

Gender and Environmental Law. Challenges and opportunities for promoting the role of gender in environmental justice

V Tarragona International Environmental Law Colloquium (TIEC)
25-26 June 2020



PANNEL 1: Environmental Law prospects as a tool for promoting gender and LGTBI+ Human Rights in the context of environmental struggles

Public litigation: a tool to advance women's rights in a changing climate?

Carlotta Garofalo (University of Graz)

Climate change is projected to have a disproportionate impact on women, particularly on those living in the Global South. Due to a sum of social and legal constraints, such as lower access to education and ownership, higher dependence on land resources and even social norms, women are particularly vulnerable to climate disasters in developing countries. Moreover, from 2015, an increasing number of lawsuits have challenged national governments, due to their failure to protect their citizens' fundamental rights from climate change effects. Owing to those circumstances, in 2019 a group of Pakistani women appealed to their particular vulnerability and their rights as "women and mothers of future generations", as a ground to compel their government to thoroughly implement its renewable energy policies (*Maria Khan et al vs. Pakistan*).

Against this background, the main purpose of the paper is to assess whether climate lawsuits, when rights- based, can become a tool to advance women's rights and social condition in a changing climate. The article will firstly identify the human rights violations, which, as a consequence of climate change, are disproportionately going to affect women, and the social and political rights, which they need, to face climate disasters on equal terms. Secondly, it will investigate whether climate lawsuits brought in developing countries, especially when filed on behalf of groups who share similar vulnerabilities with women, e.g. indigenous communities, can indirectly benefit women's rights. Thirdly, the paper will focus on the Maria Khan case and its implications, on a national and comparative level. The analysis of the case in its judicial and social context, will aim to understand its potential to become a precedent in similar common law jurisdictions.