additionally, the country is also affected by frequent floods. These develop following hurricanes, but also due to the overflow of rivers and lakes in the region. The harshest event is the 2015 northern region flood that led to the internal displacement of 20.000 people²³². Similarly, to Haiti, the rapid and unplanned urban expansion, high poverty rates and environmental degradation have made the Dominican Republic and its inhabitants extremely vulnerable to such disasters, and as a consequence, thousands of people are internally displaced yearly. Additionally, the country faces unique challenges in terms of natural calamities and migration,

²²⁸ UNDP, “Gender Inequality Index (GII)”.

²²⁹ IDMC, “Global Internal Displacement Database”.

²³⁰ Casares, *Mujeres y niñas en Contexto de Desastres*, 9.

²³¹ Unfortunately, these data are not disaggregated by gender, meaning that there is no available information on the number of females IDPs. Reference: IDMC, “Global Internal Displacement Database”.

²³² IDMC.

as following the famous 2010 earthquake and other tragic natural disasters in Haiti, Haitian people fled to the Dominican Republic to reach safety²³³.

3.2 Overall Status of Women

According to the UNDP Gender Inequality Index of 2020, the Dominican Republic ranks 106, which makes it the third worst country among the Caribbean SIDS²³⁴. This index hides huge inequalities, discrimination and violence. As an example, women are very underrepresented in the job market, and according to a report published in 2012, 36% of women lack personal income and 21% are unemployed²³⁵. Additionally, although the Dominican Republic has made some steps forward in the field of gender protection and equality, the country's gender roles and widespread machismo still result in inequality and gender-based violence. For instance, according to a report published in 2013, at least 30% of women in the country have experienced some form of sexual violence and abuse²³⁶. As a result, between the period 2018-2020, only in Santo Domingo there have been more than 15,000 reported cases of domestic violence, which is by far the most reported crime in the city. Similarly, domestic violence accounted for the 46% of the feminicides in 2019. Additionally, Dominican women also suffer from high maternal mortality rates, teen pregnancies and sex trafficking²³⁷. This is the result of prevailing gender norms and roles as well as of social exclusion and lack of access to sexual and reproductive health rights. Such issues have proven to worsen during and in the aftermath of natural disasters, remarkably increasing the vulnerability of women in such events. For instance, a joint report produced by Doctors of the World and Oxfam stressed the challenges that Dominican women had in obtaining adequate prenatal/postnatal healthcare, as well as the challenges that they had to face due to a rise in gender-based violence²³⁸. Moreover, it is important to recognize that although most women in the country suffer from gender-based violence and discrimination,

²³³ International Organization of Migration, *Plan Estratégico Nacional República Dominicana: Marco Operacional Para Situaciones de Crisis Migratoria (MOCM) 2017-2019*, (Dominican Republic: IOM, 2017), 11-15, <https://www.iom.int/sites/g/files/tmzbdl486/files/documents/MCOF-SP-Republica-Dominicana.pdf>

²³⁴ UNDP, "Gender Inequality Index (GII)".

²³⁵ These data represent the gender situation in the Dominican Republic in the year of 2013. This thesis acknowledges that there might have been updates or changes up to the present time. Reference: Casares, *Mujeres y niñas en Contexto de Desastres*, 10.

²³⁶ Casares, 10.

²³⁷ Pedro Vega, "Gender Equality in the Dominican Republic: an Update", The Borgen Project, December 3, 2020, <https://borgenproject.org/gender-equality-in-the-dominican-republic/>

²³⁸ Doctors of the World and Oxfam, *Dominican Republic Gender Analysis*, (UK: Doctors of the World and Oxfam International, 2017), 16,17, <https://oxfamilibrary.openrepository.com/bitstream/handle/10546/620261/rr-dominican-republic-gender-analysis-210417-en.pdf?sequence=1&isAllowed=y>

intersectional forms of discrimination target the most migrant and refugee Haitian women or Dominican women of Haitian descent that live in the Dominican Republic. For instance, due to linguistic barriers and discrimination they face challenges in disaster risk reduction and aid access, and often due to their undocumented migrant status, Haitian women have proven to be extremely vulnerable to sexual and gender-based violence in the country²³⁹.

