

CLIMATE JUSTICE FOR WOMEN AND GIRLS: A RULE OF LAW APPROACH TO FEMINIST CLIMATE ACTION



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EXECUTIVE SUMMARY

Women and girls have a right to effectively participate in and lead efforts to achieve climate justice, as equal rights holders and agents of change.¹ To the extent that

climate mitigation and adaptation measures disregard women's agency and the vital contributions of women's collective action, these measures are unlikely to deliver just, effective or durable solutions to the climate crisis. Despite negative stereotypes that portray women as passive victims of climate change, they are already at the forefront of climate action as change catalysts who possess diverse knowledge and skills essential to transformative climate action. As the international community strives to implement legal and policy frameworks for sustainable development, understanding the gender dimensions of climate change and adopting effective rule of law approaches is crucial to foster the empowerment of women in all their diversity.

The persistence of gender-based discrimination, inequality and patriarchal institutions contributes to women disproportionately experiencing harmful effects of climate change. Climate change has the greatest impact on those most dependent on natural resources for their livelihoods, those with the least capacity to respond and adapt to natural hazards, and those most excluded from the exercise of power. Climate change impacts tend to reinforce existing inequalities between women and men, affecting the way they face the effects of climate change and their options for adapting to different and

often compounding challenges. Gendered differences in livelihood strategies and entrenched socio-economic inequalities, coupled with unequal power relations that result in lack of representation and voice in decision-making processes, limit women's opportunities to ensure their rights are adequately addressed.

The impact of climate change on women and girls is multifaceted and significant.

Risks of livelihood loss, denial of access to essential services and increased gender-based violence (GBV) are among the key challenges affecting women and girls disproportionately. As climate change aggravates existing inequalities, it will produce different effects on the human rights of different groups of women and girls. For this reason, intersectionality is an important concept for understanding the matrixes of oppression that people may experience based on their gender, race, ethnicity, language, age, geographic location or nationality.

An explicitly feminist approach to climate change, based on the rule of law, is needed

to ensure women's inclusion in decision-making processes related to climate governance and resolution of conflict over natural resources, equal access to justice and the enactment of inclusive and effective climate laws and policies. A multifaceted, intersectional, gender-responsive approach to climate change is essential to understand how gender identities relate to the impacts of climate change and the importance of women's participation in catalysing

climate action. Addressing structural inequalities—especially in relation to political representation and participation in decision-making on environmental governance, as well as access to justice—is key to achieving climate and gender justice goals in the long term.

As the only global intergovernmental organization exclusively devoted to promoting the rule of law to advance peace and sustainable development, IDLO champions people-centred justice and works to ensure inclusive, equitable and effective responses to the climate crisis. Building on IDLO’s policy briefing “Climate Justice: A Rule of Law Approach for Transformative Climate Action”,² “Climate Justice for Women and Girls” explores ways in which rule of law-based approaches can accelerate feminist climate action along three main axes:

- 1 Empowering women and girls to claim their environmental rights and actively participate in decision-making processes.
- 2 Strengthening regulatory frameworks and institutional capacity for feminist climate action.
- 3 Enhancing women’s rights to land and other natural resources.

IDLO proposes seven **recommendations for national and international policymakers and practitioners:**

- 1 Recognize and promote women’s active leadership and participation in climate decision-making and governance at all levels, including in the justice sector.
- 2 Empower women and girls to realize their environmental rights, especially climate-vulnerable women such as indigenous women and women affected by climate migration.

- 3 Support climate action by women- and youth-led organizations, and increase financial support for frontline women environmental human rights defenders.
- 4 Reform laws, policies and justice institutions to make them more responsive to the climate needs of women and girls, in line with international human rights standards and national development plans.
- 5 Strengthen women’s rights to land and natural resources, including through better tenure security, elimination of discriminatory laws, and greater gender-responsiveness of customary and informal justice (CIJ) institutions.
- 6 Foster an approach to climate finance that promotes more equitable funding for women-led climate change adaptation and mitigation initiatives.
- 7 Mobilize global multi-stakeholder coalitions to accelerate feminist action for climate justice.

WHY A FEMINIST RULE OF LAW APPROACH IS ESSENTIAL FOR CLIMATE JUSTICE

Women and girls are at the forefront of climate justice and must be recognized as active agents of change who possess diverse knowledge and skills essential to transformative climate action. While the importance of a gender-responsive approach to climate change has been recognized in some international environmental governance frameworks, the field continues to be characterized by negative gender stereotypes. In practice, women are often depicted as passive victims of climate change and they have been sidelined in decision-making processes on climate adaptation and mitigation.³ For more than two decades, global policy action on climate change has focused on technical goals, such as the reduction of greenhouse gas emissions, without considering broader structural inequalities and the duties of different actors to remedy these. As a result, the majority of current legal and policy frameworks on climate change and environmental governance do not go beyond acknowledging the need for gender parity and women's representation in existing decision-making structures and institutions.⁴ Effective climate mitigation and adaptation, now and in the future, will require a more comprehensive, transformative and human rights-based approach.⁵

The climate crisis is a **global human rights threat multiplier**⁶ and a central global public policy issue of our era. Climate change disproportionately impacts those people who have contributed least to the problem, and who are in positions of vulnerability that prevent them from being able to mitigate or adapt to its effects.⁷ Historical inequalities, including those created and perpetuated through colonial trade and unequal resource extraction systems, have concentrated harmful effects of climate change in developing countries.⁸ Compounding these challenges are predominant and inequitable economic models and the overall failure of States to ensure that the private sector respects international human rights and environmental norms.⁹ Meanwhile, in many highly industrialized countries, wealthier populations have been able to displace their risks by building climate-resilient infrastructure and using adaptation technologies to improve their livelihoods.

