

State Obligations after the 2025 Advisory Opinion: Protecting Women and Children in Remote Indonesia

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Abstract

Purpose: This study examines how the International Court of Justice (ICJ) Advisory Opinion of 23 July 2025 strengthens states' international obligations to protect women's and children's rights in the context of climate change and evaluates Indonesia's regulatory response, particularly in underdeveloped, frontier, and outermost regions.

Research Methodology: This study applies a normative juridical method using statute, conceptual, and comparative approaches. Legal materials were purposively selected from international instruments, ICJ documents, United Nations (UN) human rights documents, and Indonesian climate-related regulations. The materials were analysed through legal interpretation and comparative assessment to identify regulatory alignment, gaps, and implementation challenges.

Results: The ICJ Advisory Opinion, Paris Agreement, Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) General Recommendation No. 37, and Convention on the Rights of the Child (CRC) General Comment No. 26 establish a reinforcing framework of obligations. However, Indonesia's climate adaptation policies remain limited by insufficient sex-disaggregated data, weak institutional integration of women and child protection perspectives, and minimal participation of women's groups in regional adaptation planning.

Conclusions: A significant gap remains between Indonesia's international commitments and the practical protection of women's and children's rights in climate-vulnerable regions. Strengthening gender-responsive and child-sensitive climate governance is essential to improve policy effectiveness.

Limitations: This normative study relies on documentary sources and does not include empirical data from affected communities.

Contributions: This study provides an integrated legal framework connecting international climate obligations with gender and child rights standards and offers policy implications for inclusive climate governance.

Keywords: *Climate Change, Children's Rights, Gender Equality, International Law, Women's Rights*

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1. Introduction

Climate change has evolved beyond an environmental challenge into a significant human rights concern affecting vulnerable populations across generations. The impacts of climate change, including extreme temperatures, flooding, droughts, and tropical storms, disproportionately affect groups with limited access to resources and state protection. Among these groups, women and children living in underdeveloped, frontier, and outermost regions (*wilayah 3T*) experience heightened vulnerability due to geographical isolation, limited public services, and structural inequalities.

A significant development in international climate law occurred on 23 July 2025, when the International Court of Justice (ICJ) issued its first Advisory Opinion on states' obligations concerning climate change. Originating from United Nations General Assembly Resolution 77/276 initiated by Vanuatu and other Pacific island states, the Advisory Opinion clarified that state obligations derive not only from climate treaties, including the United Nations Framework Convention on Climate Change (UNFCCC) and the Paris Agreement, but also from customary international law and international human rights law. The Court recognised that climate change affects fundamental rights, including the rights to life, health, adequate living standards, and the protection of vulnerable groups such as women, children, and indigenous peoples ([International Court of Justice, 2025](#); [Foster, 2025](#)).

The Advisory Opinion strengthens existing international human rights obligations established through sectoral instruments. CEDAW General Recommendation No. 37 (2018) requires states to protect the rights of women and girls in the context of climate change and disasters, while CRC General Comment No. 26 (2023) emphasises states' responsibilities to address environmental harms affecting children's present and future rights ([Committee on the Elimination of Discrimination Against Women, 2018](#); [Committee on the Rights of the Child, 2023](#)). Together, these instruments establish an integrated framework requiring states to consider gender-responsive and child-sensitive approaches within climate governance.

Indonesia faces significant climate vulnerability due to its geographical characteristics as an archipelagic state. Climate-related disasters have affected millions of people, with children and women among the groups facing increased risks. UNICEF reports that Indonesia is among the countries experiencing high levels of child displacement caused by flooding, while national survey data indicate continuing challenges regarding violence against women, particularly during crisis situations ([Ministry of Women's Empowerment and Child Protection, 2024](#)). These vulnerabilities are further intensified in 3T regions where infrastructure limitations, restricted access to healthcare, and social inequalities remain persistent challenges.

Indonesia has demonstrated commitment to international climate and human rights obligations through its ratification of CEDAW and the Convention on the Rights of the Child (CRC), as well as through national climate adaptation initiatives. The establishment of gender-responsive climate policy frameworks and the development of national adaptation strategies indicate increasing recognition of the relationship between climate change, gender equality, and child protection. However, regulatory commitments have not fully translated into effective implementation mechanisms. Recent studies indicate that gender and child perspectives remain insufficiently integrated into climate adaptation governance in Indonesia. Challenges include limited availability of sex-disaggregated data, inadequate institutional coordination, and restricted participation of women's organisations in climate planning processes ([Pratiwi et al., 2025](#)). These conditions demonstrate a potential gap between Indonesia international legal commitments and their incorporation into national regulatory frameworks.

Although previous studies have examined climate governance, gender equality, and human rights protection separately, limited research has systematically analysed the implications of the 2025 ICJ Advisory Opinion in relation to Indonesia legal obligations toward women and children in climate-vulnerable regions. This study addresses this gap by examining whether Indonesian legislation and policy frameworks have adequately incorporated the obligations arising from international climate

and human rights instruments. Accordingly, this study aims to analyse the alignment between international legal standards and Indonesian regulations concerning the protection of women's and children's rights in the context of climate change. The study seeks to answer the following research question: To what extent has Indonesia legal framework responded to international obligations established by the ICJ Advisory Opinion, CEDAW General Recommendation No. 37, and CRC General Comment No. 26 in protecting women and children affected by climate change?