It is important to recall that the Dominican Republic ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in 1982, as well as the Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women (Belém do Para Convention) in 1996, in addition to other human rights treaties that are applicable to the rights of women. In this regard, the Dominican Republic has developed and adopted specific laws and policies for the protection of women's rights in line with international human rights law, which include for instance the "Política de Género 2022", "Plan Nacional de Igualdad y Equidad de Género 2018-2030", female quota laws²⁴⁰, as well as laws and policies sanctioning and eliminating violence against women, such as the "Ley 24-97 Sobre Violencia Intrafamiliar", and the "Plan Estratégico Por una Vida Libre de Violencia Para las Mujeres"²⁴¹. In this regard, when it comes to natural disasters, no gender policies or strategies have been developed to shape disaster risk management through gender lenses. Nevertheless, it is also essential to recall that an overall "gender sensitivity" exists in practice. For example, the National Coordinator of the Office of Civil Defense reported that women during disaster evacuations are given priority, and they are separated from males in temporary shelters in order to decrease violence.

3.3 Laws and Policies on Internal Displacement and DRM Mainstreaming Gender

While the research done in the Dominican Republic has evidenced a lack of specific policies and laws dedicated exclusively to the protection of women in context of disaster and displacement, and more

²³⁹ Casares, *Mujeres y niñas en Contexto de Desastres*, 53.

²⁴⁰ These include the "Ley 33-18, de Partidos, Agrupaciones y Movimientos Politicos", "Ley 13/2000", "Ley 12, que modifica la parte final del Artículo 268 de la Ley Electoral No.275-97", "Ley electoral n.275". Reference: Economic Commission for Latin America and the Caribbean, "Observatorio de Igualdad de Genero: Leyes", CEPAL, accessed July 7, 2023, <https://oig.cepal.org/es/laws/3/country/republica-dominicana-21>

²⁴¹ Urena Lohadis, "Incorporacion de la Perspectiva de Género en la Republica Dominicana", Consejo Nacional de Drogas, accessed June 18, 2023, http://sisco.copolad.eu/web/uploads/documentos/20_4_2_REP_DOMINICANA_URENA_ES.pdf

broadly on IDPs²⁴², other national policies relevant to the subject of this thesis have been developed, specifically on Disaster Risk Management (DRM). These include the “Ley No. 147-02 sobre Gestión de Riesgos”, the “Plan Nacional de Gestion de Riesgos” and the “Plan Nacional de Gestion Integral del Riesgo de Desastres en la Republica Dominicana, Decreto no.275-13”. While they cover a wide range of issues and topics, the protection of women in contexts of disaster and displacements is only partly envisaged by the latter policy. These will be briefly discussed in light of the inclusion of women.

The “Ley No. 147-02 sobre Gestión de Riesgos²⁴³”, adopted in 2002, created an emergency and risk management plan in case of natural disasters, as well as a national system for disaster prevention, mitigation and response. Additionally, it provides the foundation upon which further policies on DRM in the country have been developed and implemented²⁴⁴. Its primary objective is to prevent or minimize human losses and damages to material goods caused by natural disasters. While a wide range of topics are covered, its provisions lack a gender perspective. This means that specific needs and vulnerabilities of women, gender inequality and violence against women are not considered, and thus no provisions covering such aspects have been incorporated²⁴⁵. The main issue behind this is that the lack of a gender perspective in this Law is reflected in the policy instruments developed within its framework, namely the National System for Disaster Prevention, Mitigation, and Response; the National Risk Management Plan; the National Emergency Plan; the National Integrated Information System; and the National Fund for Disaster Prevention, Mitigation, and Response²⁴⁶. Similarly, no reference to IDPs nor to the management of shelters is made. For example, the “Plan Nacional de Gestión de Riesgos” provided within the above-mentioned law, does not include gender equality. This means that the specific vulnerabilities of women and their enhancement in disaster risk reduction activities are not addressed²⁴⁷. A similar issue can be found in the other policy instruments developed within the framework of the Ley No. 147-02, such as in the National Emergency Plan. Nevertheless, the lack of inclusion of gender and vulnerable groups was tackled in 2013, as the

²⁴² According to the UNHCR research tool on IDP Law and Policy Instruments, in Latin America and the Caribbean only 6 countries have developed such legal instruments for the protection of IDPs. These countries are Colombia, El Salvador, Guatemala, Honduras, Mexico and Peru. Reference: United Nations High Commissioner for Refugees, “IDP Law and Policy Instruments Database”.

