

## WOMEN, GIRLS, AND THE RIGHT TO A CLEAN, HEALTHY AND SUSTAINABLE ENVIRONMENT

Claudia Loureiro <sup>1</sup>  
Valéria Emília de Aquino <sup>2</sup>

### 1-) Climate change: barriers to the access and realization of the right to a clean, healthy and sustainable environment

Depending on the context, climate change and pollution directly affect the lives of women and girls, especially given the fact that in many countries they are still the main caregivers and/or maintainers of homes. In other words, in the face of increasingly prolonged droughts, women are forced to walk further and further away in search of water and groceries, which sometimes exposes them to the dangers of gender-based violence, human trafficking, child marriage and harassment. In general, people who are in a lower socioeconomic status end up facing various forms of discrimination, and are more vulnerable to the negative effects of climate change. According to the A/HRC/41/26, women and girls end up more affected than men by the fact that they “constitute most of the world's and are often directly dependent on poor natural resources as their primary source of food and income”<sup>3</sup>.

Among the main barriers faced by women and girls regarding access to a healthy, clean and sustainable environment, the following can be mentioned: 1-) inequality in access to education, which prevents them from acquiring knowledge about climate change and the your own rights; 2-) the lack of access to information, participation and political representation, evidenced by the inequality in the number of women parliamentary representatives around the world; 3-) stigmas or prejudices regarding the role of women in the labor market and in society; 4-) lack of adequate access to health, especially with regard to reproductive health and freedom over their own bodies; 5-) high incidence of stillborns due to extreme heat waves that increase risks related to maternal and child health, also increasing the spread of vector-borne illness such as malaria, zika virus, dengue and chikungunya; 6-) an increase in the number of climate related disasters, in which women are “less likely to survive and more

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1 Permanent Professor of the Postgraduate Program in Law at the Federal University of Uberlândia; Professor of Environmental Law at the Federal University of Uberlândia; Post-Doctoral internship level research completed in 2021 (NOVA/Lisbon), 2019 (FADUSP) and 2016 (FDUC); Doctor and Master from PUC/SP; Lead Researcher of the Biolaw, Bioethics and Human Rights Group (UFU) and of the Inter-American and European Observatory of the SDGs/UFU. Email: crmloureiro@gmail.com

2 Human Rights PhD Candidate at Federal University of Goiás. Visiting researcher at University of Florence, financed by Coordenação de Aperfeiçoamento de Pessoal de Nível Superior – Brasil (CAPES) - Finance Code 001. Master from Federal University of Uberlândia. Research coordinator of the NGO ‘Direito Internacional sem Fronteiras’. Email: valeriaemiliaa@gmail.com

3 Retrieved from: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/120/13/PDF/G1912013.pdf?OpenElement>. Access in: 10 Oct. 2022.

likely to be injured due to long standing gender inequalities that have created disparities in information, mobility, decision-making, and access to resources and training”<sup>4</sup>.

It is still necessary to consider that the lack of access to an ecologically balanced environment considerably affects the lives of women and girls around the world due to gender inequality. Therefore, the main barrier to the access of women and girls to a healthy environment is gender inequality, since women and girls are exacerbated by the effects of climate change and environmental degradation.

## **2-) Obligations of States and responsibilities of business in terms of adopting a gender-responsive approach to protecting and respecting women’s and girl’s rights to a clean, healthy and sustainable environment**

The Brazilian Constitution of 1988 advocates equality between men and women, in the caput of its article 5. However, the equality provided for in the aforementioned provision is merely formal, which requires States to act in the sense of consolidating material equality, which requires them to act with due diligence in order to adopt public policies and administrative and legislative measures that materialize the material aspect of gender equality.