1.1 State of the Art and Research Novelty

Existing scholarship on the intersection of climate change, gender, and children's rights has grown rapidly in the past five years, yet it remains fragmented along several distinct lines. One strand of literature analyzes the general relationship between climate shocks and gender based violence at a global or regional scale, documenting how extreme weather, displacement, and economic instability heighten the prevalence and severity of violence against women ([Dehingia et al., 2024](#); [Zhu et al., 2023](#); [The Lancet Regional Health Americas, 2024](#)). A second strand focuses specifically on maternal and reproductive health outcomes under climate stress ([Meherali et al., 2024](#); [Dumbuya et al., 2024](#); [Amekpor et al., 2025](#)). A third strand addresses children's rights and climate displacement, education disruption, and child marriage as downstream consequences of climate shocks ([Palmer et al., 2025](#); [Pope et al., 2023](#); [Ameer & Ghannam, 2025](#)). A fourth and more recent strand engages directly with the legal architecture of the 2025 Advisory Opinion itself, examining its doctrinal contribution to state responsibility for climate harm ([Foster, 2025](#); [Khng & Rudyk, 2026](#)).

What remains largely absent from this literature is an integrated legal framework that places the 2025 Advisory Opinion in direct conversation with the sector specific obligations established by CEDAW General Recommendation No. 37 and CRC General Comment No. 26, and that then tests this integrated framework against Indonesian national regulation with explicit attention to underdeveloped, frontier, and outermost regions. Existing Indonesian focused studies on gender and climate policy, while valuable, tend to examine either the national policy architecture ([Pratiwi, McQuaid, & Vanderbeck, 2026](#)) or a single regional case such as Central Java ([Pratiwi et al., 2025](#)), without connecting these findings back to the newly clarified international obligation chain created by the Advisory Opinion.

The novelty of the present study lies in two contributions. First, this analysis is among the first to specifically integrate the 2025 Advisory Opinion with CEDAW GR No. 37 and CRC GC No. 26 within a single analytical framework for the protection of women's and children's rights in Indonesia. Second, the study specifically examines the normative synchronization between these international legal obligations and Indonesian national regulation in the context of 3T regions, a perspective that remains rarely explored in the national climate law literature. Based on the discussion above, this article formulates two research questions. The first concerns how the 2025 Advisory Opinion strengthens the international legal obligation of states in protecting the rights of women and children in the context of climate change. The second concerns the extent to which Indonesia has responded to that obligation through its legislation.

2. Literature Review

Scholarship at the intersection of climate change, gender, and children's rights has expanded considerably over the past five years, developing along several distinct thematic strands that this section reviews in turn before identifying where the present study is positioned.

2.1 Climate Change and Gender Based Violence

A substantial body of epidemiological and public health research has established a statistical link between climate stress and gender based violence. [Zhu et al. \(2023\)](#) found that each one degree Celsius rise in ambient temperature is associated with a measurable increase in intimate partner violence across low and middle income South Asian countries, while [Dehingia et al. \(2024\)](#) demonstrated a similar association between drought exposure and intimate partner violence in India. The Lancet Regional Health [Americas \(2024\)](#) synthesized evidence from multiple extreme weather events and concluded that gender based violence tends to rise during and after such events, driven by

economic instability, food insecurity, and disrupted infrastructure. [Raftery et al. \(2022\)](#) reviewed coordination mechanisms for gender based violence response in humanitarian emergencies more broadly, finding that such mechanisms are frequently under resourced precisely in the contexts where climate disaster response is most urgent. This strand of literature establishes the empirical severity of the problem but generally stops short of connecting these findings to a binding international legal obligation framework. Although these studies consistently demonstrate the empirical relationship between climate stress and gender-based violence, most remain focused on epidemiological and humanitarian perspectives. They provide limited analysis of how these vulnerabilities translate into binding legal obligations for states under international human rights law.

2.2 Maternal and Reproductive Health under Climate Stress

A second strand of literature examines the pathways through which climate change threatens maternal and reproductive health. [Meherali et al. \(2024\)](#) mapped the evidence gap in this field and identified both direct pathways, such as heat exposure and vector borne disease, and indirect pathways, such as displacement and disrupted health access. [Dumbuya et al. \(2024\)](#) and [Amekpor et al. \(2025\)](#) extended this evidence base to the African context, confirming that climate disruption to maternal health services compounds pre existing gaps in health system capacity. [Abdullah et al. \(2019\)](#) offered an early case study from rural Bangladesh that anticipated many of the mechanisms later confirmed by this more recent literature. Within Indonesia specifically, [Haryanto et al. \(2025\)](#) documented the spatial distribution of dengue fever vulnerability linked to climate variables in South Sulawesi and East Nusa Tenggara, providing localized evidence that complements the global reviews. While existing studies provide substantial evidence regarding health-related climate vulnerability, they primarily examine health outcomes rather than the legal responsibility of states to ensure climate adaptation policies incorporate reproductive rights and gender-sensitive protection mechanisms.