²⁴³ Congreso Nacional de Republica Dominicana, “Ley No.147-02 sobre Gestion de Riesgos”, (2002), https://www.coe.gob.do/phocadownload/SobreNosotros/MarcoLegal/Ley_147-02_Sobre_Gestion_de_Riesgos.pdf

²⁴⁴ These include for example the “Plan Nacional de Gestion Integral del Riesgo de Desastres en la Republica Dominicana, Decreto no.275-13”, which will be analyzed in the following paragraph.

²⁴⁵ Casares, *Mujeres y niñas en Contexto de Desastres*, 15.

²⁴⁶ Ley No.147-02 sobre Gestion de Riesgos, 3.

²⁴⁷ Republica Dominicana Secretariado Tecnico, “Plan Nacional de Gestion de Riesgos”, (2001), https://www.preventionweb.net/files/72907_plannacionaldegestiondesrisquesdeds.pdf Nevertheless, it is important to underline that a more updated policy on DRM has been developed in 2013, namely the “Plan Nacional de Gestion Integral del Riesgo de Desastres en la Republica Dominicana”.

diagnosis made of the DRM capabilities in the Dominican Republic found the absence of critical topics, including gender equality and vulnerable groups. Therefore, in the new national plan of 2013 “Plan Nacional de Gestion Integral del Riesgo de Desastres en la Republica Dominicana”, topics such as gender equality and cultural peculiarities were addressed²⁴⁸.

The “Plan Nacional de Gestion Integral del Riesgo de Desastres en la Republica Dominicana, Decreto no.275-13²⁴⁹” was adopted in 2013 and developed in accordance with the “Ley No. 147-02 sobre Gestión de Riesgos” analyzed above, and in line with international instruments such as the Hyogo Framework for Action. It was developed in order to establish an updated guiding national instrument for the management of disasters in the country²⁵⁰. While it covers similar areas as the above-mentioned Plan Nacional de Gestión de Riesgos, it also includes an updated wide range of topics, which guide the actions of both national and local entities in the field of risk management. These encompass cross-cutting issues such as gender, culture, religion, vulnerable groups and human rights²⁵¹. In particular, gender equality is listed as one of the added principles to which the policy refers. This principle recognizes that women experience disasters differently than men, and the need to address and advocate for equal participation in DRM²⁵². Additionally, the Ministry of Women is pinpointed as a major stakeholder in identifying and assessing women’s physical, social and economic vulnerabilities in context of disasters²⁵³. Similarly to the policies and laws analyzed above, displaced people are not mentioned at all, and thus their vulnerabilities and needs are not addressed.

4. Results

The results from the analysis made on the context and current situation of women in both Haiti and the Dominican Republic have shown that a huge gender inequality and gender-based violence are still a widespread and current issues in both countries. In fact, the ranking of the gender inequality index in which the two countries currently happen to be, has been supported by facts concerning the current

²⁴⁸ Comision Nacional de Emergencias Republica Dominicana “Plan Nacional de Gestion Integral del Riesgo de Desastres”, (2011), <https://faolex.fao.org/docs/pdf/dom146528.pdf>

²⁴⁹ Republica Dominicana, “Decreto 275-13”, (2013), https://www.preventionweb.net/files/35861_decreto27513pngirdpnrrs1.pdf

