



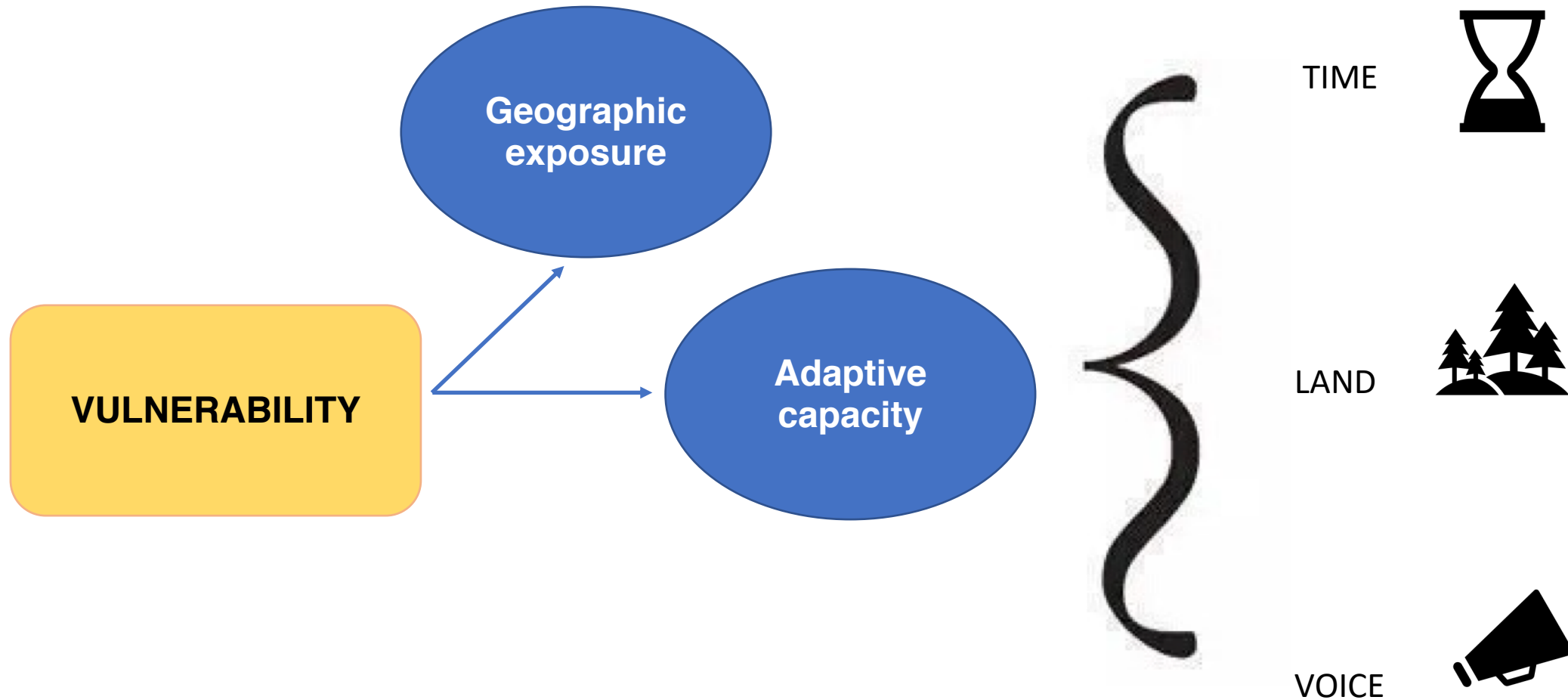
ClimLaw: Graz  
Research Center for Climate Law



# **Public litigation: a tool to advance women's rights in the context of climate change?**

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# Women as victims of climate change: the concept of vulnerability



# Climate change as a multiplier of inequalities

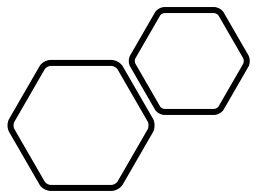


*(UNDP Africa)*

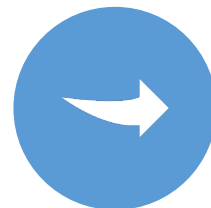
**RESOURCE  
SCARCITY**  
(water, wood etc.)



- health;
- education;
- income



# Gender vulnerability: a human rights issue





# Case studies and research questions



PAKISTAN:

*Can public interest litigation (PIL) become a tool for women to advance their rights to a clean energy transition?*



INDIA:

*Can PIL become a tool to advance gender equality in land rights, in the context of climate change?*



SOUTH AFRICA:

*Can EIA and its judicial enforcement represent a tool for gender mainstreaming in climate policy, and women empowerment in environmental decision-making?*

# Public interest litigation: main features

*“when a legal wrong is caused to a person or a determinate class of persons... and such a person is by reasons of poverty, helplessness or disability or socially and economically disadvantaged position, unable to approach the court for relief...”*

*(Gupta v. Union of India)*

- 1) Broad access to court;
- 2) Informal initiation;
- 3) Creative interpretation of right;
- 4) Remedial flexibility.

# Public interest litigation and women rights: *Maria Khan case*



**GROUND**S: fundamental rights, public trust doctrine, international commitments (*Leghari v. Pakistan*)



**FRAMING**: climate inaction and delay in energy transition, violates the fundamental rights of women, as a vulnerable group



**RELIEF**: enforcement of existing commitment and policies, under the Court supervision (*"rolling review"*)

# Public interest litigation and land rights in India

## Problem

- a) Rural women often don't enjoy property rights and/or effective control over the land
- b) Male inheritance: discriminatory practices and/or laws
- c) Land property rights more important in the context of extreme events

## Potential benefit in PIL

- a) Easy access for disadvantaged and vulnerable groups
- b) Tool for legal change and law enforcement
- c) Precedents in climate litigation

# Including women and gender vulnerability in environmental decision-making?

## The South African case

### Problem

- a) Climate change exacerbates resource scarcity
- b) Rural women are affected by industrial projects that reduce the availability of natural resources
- c) Barriers to women participation

### Potential benefits in EIA

- a) Climate impacts must be considered in EIA (*Thamabetsi, 2017*)
- b) Local communities can participate to the scoping process as interested and affected parties
- c) Growing attention towards women inclusion at the national and international level



# Conclusions: challenges and opportunities

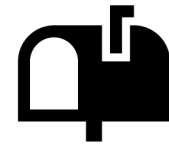


- Gender as a socio-cultural factor
- One among other grounds for inequality



- Victims as agents of policy change in climate matters
- Rights-based approaches in climate litigation

**Thank you for the attention!**  
**Muchas gracias por la atención!**



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