2.3 Children's Rights, Displacement, and Education

A third strand addresses the impact of climate change on children specifically. [Palmer et al. \(2025\)](#) and [Pope et al. \(2023\)](#) each conducted systematic reviews linking extreme weather events to child marriage, while [Ameer and Ghannam \(2025\)](#) reviewed the disruption of education systems in low and middle income countries due to climate related school closures. [Reyes-Garcia et al. \(2024\)](#) brought an indigenous and local community perspective to this literature, showing that children in these communities face disproportionate and under documented risk. [Chanza and Musakwa \(2022\)](#) further argued that data deficiency in remote regions is itself a driver of policy neglect, a finding directly relevant to the 3T context examined in this study. However, much of the existing literature approaches children's climate vulnerability through social and developmental perspectives, while insufficient attention has been given to how these risks constitute violations of internationally recognised child rights obligations.

2.4 The Legal Architecture of the 2025 Advisory Opinion

A fourth and more recent strand of literature engages directly with the doctrinal content of the 2025 Advisory Opinion. [Foster \(2025\)](#) offered an early authoritative analysis of the Opinion contribution to state responsibility for climate harm, while [Khng and Rudyk \(2026\)](#) examined its implications for the broader body of international legal materials on climate obligation. [Atapattu \(2019\)](#) earlier scholarship on intergenerational equity and remedies for climate related human rights violations anticipated several of the doctrinal moves the Court would later make, giving the 2025 Opinion a clear intellectual lineage within international climate law scholarship. Existing legal scholarship has welcomed the Advisory Opinion as a significant clarification of climate obligations; however, questions remain regarding its practical enforceability and the extent to which states will translate these international obligations into domestic regulatory mechanisms.

2.5 Gender and Climate Policy in Indonesia

A fifth strand focuses specifically on the Indonesian policy landscape. [Pratiwi, McQuaid, and Vanderbeck \(2026\)](#) examined gender, vulnerability, and power within Indonesia national climate policy architecture, while [Pratiwi et al. \(2025\)](#) conducted a feminist policy analysis of the Central Java and Demak regency adaptation action plans, documenting the near absence of women's organizations

from regional planning processes. [Tickamyer and Kusujarti \(2025\)](#) situated these findings within a longer historical arc of colonial legacy and postcolonial climate governance in Indonesia, while [Priadi et al. \(2025\)](#) examined community based water management as a concrete site where gender transformative climate resilience could be built. [Cameron \(2023\)](#) provided broader context on gender equality and development trends in Indonesia against which these sector specific findings can be read. These studies reveal a persistent gap between Indonesia's formal commitment to gender-responsive climate governance and the practical incorporation of gender perspectives within adaptation planning.

2.6 Positioning of the Present Study

Taken together, this literature demonstrates strong empirical documentation of climate related harm to women and children and a growing, if still emerging, doctrinal literature on the 2025 Advisory Opinion, alongside a smaller but valuable body of Indonesia specific policy analysis. What remains absent is a single framework that reads these three strands together, tracing the doctrinal chain from the Advisory Opinion through CEDAW General Recommendation No. 37 and CRC General Comment No. 26 down to the operational reality documented in Indonesia specific studies such as [Pratiwi et al. \(2025\)](#) and [Priadi et al. \(2025\)](#). The present study addresses this gap directly, and in doing so also responds to the call implicit in [Chanza and Musakwa \(2022\)](#) and [Malik and Ford \(2024\)](#) for research that connects global doctrinal development to locally grounded, data sensitive policy analysis in climate vulnerable, data deficient regions. Therefore, three gaps remain. First, existing studies rarely connect the ICJ Advisory Opinion with CEDAW and CRC obligations in a unified legal framework. Second, limited research examines whether Indonesia's climate regulations reflect these international obligations. Third, insufficient attention has been given to vulnerable frontier and outermost regions where implementation challenges are most pronounced.

3. Research Methodology

This article applies a normative juridical research method, which is a legal research approach conducted by examining legal norms, statutory provisions, legal principles, doctrines, and relevant secondary legal materials. This method is used to analyze the relationship between international legal developments and Indonesian national regulations concerning climate change, human rights protection, and the vulnerability of women and children. The research does not rely on empirical data collection but focuses on legal interpretation and systematic analysis of existing legal instruments and scholarly perspectives.

The approach employed in this study combines several legal approaches, namely the statute approach, conceptual approach, and comparative approach. The statute approach is used to examine relevant international conventions, judicial decisions, and Indonesian legal regulations governing climate change, human rights, gender protection, and child protection. The conceptual approach is applied to analyze key legal concepts, including climate justice, intergenerational equity, human rights obligations, gender equality, and the protection of vulnerable groups. Meanwhile, the comparative approach is used to identify similarities, differences, and potential harmonization between international legal standards and Indonesian national regulations in addressing climate-related risks affecting women and children.

The legal materials analyzed in this research consist of three categories: primary, secondary, and tertiary legal materials. Primary legal materials include binding legal instruments and authoritative legal documents, such as the International Court of Justice (ICJ) Advisory Opinion of 23 July 2025, the Paris Agreement of 2015, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) together with General Recommendation No. 37 of 2018, the Convention on the Rights of the Child (CRC) together with General Comment No. 26 of 2023, Law No. 35 of 2014 concerning Child Protection, Law No. 23 of 2004 concerning the Elimination of Domestic Violence, and Presidential Regulation No. 98 of 2021 concerning Carbon Economic Value.