²⁵⁰ Decreto 275-13, 3-4

²⁵¹ Decreto 275-13, 13

²⁵² Decreto 275-13, 14

²⁵³ Decreto 275-13, 14

status of women. For instance, proofs and narratives of inequality, violence, and abuse have been found in both countries. Moreover, the situation of women in contexts of disasters and displacement has been demonstrated to worsen, as proven by the qualitative analysis made. Although a mention of the number of IDPs has been made for both countries, no in-depth analysis was possible due to a lack of disaggregated data by gender. Nevertheless, it can be deduced from the information collected that a huge number of women are heads of households in both countries. For what concerns laws and policies on IDPs and DRM in both Haiti and the Dominican Republic, the analysis has evidenced a lack of special attention to women. For instance, while there is a total absence of a national legal framework for the protection of IDPs, and thus of women in contexts of displacement in both countries, a more developed legal framework on DRM has been found. When it comes to the latter, results have shown that both countries have recently updated their policies on DRM and have at least partially included gender equality and women's participation in DRM activities as relevant topics to consider before, during and in the aftermath of disasters. Nevertheless, even if women are partially mentioned in at least one policy in each country, the recognition of their vulnerabilities and leading powers during disasters are not totally met. For instance, a more comprehensive document should have been already developed in line with the CEDAW and other international documents on DRM mainstreaming gender.

Conclusion and Final Recommendations

This thesis aimed at analyzing the current situation and status of women in the Caribbean especially during and in the aftermath of natural disasters and displacement, and the extent to which women and female IDPs are actually taken into account in national laws and policies. The Caribbean was chosen as the main focus region of this research due to its vulnerability to natural disasters, to the high number of internal displacements, and to the high gender inequality and gender-based violence rates. For instance, the analysis showed that women in the Caribbean face inequality in almost all spheres of social life, and are a target of violence, not only within the family but also within the community. Although few data have been found on the actual numbers of female IDPs, and only a few reports have been identified and analyzed on the situation of women in the context of displacement, findings show that when disasters hit, especially internally displaced women are at a higher risk to experience violence, sexual harassment, poverty and difficulties in access humanitarian aid, health treatments and education. Therefore, the question that arises is whether their rights and vulnerabilities are actually taken into account at a policy level, as in line with international legal frameworks, guidelines and non-binding documents.

At the international level, the protection and enhancement of women's rights, even in situations of crises, has already been recognized and underlined in legally and non-legally binding documents. These include the CEDAW Convention, the General Recommendation No.37 on the Gender Related Dimensions of Disaster Risk Reduction in the Context of Climate Change, the Belem do Para Convention, as well as the UN Guiding Principles on Internal Displacement and the Sendai Framework for Disaster Risk Reduction. In particular, all documents call for gender mainstreaming in national laws and policies, in order to protect and enhance the rights of women.

Due to the time and space limit, the analysis of national laws and policies on IDPs and DRM focused only on two case studies selected out of a combination of the number of natural disasters, IDPs and ranking in the gender inequality index. As a result, Haiti and the Dominican Republic were chosen. Their national laws and policies were assessed in light of the inclusion of women, and an overview of the overall natural disasters and status of women was made. The main findings showed that, while no policies and laws specifically designed for IDPs currently exist, both countries have formulated and further updated national laws and policies on disaster and emergency management. These only partly include the mainstreaming of gender and the protection of women's rights, but no specific

chapters were actually developed within the legal texts specifically on women. This means that their inclusion is only briefly mentioned. Nevertheless, both countries have recognized that the effects of natural disasters and displacement are felt differently by women and men, and thus women should be given specific attention and needs prioritization, as well as should be included in DRM activities and decision-making.

Ultimately, an assessment of the IDPs and DRM policies of all the Caribbean region was unfeasible due to the above-mentioned time and space limit. Nevertheless, the two case studies probably reflect the actual status of the development of policies and laws on IDPs and DRM mainstreaming gender in the region: they exist but only partially include women. Therefore, in order to conclude this thesis, a brief list of final recommendations has been compiled. The list was developed based on the needs encountered while doing this research and writing the thesis, but also based on already existing recommendations in similar contexts.