The persistence of gender-based discrimination, inequality and patriarchal institutions contribute to women disproportionately experiencing harmful effects of climate change. In this way, **climate change perpetuates and exacerbates gendered inequalities.** Diverse factors such as socio-economic status,

migration, geographic location, access to resources and discrimination affect the capacity of individuals and communities to adapt to climate change.¹⁰ In many cases, gender intersects with discrimination based on other attributes such as class, race, sexual orientation or age to produce diverse forms of oppression and inequality. These intersecting inequalities hinder women's participation in actions to advance climate justice. In most countries, women experience gender-based inequalities in connection with the exercise of their rights to health, housing, land, education, freedom from violence, work, social security, equality before the law and political representation. A recent study¹¹ demonstrated that climate change-related factors such as drought episodes, increases in temperatures, aridity and flooding, among others, all had detrimental effects on gender outcomes such as child marriage, adolescent births and violence against women. Across countries, the same factors affected the availability of water and clean cooking fuels, which in turn had a disproportionate impact on women's labour burden and well-being. Climate change heightens resource scarcity, and its impact is particularly acute for those people and groups whose rights are already at risk.¹² As the international community strives to implement legal and policy

frameworks for sustainable development (see box 1), understanding the gender dimensions of climate change and adopting effective rule of law approaches is key to ensuring that no one is left behind.

Crucially, and often because of their direct experience with the environmental and human rights impacts of the changing climate, women and girls are often at the forefront of grassroots movements demanding climate and environmental justice,¹³ **leading innovative solutions to promote adaptation and mitigation.**

At the international level, since the 1992 United Nations Conference on Environment and Development, many of the instruments and decisions emanating from intergovernmental environmental processes have included language that recognizes and promotes gender equality and human rights, including in the outcomes of multilateral environmental agreements. This is largely the result of contributions by women's rights and feminist civil society actors and women environmental human rights defenders. However, women are still underrepresented in key political processes and underrecognized as a key constituency in climate governance.

Rule of law frameworks on gender and climate

Agenda 2030 provides the overarching policy framework linking gender, rule of law and climate change, as expressed in Sustainable Development Goals (SDGs) 5 (gender equality and women's empowerment), 13 (climate action) and 16 (peaceful, just and inclusive societies). These goals are interlinked and mutually reinforcing, for example through one of the SDG13 targets, committing States to "promote mechanisms for raising capacity for effective climate change-related planning and management in least developed countries and small island developing States, including focusing on women", among other marginalized constituencies.

Relevant international legal and policy frameworks also include:

- The Report of the UN Secretary-General on **Our Common Agenda**, which builds on the SDG framework and places crucial importance on protecting the planet (Action 2), adopting a new vision for the rule of law (Action 4) and placing women and girls at the centre (Action 5).
- **CEDAW General Recommendation 37**, which relates aspects of disaster risk reduction to the context of climate change and calls on States to advance gender mainstreaming into all areas and elements of climate action.
- The **Beijing Declaration and Platform for Action**, highlighting "gender inequalities in the management of natural resources and in the safeguarding of the environment" as one of the 12 critical areas of concern in which governments, the international community, civil society, and the private sector are called upon to take strategic action.
- The **Paris Agreement under the United Nations Framework Convention on Climate Change (UNFCCC)**, recognizing the need for gender equality and the empowerment of women in addressing climate change; and the **Glasgow Climate Pact**, calling States to increase the full, meaningful and equal participation of women in climate action.
- The enhanced **Lima Work Program on Gender for the UNFCCC**, promoting activities to advance knowledge and understanding of gender-responsive climate action and its coherent mainstreaming in the implementation of the UNFCCC.
- **Generation Equality Forum's Global Acceleration Plan on Gender Equality**, which includes a "Feminist Action for Climate Justice Action Coalition", tasked with developing a comprehensive gender-integrative approach to addressing climate change and creating gender-responsive sustainability strategies and programmes.¹⁴
- **The Sendai Framework for Disaster Risk Reduction 2015–2030**, emphasizing the importance of women's participation in effectively managing disaster risks, and gender-disaggregated data.

Climate justice and feminist climate action

What is climate justice?