Secondary legal materials consist of academic publications, legal commentaries, journal articles, books, policy papers, and reports issued by international organizations, including the Office of the

United Nations High Commissioner for Human Rights (OHCHR), United Nations Children's Fund (UNICEF), United Nations Population Fund (UNFPA), and UN Women, as well as studies conducted by national research institutions. These materials are used to provide theoretical perspectives, contextual analysis, and critical interpretations of the primary legal sources. Tertiary legal materials include supporting references such as legal dictionaries, encyclopedias, legal indexes, and other reference materials that assist in clarifying legal terminology and strengthening the conceptual framework of the research. All legal materials are analyzed qualitatively through legal interpretation and systematic analysis to formulate conclusions regarding the consistency, adequacy, and development of Indonesian legal frameworks in responding to climate change impacts on women and children.

4. Results and Discussions

4.1 The International Legal Foundation for Protecting Women's and Children's Rights in the Context of Climate Change

4.1.1 Background and Formation of the Advisory Opinion

The 2025 Advisory Opinion is a monumental legal product born from the diplomatic initiative of Pacific island states, led by Vanuatu, in response to the existential threat of the climate crisis. Through the opinion issued on 23 July 2025, the International Court of Justice explicitly integrated the climate change regime with customary international law, the law of the sea under UNCLOS, and international human rights law. The Court established that protection of the climate system for present and future generations is a precondition for the fulfillment of basic rights, including the right to life and health. The Court further set a strict due diligence standard, under which states must act on the basis of the best available science, regulate the private sector, and treat the 1.5 degree Celsius temperature target as a binding legal obligation rather than a merely voluntary commitment ([International Court of Justice, 2025](#)).

More specifically, the Court characterized a state's failure to mitigate climate change as an internationally wrongful act requiring full reparation ([Foster, 2025](#)). The greatest significance for vulnerable groups lies in the Court explicit recognition that the climate crisis specifically threatens the rights of women and children, creating a new mandate for states to integrate gender and child protection dimensions into every national climate policy ([Khng & Rudyk, 2026](#)). The Advisory Opinion therefore does not merely provide strong moral and political authority for global climate litigation, it also confirms that the protection of women's and children's rights is now an inseparable part of international climate legal obligation.

4.1.2 The Paris Agreement of 2015: Integrating Human Rights into Climate Action

The Paris Agreement, adopted on 12 December 2015 and entering into force on 4 November 2016, is the most comprehensive climate treaty ever concluded. Its preamble explicitly states that parties should, when taking action to address climate change, respect, promote, and consider their obligations on human rights, the right to health, the rights of indigenous peoples, children, persons with disabilities, and people in vulnerable situations, as well as gender equality, the empowerment of women, and intergenerational equity.

The explicit mention of children's rights and gender equality in the preamble carries important interpretive consequences. Although a preamble does not create a freestanding legal obligation, it functions as an interpretive guide for the substantive provisions of the treaty ([Atapattu, 2019](#)). Every state obligation under the Paris Agreement, from the preparation of Nationally Determined Contributions to adaptation and climate finance, must therefore be implemented with due regard to the rights of women and children.

The Paris Agreement further integrates gender equality as a guiding principle across the full range of climate action, including adaptation and capacity building. Article 7 on adaptation and Article 11 on capacity building specifically refer to a gender responsive approach. This means that every Nationally Determined Contribution prepared by a state party, Indonesia included, must normatively integrate gender perspectives and child protection as an inseparable element.

4.1.3 CEDAW General Recommendation No. 37 of 2018: State Obligation on Women's Rights in Disaster and Climate Change

The Convention on the Elimination of All Forms of Discrimination Against Women is the principal international legal instrument governing the protection of women's rights ([United Nations, 1979](#)). Indonesia ratified CEDAW through Law No. 7 of 1984, making every obligation under the Convention legally binding on Indonesia under international law. In 2018, the CEDAW Committee issued General Recommendation No. 37, addressing specifically the gender dimensions of disaster risk reduction in the context of climate change ([Committee on the Elimination of Discrimination Against Women, 2018](#)). GR No. 37 marked the first time a United Nations treaty body formally connected human rights obligations to gender based climate impact.

Substantively, GR No. 37 requires state parties to take effective steps to prevent, mitigate, and respond to disaster and climate change while ensuring that the human rights of women and girls are respected, protected, and fulfilled. GR No. 37 also specifically requires states to address gender based violence in the context of disaster risk reduction and climate change, including through the development of gender responsive policy, programming, and monitoring and evaluation mechanisms.

The implications of GR No. 37 for Indonesia are highly concrete. As a CEDAW state party, Indonesia is obligated to ensure that climate adaptation policy, from the national level down to the village level, actively addresses the specific vulnerabilities of women, particularly in the regions most affected by climate disaster. This obligation does not stop at the level of formal policy but must be manifested in tangible field practice.