Final Recommendations

1. Provide disaggregated data by sex

One of the main issues during the research and analysis of data and information for this thesis was a general lack of disaggregated data by sex. For instance, the aim of this thesis was to analyze not only laws, policies and status of women, but also to draw an analysis of female IDPs during disasters. Nevertheless, no information on how many females have experienced internal displacement in the period 2010-2022 was available. According to UN Women, disaggregated data by sex, age and disability (SADDD) are an essential requirement for conducting gender analysis on disaster impacts, losses and risk, as well as needs and vulnerabilities. This is because they are used to guide the formulation of policies and the evaluation of programs targeting women in the context of disasters²⁵⁴. Thus, it is highly advised that countries in the Caribbean should commit to use SADDD at both national and local levels. Therefore, it is recommended that:

²⁵⁴ UN Women, “Gender Data”, UN Women, accessed July 4, 2023, <https://wrds.unwomen.org/practice/topics/data#:~:text=Sex%2C%20age%2C%20and%20disability%20disaggregated,the%20differentiated%20impacts%20of%20disasters>

- The Government establishes adequate funds and creates a well-trained task force to develop a SADDD common system to be used at the national and local level in every field of community life;
- The Government ensures collaborations at the local and regional levels to implement and properly use such a system;
- National authorities collaborate with relevant NGOs and IOs to recommend the use of the SADDD system, and to communicate and share relevant data disaggregated by sex;
- The Government highly relies on the SADDD when developing national laws and policies in order to ensure inclusion and gender-responsive policy-making;
- When data disaggregated by sex are not available, the Government makes sure to collaborate with local and international NGOs in order to obtain relevant data, and ensures to establish a SADDD mechanism.

2. Adoption of a legal and policy framework on the recognition of the rights of women during internal displacement in contexts of natural disasters

In order to overcome the absence of specific laws and policies for the protection of women in contexts of internal displacement due to natural disasters, Caribbean SIDS should develop a national legal framework on IDPs mainstreaming gender. This could be done by following the example of other Latin American countries, such as Peru²⁵⁵ and Mexico²⁵⁶. The need for the adoption of such legal and policy framework finds its basis in the necessity to recognize internally displaced persons as a vulnerable group, and to provide and recognize their rights, as well as operational guidelines for humanitarian workers. In particular, a specific focus on the needs and vulnerabilities of women should be developed in order to ensure that their rights are respected and that issues such as gender-based violence and sexual harassment are prevented. Additionally, women should be considered a vulnerable group in the Caribbean due to the highly masculine culture, gender inequality and gender-based violence. Therefore, their needs should be prioritized in such contexts. This could be done for

²⁵⁵ Peru developed two laws and policies in 2004 and 2005 specifically on internal displacements caused by natural disasters: “Law Concerning Internal Displacements” in 2004 and the “Reglamento de la Ley Sobre Desplazados Internos”. Reference: UNHCR, “IDP Law and Policy Instruments Database”.

²⁵⁶ Mexico developed two laws in 2012 and 2014 specifically on internal displacement caused by natural disasters: “Ley para la Prevencion y Atencion del Desplazamiento Interno en el Estado de Chiapas” and the “Ley Numero 487 para Prevenir y Atender el Desplazamiento Interno en el Estado de Guerrero”. Reference: UNHCR, “IDP Law and Policy Instruments Database”.

example by ensuring their physical security and integrity in shelters and sanitation facilities among others; as well as by enacting policy reforms and engaging in advocacy efforts to enhance the effectiveness of social support structures and justice systems²⁵⁷. Therefore, it is recommended that:

- The Government develops and adopts a national legal framework and policies on the protection of internally displaced persons (IDPs) in order to ensure adequate protection and respect of their human rights, as in line with national laws and IHRL;
- The Government follows the UN Guidelines on IDPs in order to create a comprehensive national legal framework, as well as other UN and IOs well recognized Principles and Guidelines;
- The Government makes sure to include the most vulnerable, such as women, in every legal instrument on internal displacement and disaster risk management. This is done by creating specific chapters to identify, address and recognize women's vulnerabilities and strengths, as in line with the CEDAW and other Guidelines mainstreaming gender;
- The Government develops strong reporting mechanisms in order to ensure accountability and just satisfaction in case of human rights violations in contexts of displacement.