The term “climate justice” is used to describe a wide-ranging set of legal and policy approaches to addressing climate change.¹⁵ At the core of a diverse set of definitions is the realization that addressing justice issues must be part of the response to climate change. IDLO’s approach to climate justice seeks to advance bold and ambitious climate action by:

- Linking human rights and development to tackle pre-existing vulnerabilities and inequalities contributing to and exacerbated by climate change.
- Prioritizing the most climate-vulnerable to ensure that no one is left behind.
- Ensuring fair and inclusive climate decision-making, particularly for people and groups traditionally excluded from such processes.
- Investing in people-centred laws and institutions to enable ambitious climate action while equitably distributing costs and benefits of climate mitigation and adaptation measures.
- Building justice systems that can resolve climate-related disputes, while protecting the environmental rights of people and communities, including the rights of future generations.

What is a rule of law approach to feminist climate action?

Climate justice recognizes that environmental sustainability is inextricably linked with social justice and gender equality. Climate justice centralizes the needs of people who are the most marginalized: those who rely on natural resources to ensure their livelihoods and take care of their families, and are most impacted by environmental degradation and natural disasters. Critiquing the gaps in current international legal responses, feminist approaches emphasize the importance of an intersectional analysis when examining vulnerability and the influence of power and privilege within society.¹⁶ **A rule of law approach to feminist climate action** involves:

- Empowering diverse groups of women and girls to claim environmental rights, access justice and actively participate in climate-related decision-making processes.
- Developing gender-transformative approaches to legal, institutional and regulatory processes related to climate and biodiversity.
- Strengthening women’s capacity to access and benefit from land and other natural resources, including through enhanced tenure security, elimination of discriminatory laws, and greater gender-responsiveness of customary and informal justice institutions.



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Gender equality and climate justice are inextricably linked. Societies with higher levels of gender inequality are also characterized by more deforestation, air pollution and resource loss.¹⁷ A multifaceted, intersectional, feminist approach to climate action is necessary to understand how gender identities relate to the impacts of climate change and the importance of women's participation in catalysing climate action. Such an approach is also essential to promote women's equal access to productive resources, such as finance, land, water, green jobs and clean energy; and value their local and traditional knowledge. Equality for all women and girls strengthens the collective ability of people

to tackle the climate crisis and deliver more successful mitigation and adaptation solutions. Ensuring equal access to justice, the enactment of inclusive and effective climate laws and policies, and women's meaningful participation and leadership in climate decision-making necessitates the adoption of an explicitly feminist rule of law-based approach.¹⁸

BARRIERS TO FEMINIST CLIMATE ACTION

The effects of climate change and disaster risks do not affect all individuals and groups in the same way. They are shaped by intersecting vulnerabilities and differences in socio-economic status, sex, gender identity, age, ethnicity and disability, among others. People with limited access to and control over assets and essential resources as well as to social security, services and credit will find it harder to mitigate, adapt to and recover from climate shocks.¹⁹

The impact of climate change on women and girls is multifaceted and significant, ranging from risks of livelihood loss and increased gender-based violence (GBV) to heightened exposure to natural disasters and denial of access to essential resources.²⁰ Due to structural inequalities in access to power, resources and information, women and girls tend to have higher levels of mortality and morbidity in situations of disaster.²¹ Research indicates that climate change increases GBV, as GBV may be used to control women's access to natural resources in the context of scarcity and degradation, or as a deterrent to women mobilizing for their environmental rights.²² GBV rates also tend to increase after natural disasters, in the event of prolonged displacement and in times of conflict.²³ Climate-related extreme weather, such as droughts and floods, have greater impact on the poorest, 70 per cent of whom are women.²⁴ Women's land-based livelihoods are often more reliant on natural resources as they are less likely than male farmers to have access to technologies such as

irrigation pipes, improved seeds or financial instruments including crop insurance. As women are highly dependent on customary and informal governance actors for access to land and other natural resources, and these actors tend to reinforce patriarchal and conservative social norms and power relations, women's ability to realize their rights to land and food in a context of scarcity is often circumscribed.²⁵

As climate change aggravates existing inequalities, it will produce differential effects on the human rights of different groups of women and girls. While the rule of law and inclusive governance systems can foster women's ability to seek redress for grievances and contribute to political decision-making relevant to their lives, in practice an array of social, economic and structural factors undermine women as both climate justice decision-makers, and as environmental justice seekers, especially the most excluded constituencies. For this reason, intersectionality is an important concept for understanding the matrixes of oppression²⁶ that people may experience based on their gender, race, ethnicity, language, age, geographic location or nationality, including:

- **Girls and young women**

The countries most vulnerable to the adverse effects of climate change are those where youth and children constitute the largest share of the population;²⁷ 7 of the 10 countries most at risk from the

effects of climate change are in the Global South, with young and fast-growing populations.²⁸ The harms of climate change are most disproportionately experienced by young women and girls.²⁹

- **Indigenous women**

While indigenous peoples constitute 5 per cent of the world's population, they account for 15 per cent of the very poorest,³⁰ a situation exacerbated by the growing impact of climate change and biodiversity loss. Indigenous women are at the centre of land and resource management, but prioritization of industrial agriculture has disproportionately impacted the accessibility of land and other natural resources for indigenous women farmers who are more likely to be engaged in smaller-scale food production.³¹