4.1.4 CRC General Comment No. 26 of 2023: The Right of the Child to a Healthy Environment

The Convention on the Rights of the Child, ratified by 196 states including Indonesia, is the human rights instrument with the highest number of ratifications in history. Indonesia ratified the Convention through Presidential Decree No. 36 of 1990, making every obligation under it binding on Indonesia ([Republik Indonesia, 1990](#)). In 2023, the Committee on the Rights of the Child issued General Comment No. 26, marking the first time the treaty body formally recognized the right of children to live in a clean, healthy, and sustainable environment ([Committee on the Rights of the Child, 2023](#)). GC No. 26 provides a comprehensive interpretation of state obligations in the face of the climate crisis, biodiversity collapse, and pollution as urgent and systemic threats to children's rights.

Three principal pillars of GC No. 26 are relevant to this article. First, the document explains the harmful impact of the environmental crisis on children's specific rights, including the right to life, health, education, and protection from exploitation. Second, GC No. 26 affirms that children have an inherent and inalienable right to a clean, healthy, and sustainable environment. Third, and most significant legally, GC No. 26 confirms that states are responsible not only for protecting children from harm that has already occurred, but also for foreseeable future violations. States can now be held accountable for environmental damage affecting children, whether occurring within or beyond their own territorial boundaries.

GC No. 26 pays particular attention to children in indigenous and remote communities, who face unique risks and are disproportionately affected by climate change. In the context of education, GC No. 26 urges states to prioritize climate protection for schools in underserved communities and to ensure the availability of alternative learning spaces following disaster.

4.1.5 The Interconnection between Instruments: A Chain of Legal Obligation

The four instruments discussed above, namely the 2025 Advisory Opinion, the 2015 Paris Agreement, CEDAW GR No. 37 of 2018, and CRC GC No. 26 of 2023, do not stand alone. Together they form a mutually reinforcing chain of legal obligation. However, the existence of this interconnected legal framework does not automatically ensure effective domestic implementation. The critical issue for states such as Indonesia is whether these international obligations have been translated into coherent national legislation, institutional arrangements, and measurable climate adaptation practices that effectively protect women and children in vulnerable regions. The Advisory Opinion confirms that

international human rights law forms part of the legal framework applicable in the context of climate change, thereby automatically bringing CEDAW and CRC, together with their general recommendations and general comments, within the scope of a state's climate obligation.

Table 1 below summarizes how each instrument contributes a distinct layer to this chain of obligation, moving from the general climate obligation established by the Paris Agreement toward its explicit human rights grounding in the Advisory Opinion, and finally toward its operationalization for women through CEDAW and for children through CRC.

Table 1. International legal instruments on climate change and human rights obligations

Instrument	Year	Core Normative Contribution
Paris Agreement	2015	Establishes general climate obligations that must be implemented with respect for human rights, gender equality, and the rights of the child, as stated in its preamble.
CEDAW General Recommendation No. 37	2018	Operationalizes state obligations toward women specifically within the context of disaster and climate related risk, including the duty to address gender based violence.
CRC General Comment No. 26	2023	Operationalizes state obligations toward children specifically, recognizing the right to a clean, healthy, and sustainable environment and extending state responsibility to foreseeable future violations.
ICJ Advisory Opinion	2025	Confirms that human rights law forms part of the binding legal framework applicable to climate change, thereby integrating CEDAW and CRC obligations into the general body of state climate obligations.

As Table 1 shows, for Indonesia as a state party to all four instruments, this chain of obligation carries a clear implication. Protecting the rights of women and children in remote regions in the context of climate change is not merely a policy aspiration but an international legal obligation that must be implemented in a tangible manner.

4.2 The Impact of Climate Change on the Rights of Women and Children

4.2.1 Women as the Most Vulnerable Group: The Structural Dimension of Vulnerability

The vulnerability of women to climate change is not a naturally occurring condition but a product of structural inequality embedded in social, economic, and cultural systems. The Office of the United Nations High Commissioner for Human Rights, in its 2019 report on gender responsive climate action, confirms that climate change affects women, men, girls, and boys differently. Entrenched and systemic discrimination produces gender based climate impact in health, food security, livelihood, and human mobility ([Office of the United Nations High Commissioner for Human Rights, 2019](#)). Intersectional forms of discrimination in turn make certain groups of women, particularly poor women, indigenous women, and women in remote areas, considerably more vulnerable than others ([Ahmed & Eklund, 2024](#)).

In the Indonesian context, this structural vulnerability is clearly manifested in 3T regions. Women in these regions carry a triple role as family caregivers, subsistence farmers, and water collectors, three roles all directly affected by shifting rainfall patterns, drought, and flooding ([Priadi et al., 2025](#)). This burden is not evenly distributed between men and women, so that every climate shock structurally deepens pre existing gender inequality ([Dasgupta, 2024](#)).

4.2.2 Rising Gender Based Violence as a Consequence of Climate Change

One of the most alarming impacts consistently documented across United Nations reports is the rise in gender based violence as a direct or indirect consequence of climate change. Recent United Nations

reporting concludes that extreme weather, displacement, food insecurity, and economic instability are key factors increasing the prevalence and severity of gender based violence. This impact is felt most acutely in fragile communities where women already face entrenched inequality.

