

Women's Human Rights to Water, Food and a Healthy Environment

Exploring the link between large-scale development projects, environment and gender equality

Globally, unsustainable economic development and the run on natural resources put communities dependent on these resources under immense pressure. It is widely acknowledged that large-scale dams, mines and land conversion projects frequently force people off their lands and cause huge environmental damage. What is still insufficiently recognised, however, is that women suffer disproportionately from the negative impacts of these large-scale development projects.



Women are expected to feed and take care of their families. Resettlement to less productive land thus forces women to work larger tracks of marginal land to grow the same amount of food, and causes women and girls to walk further for fetching water and fuel. Compensation for lost land is often negotiated only with the male head of the household. And on industrial mining sites sexual intimidation and harassment of women and girls is rampant.

Meanwhile, in decision-making bodies that govern the use and control of natural resources - water boards, unions, and land use fora - women are often not at the table and power is vested in the hands of the men. This further limits women's ability to effectively defend and promote their rights and interests.

HUMAN RIGHTS ON PAPER AND HUMAN RIGHTS IN REALITY

The human right to water, food and a healthy environment has been incorporated into many international legal instruments, such as the Universal Declaration of Human Rights, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination Against Women and in resolutions by the United

Nations General Assembly and the Human Rights Council, which many states have ratified worldwide. Unfortunately, these instruments are rarely implemented. This lack of implementation and adherence to laws appears especially the case in countries which have weak governance structures and depend on the exploitation and exports of their natural resources as main revenue of the state.

Part of the failure to enact and implement the right to water, food and a healthy environment

is the huge barrier for affected communities to seek redress, via judicial or non-judicial systems. For those who are affected – particularly women – it is often unclear what their rights are or how to claim them. Those that are able and brave enough to defend their rights, both in the private and public sphere, are faced with many hurdles and risk becoming embroiled in protracted and financially burdensome struggles. The obstacles that women face trying to access justice vary from repeated inadmissibility rulings to – when seeking redress

extraterritorially – being confronted with multiple corporate lawyers presenting a staunch defence. Another great concern is the shrinking space for human rights defenders: indeed, speaking out has never been more dangerous. Harassment, violent attacks and assassinations of defenders fighting for their cause are rapidly increasing. Supporting human rights defenders and defending the space through national and international solidarity and diplomacy is more urgent than ever.

GOVERNMENTS, COMPANIES, INTERNATIONAL ORGANISATIONS, INVESTORS AND CIVIL SOCIETY ORGANISATIONS CAN ALL TAKE ACTION TO ENSURE THAT HUMAN RIGHTS ARE EFFECTIVELY TRANSLATED INTO PRACTICE

Governments

- The water and food security that women strive to protect depends on access to land and natural resources. Securing women's land rights and access to natural resources is essential to improve gender equality. Creating the appropriate frameworks, such as equal land tenure rights, will put women in a better position to prevent human rights infringements that affect them disproportionately.
- While many governments around the world have recognised International Human Rights to Food, Water and a Healthy Environment, one can still note a clear gap in the translation into binding and applicable national laws and regulations. Governments need to do much more to work towards making these rights a reality.
- Women are confronted with issues that require an integrated governmental approach. It is important that a woman's



In 2016, women from mining-affected communities in the South African Provinces of Mpumalanga and Free State came together for a workshop on the procedures of the South African Equality Court. The workshop, organized by ActionAid South Africa as part of the Human Rights Fund project in association with the South African Green Revolutionary Council (SAGRC), trained women to actualize their agency and safeguard their rights through legal action and community building, and represent themselves in legal proceedings. As a result, they were able to file two legal claims at the South African Equality Court against major mining companies operating in their communities. Although both cases are still underway, the legal training and empowerment of these local female community members have given them an important sense of agency and self-reliance.

In India, with support of the Human Rights Fund project, several field level trainings and capacity building programmes took place in five States. The support helped to empower women and address illegal mining, eviction threats by wildlife authorities, non-implementation of the Indian Forest Right Act and in overcoming local obstacles to women's participation in decision making processes. It has led to the submission and partly settling of over a thousand Forest Rights Act claims. In 2017, 120 single women got land titles. In Umrahan in Panna district planned evictions in a Tiger Reserve area were halted as a result of a legal case filed by Adivasi women. The relief from the legal action helped gain some time to submit forest rights claims by the community.

possibility to claim her right is not thwarted just because the responsibilities for gender, human rights and environmental aspects are divided among ministries. Government programmes addressing issues that affect women should take into account gender inequality and the different needs and interests that women have, and involve them in developing these programmes. Therefore, women's rights related to food, natural resources and environmental policies must be anchored and also reflected in gender policies. Environmental, natural resource and investment policies, on the other hand, must also ensure that women's rights are protected.