- **Women affected by climate migration**

About 80 per cent of the people displaced by the effects of climate change are women.³² Climate-induced migration and displacement can be highly dangerous for women, children and marginalized people, increasing their exposure to GBV including sexual exploitation throughout their journeys, forced marriage, intimate partner violence and other forms of domestic violence, human trafficking³³ and slavery.³⁴

Key barriers to feminist climate action

Gender-blind laws and regulatory frameworks, under-representation in climate governance and decision-making

Gender-blind laws and regulatory frameworks exacerbate the injustices of climate change. Hundreds of millions of women live in countries where they face legal discrimination in the family, the workplace and the community.³⁵ In contexts where only men are recognized as de facto household heads, gender-insensitive laws and policies contribute to the dispossession of women by failing to uphold their equal rights to inherit, access, own or dispose of land. This lack of attention to discriminatory, patriarchal norms is of crucial importance to women in the large number of countries where customary and informal justice (CIJ) actors govern and manage land and other natural resources.³⁶ In the area of climate governance, the processes for building and implementing Nationally Determined Contributions and National Adaptation Plans do not explicitly require governments to demonstrate that their climate action agendas are gender-responsive.³⁷ In this context, it has been shown that most national legal and policy frameworks do not include principles on gender equality or women's participation in decision-making.³⁸

Even though women and girls are fundamental in the management of natural resources, **they are under-represented in or excluded from most decision-making processes relevant to climate action at all levels and across sectors.**³⁹ Women are frequently not consulted during discussions about land and resource development,

natural disaster preparedness, and other issues relating to environmental governance, even at a household level.⁴⁰ The marginalization of women in these fora is a result of the interplay of direct discrimination in customary and statutory laws that excludes them from land ownership or political representation, as well as gender stereotypes and social norms that relegate women to the private sphere, and render them dependent on men in decisions related to finance, property, land and resources. Women can face violent repercussions when trying to access these decision-making spheres.⁴¹ Structural barriers to participation are a result of the failure of policies, authorities and powerful social actors to acknowledge and value the important contributions to disaster risk reduction, post-disaster management and climate change mitigation and adaptation strategies that women are already making. Well-designed disaster risk reduction and climate change initiatives that provide for women's full and effective participation can advance substantive gender equality and women's empowerment, while ensuring that sustainable development, disaster risk reduction and climate change objectives are achieved.⁴²

Inaccessible pathways to justice

Across the world, women have been at the forefront of environmental justice claims.⁴³ Yet, they **continue to face broad challenges to equal access to justice due to systemic discrimination and diverse cultural barriers**.⁴⁴ These include reliance on men for assistance, discriminatory laws that prevent them from the full and equal exercise of legal capacity, non-availability of justice services in rural and remote regions, the time and cost of pursuing legal action, and the difficulty of claiming compensation for climate-related losses.⁴⁵ Women often have limited access to information

concerning their environmental rights, or lack the legal and social standing to initiate environmental cases. Insofar as these challenges intersect with other forms of marginalization, young women and girls, indigenous women, and women affected by climate migration face the most significant disadvantages in accessing justice.

Gender-based violence

Mounting evidence indicates that **climate change increases the risk of GBV against women and girls**.⁴⁶ Exposure to GBV may increase as a result of gender-differentiated roles and responsibilities, especially in water and fuel collection, which place women in more dangerous situations in times of resource scarcity.⁴⁷ GBV is used to control women's access to natural resources in the context of scarcity and environmental degradation, for example with coercive force deployed to manage negotiations over land rights, or authorities demanding sexual favours in return for land use rights.⁴⁸ GBV is also used as a deterrent to women entering certain labour markets or economic activities, or mobilizing for their environmental rights. An increase in domestic and intimate partner violence has been observed in connection to climate change in situations where climate-driven disasters or livelihood loss results in heightened interpersonal and social tension, erosion of community and cultural ties, and scarcity of food and basic provisions.⁴⁹ In contexts where food security and impunity-based violence intermingle, women and girls are often exposed to sexual violence and exploitation as they attempt to access food and other basic needs for family members and themselves.⁵⁰ UN Women found there was a 300 per cent increase in domestic violence cases in the aftermath of the tropical cyclones that hit Vanuatu in 2011.⁵¹ In Australia, cases of domestic abuse rise after bushfires, which have increased

in recent years.⁵² Climate-related disasters such as floods, drought or famine may disrupt local security safety nets, leaving women and children unaccompanied, separated or orphaned due to the erosion and breakdown of normal social controls and protections. This makes them especially vulnerable to human trafficking.⁵³