Quantitative findings are striking. Each one degree Celsius rise in global temperature is associated with a 4.7 percent increase in intimate partner violence ([Zhu et al., 2023](#)). Under a 2 degree Celsius warming scenario, an additional 40 million women and girls are projected to experience intimate partner violence annually by 2090, a figure that more than doubles under a 3.5 degree Celsius warming scenario. The link between climate change and gender based violence operates through several mechanisms. Loss of livelihood following crop failure or climate disaster increases economic pressure within households, which statistically correlates with rising domestic violence. Forced displacement places women and girls in temporary shelter conditions with minimal privacy and protection, increasing exposure to sexual violence and harassment. Psychological stress caused by climate disaster tends to reinforce harmful gender stereotypes and patriarchal dominance in household decision making ([Dehingia et al., 2024](#)).

UNFPA has also recorded a surge in sex trafficking following cyclones and typhoons across the Asia Pacific region. Research published in *The Lancet Regional Health Americas*, reviewing prior studies, finds that gender based violence against women, girls, and gender minorities can increase during or after extreme weather events, often linked to economic instability, food insecurity, mental stress, damaged infrastructure, and the exacerbation of existing gender inequality ([The Lancet Regional Health Americas, 2024](#)). CEDAW General Recommendation No. 37 responds directly to this reality by requiring state parties to develop policy, programming, and monitoring and evaluation mechanisms that specifically address gender based violence in the context of disaster risk reduction and climate change ([Committee on the Elimination of Discrimination Against Women, 2018](#)).

4.2.3 Threats to Reproductive Health and Maternal Rights

Climate change poses serious threats to women's reproductive health and maternal rights, particularly in remote areas where health service access is already limited under normal conditions. Research published in *BMC Women Health* identifies two principal impact pathways. The direct pathway includes an increased risk of diseases such as malaria and dengue fever, which are especially dangerous for pregnant women, heat waves that raise the risk of premature birth and low birth weight, and contamination of water sources affecting maternal and infant health ([Meherali et al., 2024](#)).

The indirect pathway includes the civil conflict, migration, and forced displacement that climate change can generate. In this context, women tend to face barriers in accessing health services, including discrimination, isolation, financial constraints, food insecurity, and restricted access to water, factors that cumulatively worsen maternal and child health outcomes ([Dumbuya et al., 2024](#); [Amekpor et al., 2025](#)). Field evidence increasingly confirms this threat. One documented case involved a woman forced to give birth on an emergency boat in the middle of the night because disaster had cut off access to health facilities on land. Although extreme, such cases reflect the reality faced by millions of women in remote areas who depend on health infrastructure vulnerable to climate disruption.

In Indonesia remote areas specifically, rising temperatures and extreme rainfall increase the risk of diseases such as dengue fever and diarrhea ([Haryanto et al., 2025](#)). At the same time, access to adequate health services for women remains highly limited, particularly for pregnant women and elderly women. When health infrastructure is disrupted by climate disaster, women in remote areas become the group with the fewest alternatives.

4.2.4 The Impact of Climate Change on Children's Rights

UNICEF data presents a deeply concerning picture of the impact of climate change on children. Between 2016 and 2021, 43.1 million child displacements were recorded as a result of flooding, storms, drought, and forest fires, equivalent to 20,000 children every day. Floods and storms were the

dominant cause, accounting for 95 percent of total child displacement ([United Nations Children's Fund, 2023](#)).

More concerning still are the consequences of displacement itself. After a disaster, children can become separated from their parents or caregivers, increasing the risk of exploitation, child trafficking, and violence. Displacement can disrupt access to education and health services, exposing children to malnutrition, disease, and gaps in immunization. Crowded displacement sites located in climate vulnerable areas further worsen this condition. In the Indonesian context, UNICEF data places Indonesia among the ten countries with the highest number of flood related child displacements between 2016 and 2021, alongside Bangladesh, India, the Philippines, China, Nigeria, Somalia, South Sudan, and Sudan. This fact gives particular urgency to Indonesia obligation to meet child protection standards in climate disaster situations as set out in CRC General Comment No. 26 ([Committee on the Rights of the Child, 2023](#)).

Climate change also threatens children's right to education through several interconnected mechanisms. UNICEF reported that in 2024 alone, at least 242 million students across 85 countries experienced school disruption due to extreme climate events, including heat waves, storms, floods, cyclones, and drought. The scale of this disruption goes far beyond the physical closure of school buildings. Prolonged school closure due to climate disaster carries serious long term consequences, particularly for girls, who are often the first asked to leave school to help with household work or to care for sick family members. The accumulation of such disruption increases the likelihood of permanent dropout, involvement in unpaid care work, and child marriage ([Ameer & Ghannam, 2025](#)).

Child marriage stands as one of the most severe downstream consequences of the climate crisis for girls, an impact that has so far received insufficient attention in climate policy. UNICEF analysis found that every 10 percent deviation in rainfall is associated with an approximately 1 percent increase in the prevalence of child marriage. Girls living in fragile environments, including climate disaster affected areas, are twice as likely to become child brides compared with the global average for girls ([Palmer et al., 2025](#)). The causal mechanism operates through economic pressure, when a family loses its livelihood due to climate disaster or crop failure, marrying off a daughter is treated as a survival strategy that reduces the household's economic burden while providing a dowry ([Pope et al., 2023](#)). This practice in turn cuts off girls' access to education, health services, and long term economic opportunity, creating an intergenerational cycle of poverty worsened by climate change.