- Procedural human rights, such as the right to access information or community consultation, public participation in decision-making processes, fair administrative actions, and access to justice are prerequisites for the protection of human rights. Governments should ensure that these rights are respected in their policies and practices, and by companies operating on their soil.
- Policies to protect human rights defenders must be enacted and enforced, particularly for those who defend and protect the needs

and rights of women.

- Embassies should have clear mechanisms in place to protect (women) human rights defenders and ensure their safety at all times, and these mechanisms should be shared as widely as possible
- Women should also directly be supported at the international level in their quest for (legal) remedy. It is important that they have recourse to enforceable remedies abroad, in the event that these do not exist in their home country.
- If (national or international) companies are proven to infringe upon human rights or destroy natural habitat, governments should not shy away from holding them to account. This includes a stringent enforcement of applicable laws, due diligence

when it comes to planning, and transparent implementation of Social and Environmental Assessments. Corruption and collusion which are obvious hurdles need to be addressed and dealt with. It is worthwhile to mention that all of these measures need to be addressed not only by governments of countries who export natural resources but equally by those who benefit by importing goods and those who invest in any part of the supply chain.

Civil society organisations

- In order to enable communities, and notably the women in these communities, to claim their rights, we need to raise awareness, build capacity and strengthen networks. Allowing women to develop an in-depth understanding of the impact of large-scale projects, such as how mining affects their right to water, food and a clean environment and how this leads to gender inequality, is essential if they are to successfully advocate policy change. For women to claim their rights, they need support so they can organize, jointly strategize in, campaign, lobby and initiate legal actions. Empowering women to have their voices heard is the first step towards ensuring a stronger

The Nгааie communities located in Kitui County, Kenya are currently facing severe land rights infringements due to mining and human-wildlife conflicts. The women of the Nгааie community, after undergoing training provided by the ActionAid Kenyan office as part of the Human Rights Fund project, launched an official complaint to the Kitui County government. In addition, the community demanded that joint title deeds between husband and wife be recognized. The growing momentum prompted surrounding communities to join the women of Nгааie in hiring a lawyer and filing a lawsuit against Athi River Mining (ARM) Limited. The latter was in the process of launching its operations in the contested land, but that was brought to a halt by the legal proceedings.

and durable presence in decision-making. This includes recognizing and addressing culturally sensitive power dynamics in formal and informal structures, including households. Raising awareness among men and the wider community is crucial to address unequal gender relations and change people's mindset.

- It should be noted, however, that raising awareness and training communities and women in order for them to be able to start claiming their rights takes time, expertise, resources, and an environment which is safe enough to carry out this work. At this moment we can see that much of the responsibility for doing this vital work at the grassroots' level is on the shoulders of a few often fairly small local CSOs. In order to achieve lasting success these local groups need sustainable support from international groups and governments. Part of this equation is also to be aware that for local women any form of rights claiming often is an additional burden on their already limited time and energy.

- Civil society organisations can support communities, women and women's networks by introducing them to these tools and providing training and networking support. Close collaboration between different women's, human rights, development, environmental and judicial organisations is a key aspect of successfully enforcing human rights.



Companies

- Companies must respect human rights. Corporate activities must be measured against local, national and international laws throughout their lifetime of operations, devoting special attention to the link between gender and environment.
- Companies in the supply chain and investors that may be contributing to human rights violations via their operations must exercise thorough and transparent due diligence for women's human rights. Investors need to perform ex ante and ex post evaluations that contain strong gender safeguards and address the nexus between gender and the environment.
- Gender sensitive grievance mechanisms should be created in order to redress violations, and they should be made easily accessible to victims of human rights violations at all government and corporate levels.

The project *Upholding human rights: bridging the gender-environments divide* (2014–2017), funded by the Dutch Ministry of Foreign Affairs, set out to achieve recognition and effective protection of women's human right to water, food and a healthy environment in India, Kenya, and South Africa. Project partners are ActionAid Netherlands, ActionAid Kenya, ActionAid South Africa, Both ENDS Netherlands (Project Coordinator), Centre for International Environmental Law (CIEL) based in Washington DC and Geneva, and India-based organisations Dhaatri (Adivasi Resource Centre for Women and Children) and Keystone Foundation. See also <http://www.bothends.org/en/Themes/Projects/project/51/Human-Rights-and-Gender>.

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