Gender-blind approach to climate-related security risks

Climate change aggravates existing and generates new threats to peace, security and stability, including disruption of livelihoods, increased competition over arable land and water resources, forced displacement due to climate disasters, and erosion of state capacity to provide security and deliver services, especially in fragile contexts.⁵⁴ Armed conflicts have disproportionate impacts on women and girls who face heightened risks due to displacement, entrenched structural bias, increased informal and unpaid care-giving roles, and the breakdown of normal structures and support. As climate-induced droughts, famines and disasters compound shortages of arable land, shift pastoralist migration patterns and give rise to conflicts and tensions between and within groups, women and girls may be exposed to new and additional security risks – such as having to travel further to find available water and fuel for their households and villages.⁵⁵ Men and boys are more likely to join armed groups or migrate to urban areas in search of alternative livelihoods, leaving their families behind. In their absence, women often step up to take on traditionally male-dominated roles, such as mediating disputes or taking a more active role in the management of land and natural resources. When structural and systemic barriers to governance and decision-making are overcome, women can become prominent agents in promoting peace, facilitating

justice, and designing and implementing effective climate adaptation policies at a local level.⁵⁶ However, **a gender-blind approach to climate-related security risks can deepen the vulnerability of women and other marginalized constituencies, and exacerbate risks of violence and destabilization.** Amid growing calls for the Women, Peace and Security (WPS) agenda, anchored in United Nations Security Council Resolution 1325, to tackle climate risks and environmental protection, there is a “gap” in relation to the intersection of gender, climate and conflict. This is due to the lack of mechanisms to ensure women and girls’ participation and leadership in climate and environmental governance, and in peace negotiations and implementation.⁵⁷ Deeply rooted inequalities that disproportionately expose women to adverse effects of climate change can also exclude them from the processes and platforms where climate-driven conflict is addressed at local, national and global levels.

Gender-blind funding streams

At the COP26 summit, climate finance donors committed \$130 trillion to reduce global carbon emissions.⁵⁸ Resources on a vast scale have been mobilized for climate finance initiatives such as the Global Environment Facility (GEF), Reducing Emissions from Deforestation and Forest Degradation (REDD+), and the Green Climate Fund (GCF), but **only 3 per cent of climate finance from bilateral donors specifically aims to advance gender equality.**⁵⁹ Existing funding mechanisms focus on large-scale mitigation projects, rather than on the smaller-scale adaptation activities that tend to be designed and led by women.⁶⁰

Limited access to land and natural resources

Women constitute 43 per cent of the rural labour force in the Global South.⁶¹ Yet, they account for less than 15 per cent of all landowners.⁶² Women's lack of control over the vital resources of land, forests and fisheries and lack of access to capital makes it "harder for women to influence how resources are used in response to climate shocks, and ultimately, for women to access the livelihood opportunities necessary for their survival."⁶³ Discriminatory laws, lack of harmonization and ineffective implementation of laws at the national and local levels are important barriers preventing women's access to land and other natural resources, and contribute to the persistence of women's rural poverty in many countries of the Global South.⁶⁴ As climate change drives up disputes and competition for increasingly scarce arable land and water, women struggle to access justice and resolve disputes over land and natural resources in a timely, fair and consistent manner.

Prevailing food insecurity

The gendered nature of food insecurity is well-documented: **women and girls constitute the majority of people who are food insecure worldwide.**⁶⁵ Despite producing between 60–80 per cent of the food, women often have limited and insecure access to land and natural resources.⁶⁶ Unfavourable marital and inheritance laws, adverse interactions between the formal and informal legal systems, and barriers to accessing justice all affect women's land rights and access to productive resources.⁶⁷ Rural and indigenous women face the compounded

impact of the lack of recognition and violation of the collective tenure rights of their communities, often representing legacies of colonization, dispossession, patriarchal power and commodification of land and natural resources.⁶⁸ As a result, the prevalence of moderate or severe food insecurity is estimated to be 10 per cent higher in women and girls than in men and boys, and these effects are transmitted across generations, with the children of women affected by drought, for example, more likely to be affected by low birth weight.⁶⁹ Moreover, climate-related rural adaptation and investment laws and policies are typically designed for the promotion of large-scale, commercial farming of industrial crops, disadvantaging women who are often involved in small-scale agricultural production, and impeding their equal rights to employment and food security. Climate change and biodiversity loss are likely to undermine food security for millions of women and their families, with the most deleterious effects for the most climate-vulnerable. By one estimate, if women farmers were given the same access to resources (such as land and credit) as men, they could increase yields on their farms by 20 to 30 per cent, lifting 100 million to 150 million people out of hunger.⁷⁰

FEMINIST RULE OF LAW APPROACHES TO ACCELERATE CLIMATE ACTION

Women and girls have a right to participate in and lead efforts to achieve climate justice, as rights holders and agents of change. It is a matter of fairness, equal opportunity and better outcomes, but also a fundamental principle inscribed in core international legal instruments – a right that all States have an obligation to respect, promote and fulfil.

Ensuring a rights-based approach

International human rights law provides for the equal representation of women and men in decision-making bodies, and requires States to take concrete measures to address gender imbalances and deficits in all public institutions, both through the identification and removal of legal and practical barriers to women's equal participation, and through proactive steps to actively encourage and advance women's equal representation.⁷¹ CEDAW Committee's General Recommendation 37 on "gender-related dimensions of disaster risk reduction in the context of climate change" requires States parties to ensure that all policies, legislation, plans, programmes, budgets and other activities specific to climate and disaster risk reduction are gender responsive and grounded in human rights-based principles including "participation and empowerment, through the adoption of effective processes and the allocation of necessary resources to ensure that diverse groups of women have opportunities to participate in every stage of policy development, implementation and

monitoring at each level of government from the local to the national, regional and international levels".⁷² Similarly, several key international legal and policy instruments related to disaster and climate risk affirm the need to ensure the effective participation of women in all initiatives related to climate change.⁷³ Among these, the UNFCCC processes have increasingly integrated gender since the COP16 summit in Cancun in 2010, which recognized the importance of "gender equality and the effective participation of women". The 2014 Lima Work Programme on Gender and 2017 Gender Action Plan translated this principle into concrete action on promoting gender mainstreaming, advancing gender-responsive climate policy, and increasing women's participation in the UNFCCC process, signalling a shift away from a purely needs-based approach to women, focusing on their vulnerability to climate change impacts, towards a more rights-based approach.⁷⁴