CRC General Comment No. 26 explicitly recognizes that children in indigenous communities and remote areas face unique risks and are disproportionately affected by climate change ([Committee on the Rights of the Child, 2023](#); [Reyes-Garcia et al., 2024](#)). Indonesia Commission for Child Protection has found, through its monitoring, that children in 3T regions are frequently isolated from the basic services they are entitled to receive. This situation is compounded by conditions such as disability, conflict impact, natural disaster, or a lack of data that renders children in remote areas statistically and politically invisible. Inadequate data on children's conditions in 3T regions represents a systemic obstacle to developing data based and appropriately targeted child protection policy ([Chanza & Musakwa, 2022](#)), and within the context of climate change, this data gap means that the children most affected are precisely those least represented in planning and policy decisions. This condition demonstrates that climate vulnerability is not only an environmental or social issue but also a governance and legal accountability issue. Without reliable and disaggregated data, states face difficulties in fulfilling their due diligence obligations because policy interventions cannot be effectively targeted toward the children and communities most at risk.

4.3 Intersectionality of Impact: Women, Girls, and Poverty in Remote Regions

The impact of climate change on women and children cannot be analyzed in isolation. Intersectional forms of discrimination create layers of vulnerability that mutually reinforce one another ([Ahmed & Eklund, 2024](#); [Stadler et al., 2024](#)). Poor women in remote areas, who are smallholder farmers or homemakers without access to health services and protection, face a climate threat far greater than what appears in aggregate national statistics.

Girls sit at the most vulnerable point of intersection, facing simultaneous risk of dropping out of school, early marriage, exploitation, and loss of access to reproductive health when climate disaster strikes their community ([Karam et al., 2026](#)). In Indonesia's remote areas, the absence of adequate protective infrastructure means that women and girls must bear all of these risks alone, without an effective safety net from the state. Recognizing this intersectionality matters not only academically but also practically, since protective policy that fails to acknowledge these layers of vulnerability will fail to reach those most in need of protection, namely poor girls in remote, climate affected regions ([Malik & Ford, 2024](#)). From a legal perspective, intersectionality requires states to move beyond general climate adaptation measures and adopt differentiated protection mechanisms that address the specific barriers experienced by women, girls, and children facing multiple forms of vulnerability. This approach is consistent with the obligations established under CEDAW General Recommendation No. 37 and CRC General Comment No. 26.

4.4 Discussion: Indonesia's Response between Policy Commitment and Frontier Region Reality

The issuance of the ICJ Advisory Opinion on 23 July 2025 and Indonesia's active participation in COP30 in Belem, including the submission of its National Adaptation Plan and Submitted Nationally Determined Contribution, marks a progressive diplomatic response on the global stage. Following the Court's ruling, Indonesia can no longer adopt a passive approach, since the state is now bound by a rights based due diligence obligation that requires climate policy aligned with the 1.5 degree Celsius temperature limit ([Foster, 2025](#); [Khng & Rudyk, 2026](#)).

Normatively, Indonesia already possesses a reasonably strong domestic legal foundation, reflected in the integration of child protection legislation under Law No. 35 of 2014 and domestic violence legislation under Law No. 23 of 2004 with environmental management regulation under Presidential Regulation No. 98 of 2021, together with the launch of the National Action Plan on Gender and Climate Change in 2024. This document explicitly revises the prevailing paradigm by positioning women not merely as passive objects but as active subjects of climate action across seven strategic sectors. The existence of these legal and policy commitments represents important normative progress; however, normative recognition alone is insufficient to satisfy international obligations. The effectiveness of Indonesia's climate governance must therefore be assessed through the extent to which these commitments are reflected in institutional coordination, implementation mechanisms, and protection outcomes at the local level.

Yet this diplomatic commitment and national regulatory framework encounter sharp dissonance when confronted with field reality, particularly for women and children in 3T regions. To evaluate whether Indonesia's international commitments have been operationalised, this study examines four implementation dimensions: data availability, institutional coordination, sub-national participation, and geographic accessibility. These dimensions represent the practical requirements necessary for transforming international legal obligations into effective protection mechanisms. Analysis of policy implementation reveals four fundamental implementation gaps, summarized in Table 2 below, which sets out the dimension of each gap alongside its concrete manifestation in Indonesian climate governance.

Table 2. Key gaps in gender-responsive climate adaptation implementation

Dimension of Gap	Description
Data gap	None of Indonesia principal national climate documents, from the NDC adaptation roadmap to the adaptation communication, provides adequately sex disaggregated data.
Institutional gap	The Ministry of Women Empowerment and Child Protection remains excluded from two of the seven national climate adaptation policy clusters, namely the infrastructure cluster and the technology cluster.
Sub national gap	Gender perspectives are frequently diluted at the local level due to male dominated, technocratic approaches to drafting regional adaptation documents.

Dimension of Gap	Description
Geographic and service gap	Protective services such as the national hotline SAPA 129 remain constrained by limited digital network coverage in 3T regions, restricting access to safe houses, law enforcement, and health services.