Although Brazil has a legal regime aimed at eradicating violence against women, consisting of domestic laws and international treaties aimed at promoting gender equality, it is still necessary to develop public policies aimed at promoting environmental gender equality and climate justice. In this sense, it is possible to highlight the situation of women and girls, who live in regions of Brazil where they do not have access to a healthy and balanced environment, who suffer limitations in their right to health and education, for example. Because they do not have access to basic hygiene products for women and girls, and because they live in poverty, many of them stay away from schools, thus verifying the intersectionality between the environment, gender and poverty. The existing public policies in Brazil are not effective and efficient to generate access to an ecologically balanced environment and do not adopt the intersectional perspective between environment, race and gender, a narrative that is essential for the achievement of material equality. States have, therefore, a duty to act with due diligence to provide access to an ecologically balanced environment for women and girls, which is extracted from article 225 of the 1988 Constitution in line with article 1, item III, providing an opportunity to understand the ecological perspective of the human dignity of women and girls.

Regarding the gender perspective, it is still important to point out that the Inter-American Human Rights System has issued two Advisory Opinions that deserve to be highlighted in the context of legislative measures. First, it is necessary to consider that, due to the obligation to observe the conventionality control, Brazil is obliged to act with due diligence in order to promote the standards of the American Convention on Human Rights, of 1969, in accordance with the Articles 1 and 2 of that international document. Second, Advisory Opinions n° 23/2017 and 24/2017 on the intrinsic relationship between the environment and human rights and on gender equality, respectively, stand out. Analyzing the two Opinions from an intersectional perspective, it is clear that there is an inter-American legal regime that is mandatory for the Brazilian State and that allows the conciliation between the environment,

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4 Retrieved from: <https://www.unwomen.org/en/news-stories/explainer/2022/02/explainer-how-gender-inequality-and-climate-change-are-interconnected#:~:text=As%20climate%20change%20drives%20conflict,and%20other%20forms%20of%20violence>. Access in: 09 Oct. 2022.

human rights and gender. Thus, these standards are mandatory for Brazil, which is obliged to carry out conventionality control in order to incorporate the inter-American paradigm explained above into its domestic legal system.

### **3-) The right to a safe, clean, healthy and sustainable environment and the state's obligations and businesses' responsibilities with respect to the realization of rights with no discrimination based on sex and gender**

The right to a healthy environment is recognized in the Brazilian Constitution (art. 225) as a fundamental right and must be guaranteed to all, without distinction. Currently, there is no specific law that regulates access to this right in terms of policies against gender discrimination. However, it is important to point out that Brazil has committed itself to the goals of the 2030 Agenda, and regarding Goal 5, the country focused on promoting the participation of women in political, economic and public life, so that the number of federal deputies in the elections October 2022 rose to 18%, which represents 91 women in the national congress, out of 513 seats<sup>5</sup>.

Although the country currently does not have public policies specifically to guarantee and access a healthy and ecologically balanced environment for girls and women, it is important to say that with the increase in female representation in the congress, it is expected that in the coming years the country will be able to promote, monitor and enforce gender equality. In 2018, through Decree 9.571/2018, the Brazilian government established national guidelines on companies and human rights, encouraging companies to adopt initiatives for environmental sustainability, in addition to creating mechanisms for access to repair and remediation, regarding the violation of human rights by companies, and promoting gender equality.<sup>6</sup>

### **4-) Steps taken by Brazilian government to employ a gender-responsive, rights-based approach to addressing the impacts of climate change**

By committing to the SDGs, Brazil has also committed to promoting mechanisms for capacity building for climate change-related planning and effective management with a focus on women and other marginalized communities, in terms of Goal 13. In addition, the country proposed to encourage the expansion of international technological and educational cooperation to strengthen these capacities, including a gender focus<sup>7</sup>. There are no specific policies that employ a gender-responsive, rights-based approach to addressing the impacts of climate change, however, there are regional initiatives by groups of girls and women that are adopting measures to mitigate the effects on their communities, such as the case of quilombola women in the states of Maranhão and Pará, whose income and survival depend directly on extractivism, which is at risk with climate change.<sup>8</sup>

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5 Retrieved from: <https://www.jota.info/opiniao-e-analise/artigos/aumenta-diversidade-entre-mulheres-mas-percentual-de-eleitas-segue-baixo-07102022> . Access in: 08 Oct. 2022.