Reaping social, economic, environmental and climate resilience benefits

Women and girls' equal participation in climate-related decision-making is vital for delivering social, economic, environmental and climate resilience benefits.⁷⁵ Well-designed disaster risk reduction and climate change initiatives that provide for women's full and effective participation can advance substantive gender equality and

women's empowerment, while ensuring that sustainable development, disaster risk reduction and climate change objectives are achieved.⁷⁶ Consistent opportunities for the meaningful participation and leadership of women at local, national and international levels lead to more inclusive, responsive and durable policies, better suited to achieving transformative climate mitigation and adaptation that benefit the whole of society.⁷⁷ Research shows that women decision-makers are more likely to design policies and laws that benefit women and address gender gaps in access to and control over resources.⁷⁸ A study of 91 countries found that a higher proportion of women in national politics led to stricter climate change policies, concluding that "female political representation may be an underutilized tool for addressing climate change".⁷⁹ Extensive international evidence demonstrates the benefits of women's participation for the effectiveness of household renewable energy adoption, water supply and sanitation, forest regeneration, and climate change adaptation measures.⁸⁰ Enabling their participation in natural resource management leads to better governance and conservation, and the application of gender quotas makes forest conservation and climate interventions more effective and leads to a more equal sharing of benefits.⁸¹ Evidence demonstrates that there is potentially even greater benefit when quotas are progressively set at full gender parity.⁸²

Women's leadership on climate issues: far from there

However, despite women and girls making significant contributions to climate and environment action at all levels, their participation and leadership fall short of gender parity or of reaching a critical mass to influence decisions and policies.⁸³ In international climate meetings under the

UNFCCC, 40 per cent of delegates and 27 per cent of heads or deputy heads of delegation were women in 2019 compared with 49 and 39 per cent, respectively, in virtual sessions held in the first half of 2021.⁸⁴ The 2021 Gender Composition report⁸⁵ published by United Nations Climate Change highlights some positive developments but continues to highlight the lack of consistent progress towards gender balance on constituted bodies and government delegations under the Convention, the Kyoto Protocol and the Paris Agreement. Data from the report indicates a clear relationship between age and female representation in both cases: female representation drops steeply as age increases. There are more female than male party delegates aged under 35, women do not account for more than 43 per cent of heads and deputy heads of delegation in any age group.⁸⁶

At the national level, only incremental gains can be reported: in 2020, 15 per cent of ministers of environmental sectors were women compared with 12 per cent in 2015, while the parliamentary representation of women increased to 25.4 from 22.3 per cent. At the local level, the participation of women in local government hovers at just over 36 per cent, and only 33 per cent of countries mandate quotas for the participation of women in land governance.⁸⁷

Women's civil society organizations, in particular young women's, face multiple barriers to participation and leadership, from shrinking democratic space and diminishing funding to threats to the physical security of their members. The situation is even more acute for indigenous women, women of African descent, LGBTIQ+ persons, persons with disabilities and those living in rural, remote and disaster-prone areas, given the difficulties of

access and communications.⁸⁸ Women-led environmental activism receives only 3 per cent of global philanthropic environmental funding.⁸⁹

The lack of data disaggregated by sex or gender statistics in key sectors, such as land, energy, water and sanitation, limits understanding of the gender-related impact of environmental degradation. Eliminating the structural barriers women face in contributing to and leading climate action at local, national, and international levels will drive more sustainable and equitable outcomes.

Empowering women and girls to realize environmental rights and actively participate in decision-making processes

The Intergovernmental Panel on Climate Change found that governance approaches that were inclusive, equitable and just lead to more effective and sustainable adaptation outcomes, while well-designed laws and policies that address gender and other social inequities reduce climate risks and vulnerabilities.⁹⁰

Legal empowerment for environmental rights

Transformative climate action based on a feminist rule of law approach involves the broad legal empowerment of women to claim their environmental rights, combined with efforts to address specific intersectional vulnerabilities, for example through youth- and child-friendly approaches to public consultation and policy development, formal entrenchment of indigenous and customary rights to land and resources in line with international commitments such as the United Nations Declaration on the Rights of Indigenous Peoples, and establishment of

specific justice pathways for women climate migrants (within their own countries, in transit, or in countries where their legal status may be contested). For women to have a central role in climate action and decision-making at all levels, women- and youth-led movements and civil society organizations must have technical and financial support to effectively mobilize and contribute to global climate and biodiversity negotiations, as well as in international, national and local policy processes.