Each of the four gaps identified in Table 2 corresponds directly to a specific element of the chain of obligation mapped in Table 1. The absence of sex disaggregated data runs counter to the due diligence standard grounded in best available science that the Advisory Opinion requires ([International Court of Justice, 2025](#)). The exclusion of the Ministry of Women's Empowerment and Child Protection from the infrastructure and technology clusters means that the physical design of facilities such as disaster shelters and sanitation frequently overlooks the specific needs of women and children, in direct tension with the operational requirements set out in CEDAW GR No. 37. The dilution of gender perspective at the regional level limits the meaningful participation of affected groups, a principle explicitly protected under CRC GC No. 26. The geographic and service gap, meanwhile, shows that even where protective mechanisms exist on paper, disaster damaged infrastructure and limited digital connectivity in 3T regions can render those mechanisms practically inaccessible.

These findings indicate that Indonesia's primary challenge is not the absence of legal recognition, but the incomplete institutionalisation of existing obligations. The gap between international standards and domestic implementation reflects a coordination problem in which legal commitments, administrative structures, and community-level protection mechanisms have not yet been fully aligned. Some good practices have nonetheless emerged, including the establishment of Women and Child Friendly Spaces, telemedicine innovation, and a commitment to expand health access announced at the 2026 National Women's Health Forum. These efforts, however, remain partial. Cumulatively, the normative, institutional, data, and geographic gaps identified above demonstrate that Indonesia's global commitment has not yet been transformed into tangible, operational legal protection at the community level.

A broader implication follows from this finding. Because the four instruments examined in this study form a single, mutually reinforcing chain of obligation rather than four independent commitments, a gap in one link of the chain, such as the absence of sex disaggregated data, does not remain isolated but propagates outward, weakening the state's ability to meet its obligations under the other three instruments simultaneously. This interpretation is consistent with the structural insight that vulnerability among women and children in Indonesia's remote regions is compounded rather than merely additive, a pattern also documented in comparative research on gender, disaster, and colonial legacy in Indonesian climate governance ([Tickamyer & Kusujiarti, 2025](#)). Addressing the implementation gap therefore requires not four separate reforms but one coordinated reform that closes the data, institutional, sub national, and geographic gaps together, since each reinforces the others. Strengthening community level resilience mechanisms, including the role that local and religious leadership can play in mediating disaster response and social cohesion in remote communities ([Tilaar, 2026](#)), together with multicultural and inclusive approaches to community based education and protection programming ([Irwansuri, 2025](#)), may offer complementary, non legislative pathways to narrow the sub national and geographic dimensions of this gap while formal regulatory synchronization proceeds.

Therefore, the issue identified in this study should not be interpreted as a failure of Indonesia to recognise climate and human rights obligations, but rather as a continuing challenge of translating normative commitments into operational governance. This distinction is important because effective legal protection depends not only on the adoption of international standards but also on institutional capacity to implement them. From a comparative regional perspective, Indonesia's experience is not unique. Studies from South Asia and Sub Saharan Africa similarly show that formal legal commitment to gender responsive climate governance frequently outpaces institutional capacity at the point of implementation ([Prakash et al., 2025](#); [Fajardo-Gonzalez et al., 2025](#)). What distinguishes the Indonesian case, and what gives this study its practical significance, is the explicit and now judicially confirmed obligation created by the 2025 Advisory Opinion, which removes any remaining ambiguity

about whether gender and child sensitive climate governance is a matter of policy preference or one of binding international legal obligation.

5. Conclusions

5.1 Conclusion

This study demonstrates that the 2025 ICJ Advisory Opinion, together with the Paris Agreement, CEDAW General Recommendation No. 37, and CRC General Comment No. 26, establishes an integrated legal framework requiring states to address climate change through a human rights-based approach. The principal doctrinal finding is that climate obligations cannot be separated from the protection of women's and children's rights, particularly for communities facing heightened vulnerability.

The study further finds that Indonesia has established important normative commitments through the ratification of international human rights instruments, climate adaptation policies, and gender-responsive initiatives. However, significant implementation gaps remain, particularly concerning sex-disaggregated data availability, institutional coordination, meaningful participation in adaptation planning, and accessibility of protection services in underdeveloped, frontier, and outermost regions. Therefore, strengthening Indonesia's legal framework requires greater integration of gender and child protection perspectives into climate governance, improved institutional coordination, and the development of evidence-based adaptation mechanisms.

5.2 Research Limitations

This study is subject to several limitations. As a normative juridical study, the analysis relies primarily on documentary legal materials, secondary literature, and institutional reports rather than original field research or direct testimony from women and children in 3T regions, so the lived experience of affected communities is represented here indirectly through existing empirical studies rather than through primary data collection. The study also focuses on the national and provincial policy level and does not extend to a detailed village level implementation audit, which means the precise scale of the implementation gap at the most local level of governance remains an empirical question for future research. Finally, because the Advisory Opinion and several of the national policy documents examined here are very recent, their long term implementation effects cannot yet be fully assessed.

5.3 Suggestions and Directions for Future Study

Future research should incorporate field-based studies in climate-vulnerable regions to examine the experiences of women and children and evaluate the effectiveness of existing protection mechanisms. Further studies may also explore the interaction between national climate policies, local regulations, and customary governance structures to identify practical strategies for strengthening gender-responsive and child-sensitive climate adaptation.

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Author Contributions

NS conceived the research design, conducted the legal document analysis, and drafted the original manuscript. RN supervised the research, provided critical revision of the legal argumentation, and approved the final version of the manuscript for submission.

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