6 Retrieved from: [http://www.planalto.gov.br/ccivil\\_03/\\_ato2015-2018/2018/decreto/D9571.htm](http://www.planalto.gov.br/ccivil_03/_ato2015-2018/2018/decreto/D9571.htm). Access in: 08 Oct. 2022.

7 Retrieved from: <https://www.ipea.gov.br/ods/ods13.html>. Access in: 08 Oct. 2022.

8 Retrieved from: <https://lac.unwomen.org/en/stories/noticia/2022/04/mujeres-quilombolas-de-brasil-protagonizan-acciones-para-poner-fin-al-cambio-climatico-lograr-la-igualdad-de-genero-y-garantizar-un-futuro-sostenible> . Access in: 08 Oct. 2022.

### **5-) Protection of the rights of marginalized and vulnerable groups and ways to empower them to increase their impact as agents of positive environmental transformation**

Vulnerable populations need to be placed at the center of decision-making so that public policies adopted by States are effective in consolidating the principle of equality and non-discrimination based on a gender perspective. In this aspect, an important path would be the insertion of the intersectional perspective between environment, gender and human rights in the context of decision-making for the adoption of inclusive public policies. Another important aspect, which deserves to be highlighted, would be the adoption of the Pachamama perspective in the Brazilian Constitution of 1988, following the example of Bolivia and Ecuador, which have already adopted the Pachamama Constitution in the sense of considering Indigenous Peoples as subjects of law with personality and capacity. for decision-making in the context of the adoption of public policies that considerably affect the reality of Native Peoples.

### **6-) Socioeconomic, cultural, legal and/or institutional transformations to achieve gender parity**

For gender equality to be a reality in Brazil, it is necessary that the three perspectives of sustainable development, social, economic and environmental, are applied in an intersectional way. One cannot speak of an ecologically balanced, healthy and healthy environment without a stable socio-political reality in Brazil. Likewise, one cannot speak of a healthy environment without having sustainable development as a paradigm, that is, development with respect for human rights and the environment. Thus, Brazil needs to adopt an ecological paradigm of human dignity that would lead to the adoption of public policies that take into account the gender perspective in environmental demands for the redistribution of existing wealth in the world, as well as the recognition of the identity status of gender perspectives. In this context, redistribution would require the development of human capacities to deal with environmental and gender issues, and have an intrinsic relationship between gender, race and poverty and intersectionality.

It is necessary to develop decolonial thinking for the promotion of gender equality in the environmental context, so that the barriers that prevent the achievement of gender equality are replaced by new knowledge and new mechanisms for exercising power, with participation of the population, information and inclusion of vulnerable populations in decision-making. Therefore, sustainable development must be based on the principle of freedom so that people have access to the goods necessary for the development of their personality to lead the life they want to lead or deserve to lead, all in accordance with the ideas of Amartya Sen<sup>9</sup>. Furthermore, it is important to remember that social, economic and cultural changes must start from an idea of justice that combines redistribution and recognition of identity statutes, that is, the redistribution of wealth and the recognition of the identities of vulnerable and marginalized groups, such as people who are disadvantaged due to gender inequality. For Nancy Fraser, this theory of justice is based on the multidimensional perspective between redistribution and recognition of identity statutes.<sup>10</sup>

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9 SEN, Amartya. **A ideia de justiça**. Trad. Denise Bottman e Ricardo Doninelli Mendes. São Paulo: Cia das Letras, 2011; SEN, Amartya. **Desenvolvimento como liberdade**. Trad. Laura Teixeira Motta. São Paulo: Cia de Bolso, 2010.

10 FRASER, Nancy. A justiça social na globalização: redistribuição, reconhecimento e participação. **Revista Crítica de Ciências Sociais**, vol. 63, pp. 7-20, out. de 2002. Disponível em <https://www.ces.uc.pt/publicacoes/rccs/artigos/63/RCCS63-Nancy%20Fraser-007-020.pdf>. Acesso em: 16.02.2021

Consequently, important initiatives are identified that could provide the training and development of human capacities to promote the relationship between the environment and gender, such as education in human rights, the training of women as community leaders to face the effects of climate change, equitable popular participation between men and women, which also includes democratic participation in politics.

