

ClimLaw: Graz
Research Center for Climate Law

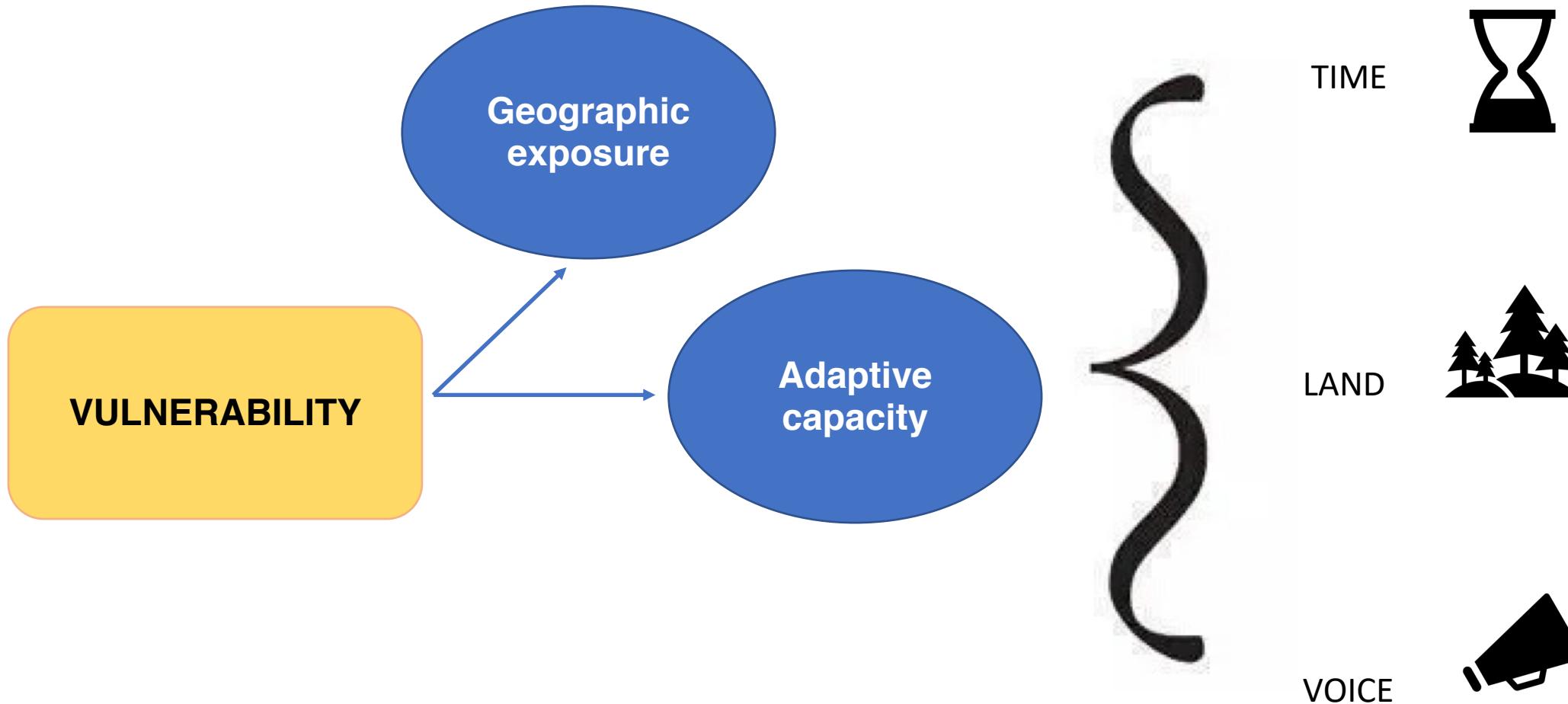


DOCTORAL
PROGRAMME
**CLIMATE
CHANGE**

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

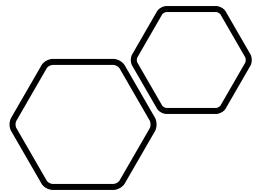


(UNDP Africa)

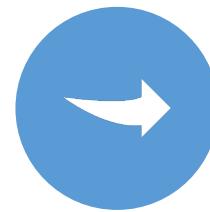
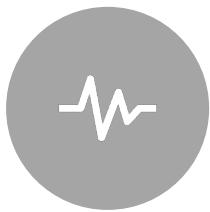
**RESOURCE
SCARCITY**
(water, wood etc.)



- 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



GROUNDs: 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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