3. Ensure inclusive participation

The laws and policies analyzed above briefly and partially mention the need for an inclusive participation of women in disaster management activities and decision-making. For example, while Haiti requires a minimum of 30% representation of women in decision-making powers, the reality shows that only a few women occupy this role²⁵⁸. Therefore, there is the need to ensure inclusive participation in policies, but also in practices. In particular, enhancing female representation in such activities reinforces projects' inclusivity and results. For example, programs that involved women proved to achieve better outcomes as specific needs and vulnerabilities of women were easily identified and addressed²⁵⁹. Nevertheless, in the laws and policies analyzed above on DRM, no inputs are given on how to ensure women's participation. Inclusive participation refers to women at all levels, from decision-making to project design and implementation. As a result, groups and

²⁵⁷ GFDRR, *Disaster Recovery Guidance Series*, 10.

²⁵⁸ For instance, look at the gender inequality index, where only 2,7% of shared seats in parliament is held by women. Reference: UNDP, "Gender Inequality Index (GII)".

²⁵⁹ Erman, *Gender Dimensions of Disaster Risk and Resilience*, 54.

organizations focusing on women should always be included when developing projects and programs on IDPs and DRM, and specific training and resources should be made available to them. Therefore, it is recommended that:

- The Government establishes quotas that ensure women the full participation in decision-making, disaster risk management and emergency response activities;
- The Government ensures that women have full access to training, educational, skill-building activities, career opportunities and actual authority in order to ensure their preparedness and skills in project design and disaster management;
- The government ensures engagement with a wide range of stakeholders, including NGOs focusing on women's rights, and with women in the context of displacement in order to ensure that their needs are fully taken into account while developing policies;

4. Eliminate barriers to resilience

In order to ensure women's resilience towards internal displacement and natural disasters, it is essential to empower women during their lifetime even in non-emergency contexts. This means that issues such as poverty, unequal access to resources, inequality and gender-based violence must be addressed in all sectors. By providing women with resilience tools, the impacts of natural disasters and displacement will be less significant and will allow women to continue their life without major consequences. In order to do so, women's rights and protection should be enhanced in all sectors, and their contributions to the economic and social life should be recognized. Therefore, the root causes of inequality and violence should be addressed through targeted policies and practices. These include the strengthening of the judicial system, as well as the promotion to access finance, natural resources, and decision-making roles²⁶⁰. Therefore, it is recommended that:

- The Government eliminates attitudinal barriers to the inclusion and participation of women at all levels and fields through awareness-raising, advocacy work and actual educational and career opportunities;
- The Government ensures access to resources and financial inclusion of female-headed households through cash transfer and free services;

²⁶⁰ UN Women, "Women's Resilience to Disasters Concept Note", UN Women, accessed July 5, 2023, https://wrdd.unwomen.org/sites/default/files/2021-11/WRD%20Concept%20Note_November%202021_v8.pdf

- The Government, public and private entities ensure female participation in the formal labor force by promoting equity in job opportunities;
- The Government empowers Women's Organizations by providing resources, technical support and collaborations;
- The Government ensures to address toxic masculinity and harmful behaviors through workshops, advocacy and awareness-raising to both women and men in order to change well-established social norms and gender roles.

5. Translate laws and policies into practices

The last essential recommendation is the ability to translate laws and policies into practices. This has been included in the recommendation list because the analysis done has shown the existence of policies (and in some cases of laws) that supposedly include women, but at an operational level there is a lack of inclusion and protection of women. Therefore, in order to do so, National Governments should be willing to engage in what has been envisaged in their national legal framework. In fact, just mainstreaming gender in policies is not sufficient to actually ensure participation, and the elimination of inequalities and violence. This could be initially done by developing, financing and promoting programs and initiatives to tackle each of the issues surrounding gender, namely inequality, violence and participation among others, in DRM and internal displacement. Therefore, it is recommended that:

- The Government creates clear implementation plans that outline steps, responsibilities and timelines for translating policies into practices;
- Capacity-building activities are created in order to provide the necessary support and skills to implement the policies;
- The Government engages with all stakeholders in the policy implementation process in order to ensure better outcomes;
- The Government establishes monitoring and evaluation mechanisms to assess the policy implementation, and if needed, engages in making changes for better outcomes.

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