



Inputs provided on behalf of the Women Human Rights Defenders International Coalition (WHRD-IC)

On behalf of the Women Human Rights Defender International Coalition (WHRD-IC) we thank the UN Special Rapporteur on Human Rights and the Environment for the opportunity to provide responses to select questions from their Questionnaire inputting into the report on 'Women, Girls and the Right to a Clean, Healthy and Sustainable Environment' to be presented at the Human Rights Council in March 2023.

The purpose of this submission is to provide inputs with a specific focus on women environmental human rights defenders,¹ as deforestation, pollution, and other types of environmental degradation including by development projects and companies, as well as impunity for such actions, violate the rights of communities and especially women and girls who are at the forefront of climate and environmental justice movements.

1. How are the climate, pollution, and biodiversity crises adversely impacting women and girls? What are the **principal barriers facing these rights holders' realization of the right to a clean, healthy and sustainable environment**, a right that includes: clean air; a safe climate; access to safe water and adequate sanitation; healthy and sustainably produced food; non-toxic environments in which to live, work, study and play; healthy biodiversity and ecosystems; access to environmental and climate information; participation in environmental and climate decision-making processes; access to justice and an effective remedy when the aforementioned rights are violated.

Women and girls in all their diversity, as well as gender non-conforming and non-binary people,² have been the leaders of environmental action for decades. Yet, in their work, including in defending the right to a clean, healthy and sustainable environment, women environmental human rights defenders face severe threats. In addition to threats faced by all defenders, women environmental human rights defenders face specific and enhanced threats stemming both from their identities, as well as their activities as environmental human rights defenders. In addition to gender identity, women environmental defenders who are part of historically oppressed groups such as: racial, ethnic, religious, and other minorities; disability rights defenders; lesbian, bisexual, trans, queer, intersex, and other gender diverse defenders; defenders of sex work, informal, domestic, and low-wage worker rights; migrant, displaced, refugee, or stateless persons and those affected by conflict and occupation; and defenders deprived of their liberty face intersectional discrimination and heightened vulnerability to attacks. Girls and young women's activists also face specific challenges. These

1 IUCN, Women Environmental Human Rights Defenders: Facing gender-based violence in defense of land, natural resources and human rights, https://www.iucn.nl/app/uploads/2021/03/iucn-srjs-briefs-wehrd-gbv-en_01.pdf

2 https://earthrights.org/wp-content/uploads/11_28_18_ERD_Report_V3_Letter-compressed.pdf

intersecting identities also influence social structures and cultural norms that can drive violence against defenders or deter them from accessing services and resources in response to violence.³ Given this, women environmental human rights defenders require enhanced and specific protection to be able to carry out their work without restriction or fear of reprisal.

It is almost 25 years since the UN Declaration on Human Rights Defenders⁴ first recognised the right to defend rights. More recently it has been recognised that impeding the rights of defenders also prevents the full realisation of the rights of the communities they serve and the rights they are seeking to protect.⁵ For this reason, we see protecting the rights of women environmental human rights defenders as intrinsically linked to the realisation of the right to a healthy environment.

Some of the specific barriers faced by women environmental human rights defenders in their work to promote and protect the right to a healthy environment are set out below:

- a. Women environmental human rights defenders experience gender-based threats and harms and gender-based violence including harassment, gendered verbal abuse, ridicule and hostility, threats that contain sexualised and gender-specific messages, slander including attacks on one's reputation; stigmatization; threats against one's children and family; sexual abuse, and rape⁶, exclusion and public repudiation by state actors and corporations, military and police forces, private security services, as well as members of their communities⁷.
- b. These gendered harms are rooted in misogyny and discriminatory gender norms shaped by complex socioeconomic, cultural and political structures to control and silence these defenders and suppress their power and authority as leaders.⁸ Violence against women environmental human rights defenders may attempt to recast women back into their 'traditional' gender roles, and occur particularly in contexts where there is a backlash against women stepping outside these roles.⁹
- c. For women environmental human rights defenders in societies where gender-based discrimination and violence are socially normalised or permissible, there are additional barriers to accessing justice for the violence they face.¹⁰

3 https://earthrights.org/wp-content/uploads/11_28_18_ERD_Report_V3_Letter-compressed.pdf

4 <https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-recommendation-no39-2022-rights-indigeneous>; IUCN, [Women Environmental Human Rights Defenders: Facing gender-based violence in defense of land, natural resources and human rights](#)

5 https://earthrights.org/wp-content/uploads/11_28_18_ERD_Report_V3_Letter-compressed.pdf

