



# HUMAN RIGHTS, THE ENVIRONMENT AND GENDER EQUALITY

Key Messages



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## HUMAN RIGHTS, THE ENVIRONMENT AND GENDER EQUALITY

All people are born equal and free, as guaranteed in the Universal Declaration of Human Rights, and all people, regardless of gender, are endowed by virtue of their humanity with human rights and human dignity. However, climate change, biodiversity and habitat loss, and pollution threaten to destroy lives, economies, and entire cultures and societies. These devastating and interlocking environmental emergencies harm human rights, including the rights to life, health, food, water and sanitation, culture, self-determination, and many others, with differential effects on the basis of gender. Entrenched and systemic gender-based discrimination and violence against women, stereotypes, resource limitations, differing nutritional needs over the life course, especially during, infancy, childhood, pregnancy, and childbirth, and differing levels of exposure to pollution and hazardous substances, among other factors, can intensify the negative human rights impacts of environmental degradation including climate change. However, even while experiencing differential and disproportionate impacts of environmental harms, many women<sup>1</sup> are leaders in environmental action – as managers of resources and advocates of sustainable lifestyles – and staunch defenders of land, water, nature, and communities.

States, businesses, international organizations, and other actors have (procedural and substantive) obligations and responsibilities under both international human rights law and international environmental law, as well as international policy commitments, to address environmental crises. In addressing these crises, they must also prevent their negative, gendered impacts on enjoyment of human rights, and ensure that actions to address environmental degradation are gender-responsive, equitable, non-retrogressive, non-discriminatory, and sustainable. This document highlights the key human rights obligations and responsibilities of States and/or other actors with respect to gender and the environment.



# 01

### **Respect, protect and fulfil the right of women, men, girls, boys and persons with diverse gender identities to a safe, clean, healthy and sustainable environment**

The human right to a safe, clean, healthy and sustainable environment is contained in the constitutions, laws, policies and regional agreements adopted by more than 150 States. Fulfilling this right requires ensuring a safe and stable climate, the conservation of biodiversity and ecosystems, a non-toxic environment, and participation, access to information and access to justice in environmental matters. Protection of the environment is a necessary enabling condition for the effective enjoyment of human rights enshrined in treaties including the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). These rights are guaranteed to all persons without discrimination on the basis of sex or gender by those treaties, the Convention on the Rights of the Child (CRC), and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). When protecting the right to a healthy environment, States should consider the needs of persons and peoples who are disproportionately affected by or at high risk from environmental harms. This includes taking into account the differential effects of gender on experiences of environmental harm.

<sup>1</sup> In the present document, references to women are to be understood as referring to women and girls.

The worst impacts of environmental harms are often borne by those who have contributed least to them, experience situations of vulnerability, and have limited resources to cope with their consequences. The Paris Agreement, the Convention on Biological Diversity, and the Convention to Combat Desertification as well as a number of other multilateral environmental agreements include commitments to achieving gender equality and empowerment of women and recognition of the importance of women's engagement in climate change responses, biodiversity conservation and sustainable use, and land preservation. It is essential that States take immediate and ambitious measures to respond to interlocking environmental crises, in a manner that is conscious of and seeks to address their gendered impacts. Effectively addressing land degradation, the climate emergency, mass extinction, zoonotic diseases, and the pollution crisis will require a gender-responsive, human rights-based approach, making room for the important but differentiated contributions of all genders, especially women and persons with diverse gender identities. It will be key to target the root causes of human rights harms, such as poverty, inequality, discrimination and marginalization.

# 02

## **Take urgent, ambitious, gender-responsive action to combat environmental crises**

# 03

## **Prevent gender-based discrimination in environmental matters**

In its General Recommendation No. 37, the Committee on the Elimination of Discrimination against Women recognizes that environmental crises worsen existing gender inequalities and compound intersecting forms of discrimination, including on a basis of: economic or social class; caste, ethnicity, race, religion, or indigeneity; disability; age; migration status; and sexual orientation, gender identity, or sex characteristics. Those facing such multiple and intersecting forms of discrimination are often disproportionately affected by environmental harms. When crafting environmental laws, policies, and practices, States should seek to address intersecting systemic inequities, and take concrete steps to overcome the participation and leadership barriers that may be faced by women who face intersectional marginalization and discrimination. Such steps may include ensuring equal access to information, participation and remedies, investing in gender-responsive social protection and care systems, and empowerment and capacity-building.