### **7-) Action plans and budgets for gender equality at national and international levels**

The Brazilian Budget Law must make the budget allocation to promote the intersectionality between gender and the environment. In the 2021 budget, around 79 actions were listed as having specifically benefited Brazilian women or contributed to the fight against gender inequalities and discrimination. However, it is important to say that this number represents only 6% of the total of 1.288 that integrated the General Budget of the Union, also representing only 6% of the total amount of public resources destined to this exercise<sup>11</sup>. To ensure that climate finance mechanisms are gender-responsive and equitably for women, it is essential that they ensure female access to information, as well as female participation in the decision-making process, and in the public, economic, political and social spheres.

### **8-) How can business contribute to the realization of the right to a clean, healthy and sustainable environment based on sex and gender? Good practices examples:**

Companies can contribute to the realization of this right by respecting the UN Guiding Principles on Business and Human Rights, and above all by promoting, respecting and implementing actions that make it possible to achieve not only formal equality, but above all material equality, in their workplaces. That is, by recognizing the existing gender gap between women and men, it is necessary to create a monitoring mechanism within companies so that there is equality in several points: 1-) salary; 2-) decision, voice and vote; 3-) maternity and paternity leave, the latter being essential for men to also contribute to children care and equitable parenting; and, 4-) health and reproductive health leave. In addition, companies can and should also invest in regional initiatives and programs for environmental education and human rights education, mitigation of the impacts of climate change, as well as sustainable income alternatives for the most affected groups.

In Brazil, as mentioned earlier, there are companies that support the communities of quilombola women, who live from extractivism, as well as companies that support local commerce and traditions, as in the case of women that work with pottery, lacemakers and embroiderers in the northeast region of the country. Supporting local communities and initiatives is indispensable for a just transition towards sustainable development. It urges state governments and businesses to invest in environmental education, because it allows the upcoming generations to learn about the importance of Nature for human beings, and for our planet as a whole. For this purpose, booklets, training and courses sponsored by the private sector along with the public sector, would be essential to ensure the right to education and, consequently, the fulfillment of the right to a clean, healthy and sustainable environment for all.

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<sup>11</sup> Retrieved from: <https://pp.nexojournal.com.br/ponto-de-vista/2022/O-longo-caminho-das-mulheres-no-or%C3%A7amento-p%C3%ABalico-federal> . Access in: 08 Oct. 2022.

### **9-) Potential benefits of respecting, protecting and fulfilling women's and girl's rights to a clean, healthy and sustainable environment**

The potential benefits obtained from respecting the rights of women and girls to a healthy environment are the promotion of the principle of equality in its material sense; as well as the exercise of human rights by women and girls. Recent Resolutions issued by United Nations bodies, such as 48/13, by the United Nations Human Rights Council and 76/300, by the United Nations General Assembly, have emphasized the intrinsic relationship between the environment and human rights when considering access to a healthy environment as a human right. Thus, the lack of access to the environment by women and girls impedes the exercise of human rights such as life, education, health, social and family coexistence. In this context, promoting the relationship between gender and the environment would be beneficial to Brazil, as it would provide access to material goods that are indispensable for the maintenance of the human dignity of women and girls.

In this sense, treating girls differently from adults would materialize the principle of the best interest of the child who has specific needs vis-à-vis adult populations. Therefore, keeping vigilance with regard to school dropout by girls and identifying in which aspects their dropping out of school is related to the lack of access to a healthy environment, such as, for example, verifying how the onset of diseases related to the environment unsustainable environment prevent girls from attending school or encourage them to drop out of school. Thus, maintaining constant surveillance and dialogue with civil society, parents and legal guardians are local initiatives that could contribute to preventing girls from dropping out of school due to environmental issues.