6 [Women Human Rights Defenders Confronting Extractive Industries An Overview of Critical Risks and Human Rights Obligations](#)

7 https://www.awid.org/sites/default/files/atoms/files/whrds-confronting_extractive_industries_report-eng.pdf

8 https://www.awid.org/sites/default/files/atoms/files/whrds-confronting_extractive_industries_report-eng.pdf

9 <https://www.globalwitness.org/en/campaigns/environmental-activists/decade-defiance/#a-global-analysis-2021>

10 https://www.awid.org/sites/default/files/atoms/files/whrds-confronting_extractive_industries_report-eng.pdf; <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G21/161/49/PDF/G2116149.pdf?>

- d. Social and gendered norms limit women and girls' participation in environmental and human rights protection.¹¹ Women and girls are often excluded from or unable to participate in collective decision-making or dialogue with government, corporate or judicial stakeholders due to discriminatory social and cultural norms.¹² Their voice, agency and participation are under-supported, under-resourced, under-valued and under-recognized, even though they make environmental action more effective.¹³
 - e. Indigenous women in particular, face disproportionate criminalisation and State-sanctioned violence, especially when they are defending their lands, territories and resources against extractive and exploitative industries.¹⁴ Around 1 in 10 of the environmental human rights defenders killed in 2021 were women, nearly two-thirds of whom were Indigenous.¹⁵
2. What are the specific obligations of States and responsibilities of businesses in terms of adopting a gender-responsive approach to protecting (for States) and respecting (for businesses) women's and girls' rights to a clean, healthy and sustainable environment? Please provide specific examples of constitutional provisions, legislation, institutions, regulations, standards, jurisprudence, policies and programs that apply a gender-responsive approach to ensuring the right to a clean, healthy and sustainable environment.

As those who are seeking to influence State's actions regarding the right to the environment, women environmental human rights defenders are critical to informing State actions towards the adoption of a gender-responsive approach to protecting

11 *20th anniversary of the Declaration on Human Rights Defenders. Joint statement by a group of Chairs, Vice-Chairs and members of the United Nations human rights treaty bodies and the Special Rapporteur on the situation of human rights defenders.* Communiqué of the: Committee on Enforced Disappearances (also "CED"), Committee on the Rights of Persons with Disabilities (also, "CRPD"), CMW, UNSRHRD, Virginia BRÁS-GOMES, Chairperson, CESCR; Dalia LEINARTE, Chairperson, CEDAW; Noureddine AMIR, CERD; Felice GAER, Vice-Chairperson, CAT; Marcia KRAN, Cté. HRD; Olga Khazova, Vice-Chair of CRC; and Satyabhooshun GUT DOMAH, Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. In: *OHCHR* [statement online]. Geneva, Switzerland, 2018 [accessed 13 May 2021]. Available at:

<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23154&LangID=E>; Working Group on Enforced or Involuntary Disappearances. [A/HRC/30/38/Add.5](#): Report of the Working Group on Enforced or Involuntary Disappearances. Addendum Study on enforced or involuntary disappearances and economic, social and cultural rights, 9 July 2015, ¶36.

Although in this case the Working Group referred to the forced disappearance of ESCR defenders, it is promoted that the consequence is the same when defenders are prevented from carrying out their work for any other reason; CESCR. [E/C.12/2000/4](#): General Comment No. 14 (2000). The right to the highest attainable standard of health (article 12 of the International Covenant on Economic, Social and Cultural Rights), 11 August 2000, ¶62.

12 [Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, A/RES/53/144](#)

13 Full name: [Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, A/RES/53/144](#); <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N99/770/89/PDF/N9977089.pdf?OpenElement>

14 IUCN, [Women Environmental Human Rights Defenders: Facing gender-based violence in defense of land, natural resources and human rights](#)

15 Stockholm Environment Institute (SEI), [Transformative change at the grassroots: women environmental defenders speak out about how to protect their communities](#)

women's and girls' rights to a clean, healthy and sustainable environment. Below we have set out some select recommendations building on this principle:

- a. States should ensure the meaningful participation of women environmental human rights defenders to eliminate barriers to participation due to gender or other structural elements.¹⁶
- b. States should¹⁷ respect, protect and fulfil the rights of women environmental human rights defenders, and provide an enabling environment for the peaceful defence of their lands and territories¹⁸ and the promotion of the right to a healthy environment. This entails rectifying any policy or funding contradictions and breaking down silos to ensure cross-departmental coherence across all relevant policy areas, including human rights and human rights defender protection, peace and security, international cooperation, finance, trade and investment, corporate tax regulations and tax policy, climate and sustainable economic development - especially fossil industries and extractive projects that harm local communities, their livelihoods and human rights.
- c. If violations occur, States have an obligation to provide victims with access to effective judicial remedies and reparation.¹⁹

In order to fulfil the obligations listed above, we urge States to support the legally-binding UN instrument on transnational corporations and human rights. At the national and regional level, States should support processes towards the enactment of mandatory human rights and environmental due diligence legislation.