Gender-based discrimination is prohibited by every major international human rights treaty. CEDAW requires States to take measures to amend or consider repealing laws, regulations, customs and practices that constitute gender-based discrimination, including gender-based violence against women. Nevertheless, women and persons with diverse gender identities around the world regularly face historic, systemic, direct and indirect discrimination. This discrimination takes the form of uneven distribution of power, both in society and in the family, limited access to productive and natural resources, reduced access to information and decision-making authority, and discriminatory laws, social norms, and practices, and can result in violence. To address gender-based discrimination and violence in the environmental context, States should revise, amend, or repeal laws, policies, and practices that create or sustain differentiated environmental impacts on a gendered basis. They should reduce inequality related to land ownership, tenure and access to resources and strengthen women's role in conservation, stewardship and management.

# 04

## **Understand and address the effects of multiple and intersecting forms of discrimination**

# 05

## **Stop harmful gender-based stereotypes related to the environment**

Article 5 of CEDAW requires State action with a goal of eliminating ideas of inferiority or superiority of any sex and all gender-based stereotypes. In the context of environmental degradation, such stereotypes can create significant human rights risks. They may magnify the burden of unpaid care and domestic work that is disproportionately born by women and the threat of gender based violence for women and persons with diverse gender identities in use of natural resources and ecosystem services and in the context of slow and sudden-onset environmental disasters. They may also create barriers for women, girls, men, boys, and persons of diverse gender identities to participate in various forms of climate and environmental action that are viewed as gendered in one way or another.

Consistent with their commitments under Article 5 of CEDAW, States should take concrete action to eliminate harmful gender stereotypes, not only to protect human rights, but also to ensure a safe, healthy, clean and sustainable environment for all.

International and regional human rights instruments including the ICCPR, the Rio Declaration on Environment and Development, the UN Declaration on the Right to Development, the Aarhus Convention and the Escazú Agreement enshrine the right to equal, free, active, meaningful and informed participation in decision-making processes. Women's involvement in environmental decision-making at all levels is also a strategic objective of the Beijing Platform for Action.

A number of multilateral environmental agreements also incorporate procedural rights obligations. Women, including many indigenous women, possess knowledge, skills and capabilities essential for effective environmental stewardship and action. They are already leading environment and climate actions at all levels, but their voice, agency and participation are under-supported, under-resourced, under-valued and under-recognized, even though they make environmental action more effective.

States should undertake gender-responsive capacity building, awareness, and monitoring efforts and institute affirmative measures to overcome traditional barriers to participation experienced by women and persons with diverse gender identities, and to ensure that they are active participants and leaders in environmental action at all levels. Such measures should include ensuring gender balance and adequate gender expertise in environmental negotiation teams and effective participatory processes that include women and their representative organizations in all their diversity when crafting environmental laws and policies, as well as promoting women in positions of power in all sectors of society.

# 06

## **Ensure women's equal, free, active, meaningful and informed participation in decision-making processes related to the environment**

# 07

## **Respect, protect and fulfil the rights of women environmental human rights defenders**

The Declaration on Human Rights Defenders outlines the duties of not just States, but everyone, in the protection of human rights defenders, which include, among others, the duty to respect, promote and implement all human rights, and to ensure that all persons under the jurisdiction of States can enjoy all rights and freedoms. Around the world, many women have taken action to protect lands, water, nature, communities, and human rights from environmental harms and climate impacts, often at great personal risk, facing criminalization, silencing, threats, stigmatization, violence, and even death. Gender-based discrimination and stereotypes may lead to marginalization of women environmental human rights defenders even within environmental movements, and they are at additional risk of gender-based violence.

States must respect, protect and fulfil their human rights obligations to women environmental human rights defenders. This includes guaranteeing their rights to expression, assembly, association, in virtual as well as physical spaces, and participation in decision-making at the local and international levels. It also requires ensuring rights of redress and accountability for threats and harms against them, in order to protect them, the communities and ecosystems that they strive to defend, and the planet that we all share.

Under the ICCPR, States are required to guarantee non-discrimination in the access of all persons, regardless of gender, to justice and to legal remedies for human rights violations. CEDAW article 15 affirms the equal rights of women and girls before the law and in legal proceedings. Regional agreements including the Aarhus Convention and the Escazú Agreement specifically address access to justice in environmental matters. A number of multilateral environmental agreements also include provisions related to access to justice.

Across the world, women have been leaders in using legal mechanisms to seek environmental justice. However, barriers such as difficulty in claiming compensation and unequal recognition of the legal capacity of women impede this pursuit. Effective, accessible, and gender-responsive accountability mechanisms are essential to addressing the human rights consequences of environmental harms.