Legal empowerment of women and girls, including **legal education, provision of paralegal and legal services, efforts to improve the social accountability of justice providers, and protection of civic space for women's advocacy**, is essential for women and girls to access environmental rights in the context of climate crisis. Targeted solutions are needed to effectively meet the legal empowerment needs of the most excluded women: legal empowerment of young women and girls, and integration of youth- and child-inclusive approaches to justice in law and in practice; access to justice for indigenous women, including through indigenous, customary and informal systems; and access to effective, accountable pathways to justice (including administrative justice, vital for unlocking the benefits of public services) for women climate migrants, enabling them to avoid the often highly gendered harms of trafficking in persons.⁹¹ Investment in climate and environmental litigation by and on behalf of women and girls may be needed. The protection of security and civic space for women environmental human rights defenders must be a priority, as grassroots women and indigenous activists face compounding threats of violence in their advocacy due to racial and gender-based discrimination.⁹² Protection of frontline

women environmental human rights defenders might be achieved, for example, through elevation and replication of regional frameworks such as the recent Escazú Agreement.⁹³

Protection and justice for gender-based violence survivors in the context of the climate crisis

Protection for GBV survivors is critically important for accessing justice especially in crisis-affected contexts, such as in the aftermath of climate disasters. More and better data and evidence on how GBV and climate change risks intersect can foster better prevention and response to GBV, as well as gender-aware adaptation and mitigation efforts, including through programming, research and monitoring, anchored in existing international policy instruments.⁹⁴ Increasing protection (including safe spaces, shelters, protection orders and other services) may enhance feelings of safety and willingness to report violence. Case management in climate-disaster affected situations should be strengthened and scaled up through learning exchanges,⁹⁵ together with the availability of protection orders. Multi-sectoral coordination and strong referral pathways, particularly between police and other service providers, enhance access to justice, including in the aftermath of climate disasters. States should strengthen knowledge-sharing, capacity development and practical action to actively address the cross-cutting importance of GBV, climate change and rule of law, and invest in case management.

Putting women at the centre of climate, peace and security

Evidence shows that where women overcome structural barriers to their participation, their contributions to both sustainable natural resource management

and enhanced peace and stability are transformative.⁹⁶ While legal empowerment of women and more inclusive governance arrangements are crucial, there must be specific efforts to centre women as key actors in climate-related conflict mitigation and prevention. This will require dismantling legal and institutional barriers to women's participation;⁹⁷ using sustainable financing and support to scale-up women-led grassroots initiatives in communities at risk of violent conflict; mobilizing men and boys, CIJ actors and others who can contribute to shifting discriminatory gender norms; integrating women into all stages of peace negotiation and implementation processes; and fostering practical intersections between the emerging climate, peace and security agenda and the better-established WPS agenda, as well as better data and evidence to understand those intersections.⁹⁸ Recent examples from Sudan, where women organized across communities in conflict to participate in mediating resource-related conflicts at the local level,⁹⁹ and Nepal, where women's organizations have leveraged the role of women in natural resource management to engage with conflict prevention and resolution, are instructive.¹⁰⁰

Strengthening regulatory frameworks and institutional capacity for feminist climate action

Regulatory frameworks to advance gender-transformative climate action

A feminist rule of law approach involves ensuring that regulatory frameworks and institutional practice related to climate and environmental governance are gender-transformative and sustainable.¹⁰¹ Diverse groups of women must be involved in designing climate governance frameworks, and they should play key

roles in overseeing the institutions charged with their implementation.¹⁰² The UNFCCC Secretariat has provided guidance¹⁰³ on the methodologies for mainstreaming gender equality within climate change policies and programmes, including gender analysis; gender-responsive budgeting; and gender-focused monitoring and evaluation, with indicators linked to gender goals and targets. States must integrate their international obligations on both gender equality and climate mitigation and adaptation into domestic law and enhance their institutional capacity to address the consequences of climate change and biodiversity loss for women and girls. Rule of law approaches can strengthen coordination within and between different sectoral institutions and avoid unintended side effects of climate action that might increase inequalities and the risk of social conflict.¹⁰⁴ For women to have a central role in climate action and decision-making at all levels, feminist and women-led movements must have technical and financial support to effectively mobilize and contribute to global climate and biodiversity negotiations.

The key role of justice institutions, both formal and informal

Securing prospects for climate-resilient development will depend not only on adopting or reforming appropriate laws and policies and integrating a rights-based perspective into climate action strategies and plans, but also on ensuring that justice institutions, both formal and informal, have the capacity to deliver on the promise of climate justice. **Bolstering the capacity of justice institutions to address important environmental issues in ways that are gender-transformative is key to advancing the climate agenda.** This is essential to supporting climate-vulnerable women and girls to realize their environmental rights and hold those in power accountable.