5. Please identify specific ways in which the rights of particularly marginalized or vulnerable women and/or LGBTI persons are (or should be) recognized and protected to enable the realization of the right to a clean, healthy and sustainable environment without discrimination based on sex or gender. "Marginalized women" include girls; women and girls in Indigenous local community, Afro-descendant and peasant communities, older women, women and girls with disabilities, LGBTI women and girls, migrant, displaced, and refuge women and girls, unmarried, informally married and widowed women and women and girls living in protracted armed conflict. How can these populations be empowered to increase their impact as agents of positive environmental transformation?

As noted above, women environmental defenders who are part of historically oppressed groups face multiple and intersecting barriers to the realisation of their rights. The specific and intersecting barriers faced by these groups of defenders, specifically legal barriers and barriers to equal participation, must be addressed to enable the realisation of the right to a healthy environment. This can be done in the following ways:

16 Stockholm Environment Institute (SEI), [Transformative change at the grassroots: women environmental defenders speak out about how to protect their communities](#)

17 OHCHR, UNEP, UN Women, [Human Rights, the environment and gender equality, key messages](#)

18 International Development Law Organization, [Climate Justice for Women and Girls: A rule of law approach to feminist climate action](#)

19 IUCN, Women Environmental Human Rights Defenders: Facing gender-based violence in defense of land, natural resources and human rights,

- a. Recognize the invaluable contributions and leadership of structurally marginalised women environmental human rights defenders to realise the right to a clean, healthy, and sustainable environment for all and take steps to centre their leadership and meaningfully engage them in decision-making at all levels - in particular indigenous women and girls.
- b. Strengthen knowledge and capacity of structurally marginalised communities and defenders on their environmental rights, and increase policy level participation by creating awareness on opportunities and ensure there is direct involvement in decision making.²⁰
- c. Amend or repeal laws that directly or indirectly discriminate against structurally marginalised groups and defenders working to promote and protect the rights of these groups.
- d. Enact laws that address the intersecting protection needs of members of structurally marginalised groups and defenders.

8. How can businesses best contribute to the realization of the right to a clean, healthy and sustainable environment, based on sex and gender? What policies or practices are already in place to ensure that business activities identify, assess, prevent, cease, mitigate, and effectively remedy adverse impacts to women's and girls' rights to a clean, healthy and sustainable environment, as articulated in the UN Guiding Principles on Business and Human Rights.

Between January 2015 and March 2021, Business & Human Rights Resource Centre documented more than 3,800 attacks on human rights defenders raising concerns about business-related human rights abuses. An overwhelming majority of these were against land and environmental defenders.

Businesses must ensure that they respect the rights of women environmental human rights defenders working towards the realisation of the right to a clean, healthy and sustainable environment. There is a normative expectation regarding the corporate responsibility to respect human rights, which includes engaging constructively with human rights defenders who raise concerns about adverse impacts to people or the environment, and preventing, mitigating and remedying the human rights risks posed to them.

While the UN Guiding Principles on Business and Human Rights do reference human rights defenders specifically, the more recent UN Guidance on ensuring respect for human rights defenders²¹ outlines the practical implications of the obligation of companies to respect the vital work of human rights defenders. We have included some specifically relevant elements below. Businesses should:

- a. Support human rights defenders and their work, publicly and privately.
- b. Develop policies on respect for the rights of human rights defenders.

²⁰https://www.awid.org/sites/default/files/atoms/files/whrds-confronting_extractive_industries_report-eng.pdf

²¹https://www.awid.org/sites/default/files/atoms/files/whrds-confronting_extractive_industries_report-eng.pdf; <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G21/161/49/PDF/G2116149.pdf?>

- c. Take into account adverse impacts to human rights defenders as part of their human rights due diligence.
- d. Raise awareness and build internal company capacity to strengthen effective due diligence that takes human rights defenders into account.
- e. Build and exercise leverage to address impacts of activities on human rights defenders.
- f. Ensure equal participation of women environmental human rights defenders in stakeholder engagement or consultation processes.
- g. Ensure that free, prior and informed consent, including women and girls, withdraw operations that do not fulfil the requirement.²²
- h. Refrain from attacking, harassing and/or intimidating women environmental human rights defenders including physical attacks, smear campaigns, and gender-based attacks.²³
- i. When redressing harm, businesses must ensure that provisions governing access to justice, remedy and support services are gender-responsive.²⁴