States should remove barriers to access to justice in environmental matters, including by protecting women from reprisals and ensuring affordable or, where appropriate, free access to legal services, aid, and documents. They should facilitate cooperation between States and non-State actors including non-governmental and grassroots organizations that play key roles in assisting women in accessing justice.

# 08

## **Ensure gender-responsive access to justice and accountability for environmental harms**

# 09

## **Take a gender-responsive approach to ensuring the right to health, including sexual and reproductive health and rights, in environmental action**

Gender-based violence is a violation of international human rights law, as laid out in General Recommendation No. 35 of the Committee on the Elimination of Discrimination against Women. Situations of environmental degradation and resource scarcity, as well as environment-related emergencies, lead to displacement and breakdowns in social and security structures, and a concomitant rise in gender-based violence, which is also often used as a means of reinforcing privileges and control over resources. Incidences of child, early and forced marriages may also rise as an economic and social coping mechanism for families in emergencies, as may risks of human trafficking.

States should identify risk factors of gender-based violence in the context of environmental risk, and develop policies and programmes to address them, including by amending relevant legislation in line with international standards and improving access to services for those who experience gender-based violence. They should also ensure that minimum marriage ages and laws against forced marriage are in place and enforced, and develop and implement child-sensitive social protection policies. To enable those wishing to report incidences of violence, States should seek to provide mechanisms that are confidential and physically, financially, and linguistically accessible to all. To equip authorities for such incidences, States should invest in training and awareness-raising programmes on gender-based violence, including ways to be sensitive to, address and prevent the problem in the context of environmental crises.

The ICESCR recognizes the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, without discrimination. CEDAW affirms that States have the duty to guarantee substantive gender equality in the provision of healthcare services, including sexual and reproductive and mental health services. Climate change, environmental harms, and zoonotic diseases worsen existing gender-related health inequities. They also have differential gender-based health effects, including with regard to injury and death during natural disasters, exposure to pollution and hazardous substances such as indoor air pollution from the use of unclean cooking fuels, increased heat and pollution risks during pregnancy, and disease and care burdens.

States should allocate adequate resources to ensure gender-responsive health systems, identify and remove the barriers to access to healthcare for women and persons with diverse gender identities, fully integrate gender-responsive climate and disaster resilient policies, budgets and monitoring activities within existing health systems, and create gender-responsive disaster risk reduction and recovery programmes. They should identify the needs of women and persons with diverse gender identities and ensure their participation in the planning, implementation and monitoring of health policies and health services, and collect and share data on gendered differences in vulnerability to diseases.

# 10

## **Address gender-based violence in the context of environmental crises**

# 11

## **Ensure a just and gender-responsive transition to a green economy**

The Beijing Platform of Action and the 2030 Agenda and SDG target 1.4 recognize that women manage and use natural resources in a manner that provides benefit and sustenance to themselves and their families and communities. Discriminatory laws and practices in access to, ownership, tenure, and use of resources, including land, water, forests, and supplementary resources such as financing, extension services, tools, seeds technology, and information, contribute to the disproportionate effects of environmental harm on women, especially indigenous women and those living in rural areas.

According to a 2011 report by the Food and Agriculture Organization of the United Nations, if women were given access to productive resources similar to that of men, they could increase their farm yields by 20% to 30%, which could reduce global hunger by 12% to 17%. Gender-related inequities in access to employment, tenure, finance, land, technology and resources stand in the way of economic progress, ecological preservation and repair, and environmental justice.

States should revise or repeal laws and policies that contribute to unequal resource distribution on the basis of gender, and take active special measures to ensure equal and just access to and decision-making power over resources for women and persons with diverse gender identities.

The ICESCR and a number of International Labour Organization conventions guarantee the rights to decent work, to livelihoods, and to social protection, which are also a priority in the 2030 Agenda. Meaningfully responding to environmental crises will require decarbonization, transformation of agricultural and energy systems, movement to a circular economic model that is truly sustainable, and reimagining humanity's relationship with nature from one based on exploitation to one based on genuine respect, regeneration, and mutual benefit and care.

A just and gender-responsive economic transition requires all the benefits of a green and blue economy that is centred around care for people and the planet and fully protective of labour rights to be experienced by all persons and groups, including women, men, girls, boys and persons with diverse gender identities.

States should institute laws, policies, and practices designed to end reliance on fossil fuels and industrial agriculture and transition to a sustainable economic model, while taking into account historical and underlying gender discrimination and seeking to create sustainable economic opportunities for all including informal and migrant workers.

