

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

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The “differentiated impact” on gender, human rights, and environmental impacts: the Advisory Opinion of the Inter-American Court on Environment and Human Rights of November 15, 2017.

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Although it was not the object of the questions submitted to the Inter-American Court of Human Rights, it is possible to find the concern in relation to gender, human rights and environmental affectations in some of the reasoning of the Advisory Opinion OC-23/17 of November 15, 2017, Environment and human rights . Thus, we can highlight the importance that the judicial body of the Latin American region in the protection of human rights, has ruled on this issue, establishing a line of jurisprudence on human rights and the environment. In this sense, the Court takes into account the greater impact that the affectation of rights may have on those groups in vulnerable situations, such as indigenous peoples, children, people living in situations of extreme poverty, minorities and people with disabilities, as well as the “differentiated impact” of these rights on women. For this, the Court uses the reports of the United Nations High Commissioner and reports of independent experts of the Human Rights Council. Among other, these reports highlight the risks related to climate change due to gender discrimination, inequalities and the gender roles that inhibit them or the greatest danger for elderly women and girls during the phases of disasters related to meteorological phenomena.

The paper analyzes the impact of this advisory opinion on the inter-American system and the possible jurisprudential developments within the member states of the inter-American system for the protection of human rights.