9. Please share any good practices for: i) protecting women's and girl's rights to a safe, clean, healthy and sustainable environment; Good practices may occur at the international, regional, national, sub-national or local levels, and may include: the implementation of measures to ensure women's participation in environmental decision-making processes; efforts to support women environmental defenders; measures to facilitate women's access to climate or biodiversity finance; gender-responsive legislation, regulations, standards, jurisprudence, plans and policies; and initiatives to increase women's access to and control over productive resources including land, forest resources, freshwater, credit, loans, and extension services. Examples that treat girls distinctly from adult women would be particularly appreciated.

A recent report by United Nations Environment Programme²⁵ suggests 3 main ways to achieve a safe and enabling space for environmental human rights defenders (EHRDs): 1. primary prevention, which involves creating conditions which prevent risks to EHRDs before they come into being; 2. a focus on secondary prevention, which seeks to address early signs of threats and to rapidly respond to them in order to mitigate their impact and prevent their escalation; 3. facilitating access to justice, including effective remedies.

Building on these three stages of protection, we have set out below some specific recommendations to enable women environmental human rights defenders to carry out their crucial work on promoting and protecting the right to a healthy environment:

- a. Centre the leadership of all women and girls, in particular indigenous women and girls, in developing good practices regarding the relationship with the environment.

22 <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G21/161/49/PDF/G2116149.pdf?OpenElement>

23 https://www.genevaenvironmentnetwork.org/wp-content/uploads/2022/10/UNEP-Good-Practices_Executive-Summary-DRAFT.pdf

24 <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G21/161/49/PDF/G2116149.pdf?OpenElement>

25 https://earthrights.org/wp-content/uploads/11_28_18_ERD_Report_V3_Letter-compressed.pdf

- b. Provide political and financial support for community-based visions of development.²⁶
- c. Ensure that in any projects and investments the communities whose land, livelihood and resources are impacted are proactively and meaningfully engaged in decision-making, including actively engaging women and girls in the community, and that their decisions and consent (or lack thereof) are respected.
- d. Include specific conditions on meaningful engagement of the local community and monitoring and reporting requirements in investment loans, as well as clauses that allow the suspension of the agreement if these are not met.
- e. Provide meaningful opportunities for women environmental human rights defenders to participate in capacity building and training programs to strengthen their advocacy skills and to build broader support networks.²⁷
- f. Provide capacity building opportunities for States, funders, and companies to learn how to better support all women environmental human rights defenders and their communities.
- g. Repeal repressive laws and regulations designed to delegitimise and criminalise activities of women environmental human rights defenders, and address the misuse of criminalisation processes aimed to stifle the work of women environmental defenders.
- h. Provide the tools and strategies necessary to ensure holistic security / integrated protection of all women and girls who defend environmental rights, especially indigenous and land and territory defenders.
- i. Create gender-sensitive prevention and redress mechanisms for harms experienced by women environmental defenders.²⁸
- j. Ensure States' responsibility for what happens in their name and with their investments and their accountability to women environmental human rights defenders and all people, movements, and communities affected.
- k. Commit to policy coherence for sustainable development by ensuring all policy areas and investments contribute to and uphold gender justice, human rights, climate justice and work to bring about structural change that gets at the roots of injustice and inequality.
- l. Acknowledge the limitations and potential harms of multi-stakeholder approaches and of corporate capture in multilateral institutions, and address the harm done by public-private partnerships. Pay close attention to and attempt to address power imbalances in multi-stakeholder spaces that include governments, activists, and private companies, and ensure the equitable and full engagement of all women environmental defenders and affected communities.
- m. Adopt a proactive role in endorsing the legally-binding UN instrument on transnational corporations and human rights.

²⁶ Throughout this submission, we refer to women and girls in this expansive and intersectional manner.

²⁷The WHRD-IC adopts the following definition of WHRDs: Women who engage in the defence of any and all human rights, and people of all genders who engage in the defence of women's rights and rights related to gender and sexuality are collectively known as women human rights defenders, <https://www.defendingwomen-defendingrights.org/>

²⁸https://earthrights.org/wp-content/uploads/11_28_18_ERD_Report_V3_Letter-compressed.pdfhttps://www.awid.org/sites/default/files/atoms/files/whrds-confronting_extractive_industries_report-eng.pdf