# 12

## **Ensure equal ownership of, access to, and benefits from resources for women and persons with diverse gender identities**

# 13

## **Ensure the right of all persons, including women, to enjoy the benefits of science and its applications**

Article 15 of the ICESCR recognizes the right of all persons, without discrimination, to enjoy the benefits of scientific progress and its applications. States must ensure that the benefits of scientific progress are accessible to all, so that all persons have the capability to realize a better and more sustainable future, including persons and groups who experience situations of vulnerability or marginalization.

To enable women, including indigenous women, to realize their right to enjoy the benefits of scientific progress and its applications, States must cooperate with the private sector and internationally to identify and respond to women's needs. They should invest in research that documents the ways in which sexual orientation and gender identity expression play a role in shaping differentiated vulnerabilities to climate change and environmental degradation. They should also make efforts to close gender gaps in relation to use and suitability of and access to technology and access to information and scientific resources, and full participation in science, technology, engineering and math professions. Addressing these gaps is essential not only to protecting all from environmental and climate harms, but also for identifying meaningful and effective environmental and climate solutions.

All States have the duty to protect against human rights abuse by businesses in their territory and/or jurisdiction, while, as detailed in the UN Guiding Principles on Business and Human Rights (UNGPs), all business enterprises have the responsibility to respect human rights. The UNGPs call on States and business actors to give special consideration to the experiences of women and different risks and barriers that they face.

The obligation to respect means that businesses should avoid infringing on the human rights of others, including human rights harms resulting from environmental damage, and should address adverse human rights impacts with which they are involved. In order to do this, they should adopt a policy commitment to respect human rights and embed gender-responsiveness throughout business practices related to the environment and conduct gender-responsive human rights due diligence in order to identify, prevent, mitigate and account for how they address human rights harms resulting from environmental impacts. They should also have gender-responsive processes in place to enable the remediation of the human rights harms they cause or to which they contribute.

When business-related human rights harms occur – including those resulting from environmental impacts with particular gendered effects – States must hold businesses accountable and ensure that those affected have access to effective remedy.

# 14

## **Protect against the gendered impacts of business-related human rights harms**



# 15

## **Ensure the rights of all persons, including women and persons with diverse gender identities, to education with respect for the natural environment**

Article 13 of the ICESCR guarantees the right of everyone to education, while CEDAW article 10 addresses gender equality in the field of education, and article 29 of the CRC specifies that every child is entitled to education that is directed towards, inter alia, the development of respect for the natural environment. The education of women and girls, including in environmental matters, is key to fostering their contributions to environmental action and to developing community resilience in the face of environmental harms. States should guarantee equal access to education from preschool through university, for women, girls, and persons with diverse gender identities, including instituting concrete measures to overcome gender-based access barriers and ensure that access to education can be secured even in the face of environmental and climate risks. They should direct education towards the elimination of harmful gender stereotypes and towards the skills and knowledge necessary to respect and protect the natural environment.

The Committee on the Elimination of Discrimination against Women recognized in its General Recommendation No. 37 that while gender affects experiences of environmental harm, the gender dimensions of climate change impacts are often not well understood because of limitations in data collection and analysis. Strengthening mechanisms to assess the gendered impacts of development and environmental policies, including through better data, is a strategic objective of the Beijing Platform for Action and critical to more effective, gender-responsive environmental action. States should ensure comprehensive, systematic collection of data related to the human rights impacts of environmental degradation that is disaggregated by gender, age, and other relevant demographic factors.

# 16

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## **Collect and use gender-disaggregated data to inform environmental action and policies**

Environmental harms pose human rights threats that transcend national boundaries and present global challenges. The UN Charter, the ICESCR, the ICCPR, the Declaration on the Right to Development, and other human rights instruments impose on States the duty to cooperate to ensure the full realization of all human rights, close human rights protection gaps, and meaningfully address cross-border and extraterritorial harms. Building the capacity of international and national partners to promote women's right to a healthy environment and placing gender-responsive policy-making at the core of environmental action can help effectuate systemic change and leverage opportunities for environmental and social co-benefits. Adequate resources must be mobilized to address and respond to gender-specific environmental human rights risks at the international, regional, national and local levels. Environment, climate, and development projects and programmes, including those that are funded by international climate funds and international financial institutions, must take into account gender-related human rights risks in their design, execution and monitoring, include meaningful consultation processes, including with women, throughout the project cycle, and ensure that women and persons with diverse gender identities benefit equitably from such investments.

# 17

## **Cooperate internationally to enhance gender-responsive environmental action and policies**