Specific approaches to strengthening the capacity of formal justice and CIJ institutions to advance feminist action for climate justice may include mainstreaming climate and gender analysis in justice sector training, planning and evaluation practices; the provision of support to judicial and oversight bodies to incorporate analysis of climate and gender impacts and gender-transformative adaptation approaches in laws, policies and standard operating procedures; improving channels of consultation and establishing platforms for regular exchange between justice institutions and environmental regulatory bodies; and increased participation of climate-vulnerable women in justice administration. Strengthening formal justice and CIJ mechanisms to facilitate better access to justice, using a rights-based approach, and fostering coordination and coherence across formal justice and CIJ providers responsible for natural resource management will help ensure a joined-up approach to climate justice issues that is also gender-transformative.

Enhancing women's rights to land and other natural resources

Promoting gender-transformative governance of land and natural resources

Gender-transformative governance of land and natural resources can increase climate-resilient development and empower the most climate-vulnerable people to actively participate in managing their natural environments, enabling the conditions for peace and development.¹⁰⁵ But **for land rights to be effective and transformative for women, they must integrate respect for a broad spectrum of forms of tenure, supported by a coordinated and coherent legal and policy framework,** subjected to ongoing monitoring and accountability

mechanisms, and guaranteed through adequate and sustainable resource allocations.¹⁰⁶ Land and land administration laws and policies must be developed in a participatory and coordinated manner, and supported by community and political leaders at the local level. Enhancing formal and CIJ dispute resolution mechanisms on land and other natural resources, strengthening coordination and coherence between formal and customary systems, and supporting customary land governance systems to become more gender-responsive and accountable towards women, will have the greatest effect on the most climate-vulnerable. Legal empowerment of women land users and protection of civic space for their mobilization and policy advocacy, as well as social accountability approaches to advance sustainable and equitable governance and use of land and natural resources, can all help strengthen women's land rights.¹⁰⁷ The participation of women's organizations in climate finance decision-making can play an important role in fostering the implementation of inclusive policies, while creating the space for grassroots organizations and empowering local and national civil society.¹⁰⁸

Ensuring better food security for women and girls

Secure land rights for women are key to achieving gender equality and food security. Evidence demonstrates that women's participation in decision-making around the use of land and natural resources contributes to improving food security.¹⁰⁹ A growing body of evidence suggests that gender equality at the household and community levels leads to superior agricultural and development outcomes, including increases in farm productivity and improvements in family



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nutrition.¹¹⁰ Establishing more inclusive systems of governance and sustainable management of land will be a crucial first step. Legal and policy measures aimed at eliminating direct and indirect discrimination against women across different sectoral areas, not only land use planning and agriculture, but also trade and investment policies, can also reduce women's food insecurity. Developing and financing gender-responsive ecosystem-based agriculture and green infrastructure (or nature-based solutions) might also contribute to strengthening women's land rights and food security.¹¹¹ Since gender-differentiated vulnerabilities to the impacts of climate change are the cumulative result of a complex array of structural inequalities, "climate-smart agriculture" and similar efforts must enhance the resource base of women and redress gendered vulnerabilities and unequal power dynamics in agriculture.¹¹²

POLICY RECOMMENDATIONS



1. Recognize and promote women's active leadership and participation in climate decision-making and governance at all levels, including in the justice sector.

Women and girls are under-represented or excluded from almost all decision-making processes relevant to climate action, at all levels. Integrated cross-sectoral action is needed to address women's under-representation in leadership and decision-making roles, the absence of gender equality commitments, and the protection of space for women's advocacy.



2. Empower women and girls to realize their environmental rights, especially climate-vulnerable women such as indigenous women and women affected by climate migration.

Legal empowerment and protection of civic space can help women claim their environmental rights in a context of climate crisis, with specific attention needed on the distinctive challenges faced by especially vulnerable constituencies such as young women and girls, indigenous women, and women affected by climate migration.



3. Support action by women- and youth-led organizations, and increase financial support for frontline women environmental human rights defenders.

Specific technical and financial support should be provided for women-led movements and civil society organizations to contribute to global climate and biodiversity negotiations. The security and protection of civic space for women environmental human rights defenders must be prioritized.



4. Reform laws, policies and justice institutions to make them more responsive to the climate needs of women and girls, in line with international human rights standards and national development plans.

Key policy frameworks such as nationally determined contributions and national adaptation plans should be animated by a strong commitment to gender equality and centred on a solid human rights-based approach.



5. Strengthen women's rights to land and natural resources, including through better tenure security, elimination of discriminatory laws, and greater gender-responsiveness of customary and informal justice institutions.

Reforming laws that restrict women's ownership of and access to land and natural resources can have significant positive impacts on women's ability to realize rights to land. As customary, informal and indigenous actors govern access to land and natural resources for many of the most climate-vulnerable, CIJ systems should be supported to enable women to realize their rights.



6. Foster an approach to climate finance that promotes more equitable funding for women-led climate change adaptation and mitigation initiatives.

Ensuring that legal and policy frameworks to access international climate finance for mitigation and adaptation are inclusive and reach the most vulnerable.



7. Mobilize global multi-stakeholder coalitions to accelerate feminist action for climate justice.

Strengthening multilateral cooperation and partnerships for gender equality will deliver a more coherent and equitable response to climate change. Finding evidence-based, intersectoral solutions to complex challenges at the intersection of SDGs 5, 13 and 16 can lead to better adaptation and mitigation strategies, gender equality and justice for all.

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