
GENDER AND ECOLOGICAL RIGHTS THROUGH THE LENS OF ECOFEMINISM

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ABSTRACT

Ecological rights are an extension of the fundamental human rights that humanity needs and deserves. In addition to the right to food, clean water, adequate shelter, and education, the right to a safe and sustainable environment is critical since it provides the foundation for all other rights. The major objective of ecological rights is to ensure that all Earth's inhabitants have access to this basic level of existence. Women have a stronger connection to the natural environment than men because women are primarily responsible for domestic and household management. Ecology and women are closely intertwined and interwoven. Throughout history, women have been immortalized as powerful symbols of nature: Mother Earth in history. As a result, women should be at the forefront of environmental advocacy as bearers and protectors of life, as those who first guide children. Gender inequality limits or restricts women's access to resources and decision-making opportunities, and it presents challenges to successful sustainable development and livelihoods. A policy that considers gender needs to be implemented to maximize the involvement of women in climate change adaptation and mitigation, including giving them access to opportunities to participate in environmental conflict resolution. This paper focuses on the nexus between gender and their ecological emphasizing more on the rights of women and their role to attain these rights. The paper also discusses about the aspects of gender equality and the ecological rights, further it highlights the barriers and suggestions to remove it in attainment of such ecological rights. Thus, addressing gender disparities in ecosystem management is critical for achieving conservation goals, community well-being, and human rights.

INTRODUCTION

All people are born equal and free, regardless of gender and are endowed by basic human rights and dignity. Human rights and ecological rights are interwoven. Human rights cannot be exercised without a secure, healthy, sound and sustainable environment. Ecological governance cannot be established without upholding human rights. The gratification of all human rights is intimately connected to the environmental issue. Other rights such as social, economic, cultural, political, and civil rights—as well as the rights associated with life and health—can only be fully exercised in a healthy environment.

NEXUS OF GENDER WITH ECOLOGICAL CHANGE

Men, women trans and queer communities relate to the environment in different ways, and environmental changes have different impacts on their lives. They cannot be categorized as a homogenous group in the context of ecological rights. Women and girls are severely affected, particularly those who are in rural areas, people belonging to the minority group, members of indigenous groups, or those who live in crisis-affected environments. The following examples illustrate how the difference can be seen: Women are in direct contact with the natural environment since they are in charge of the household's reproduction, production, and energy and water demands. As a result, women rely on natural resources more than men do since they have fewer alternative sources of livelihood. Women frequently need to stay at home to fulfil obligations like caring for the family, the sick, and the old, whereas men can go to urban centres to hunt for a job and diversify into labouring or small business. Women rely on the resources available to them locally to fulfil these needs. They typically raise crops and keep small animals for food, and rarely engage in cash cropping or market-oriented production because they are too busy taking care of their daily needs. They frequently lack ownership and decision-making authority over the natural resources on which they depend, despite the fact that their livelihoods depend heavily on their local environment. These issues make it difficult for women to escape poverty, leave them more susceptible to environmental damage, and increase and maintain inequality. Women's access to energy, water, and sanitation facilities is restricted, and they have less of a right to own land, all of which have an adverse effect on their health, the environment, and sustainable development. Therefore, this emphasises the complex and multifaceted relationship between women and natural resources, as well as the need to mainstream a gender approach in policies related to natural resource and environmental

governance, as proposed by the 2030 Agenda for Sustainable Development is essential to strive for a healthier planet for all.

Gender equality has been negatively impacted by the deterioration of the ecological balance and the changing environment. Resources become scarce and of lower quality as a result, which has an impact on people's livelihoods. Water and fuel wood are essential natural resources, and women and girls are made primarily responsible for collecting and utilizing them for household purposes. The depletion of water and other natural resources compelled women and girls to devote more time and effort to home chores. Women spend a lot of their valuable time travelling miles to collect water and fuel. The young girls are pushed to drop out of school to aid with these activities and because of this, they cannot complete their education, which limits their chances of having a bright future.

According to the World Health Organisation, the daily energy required to carry water may consume one-third of a woman's calorie intake. Environmental degradation entrenches the disadvantaged position of women and girls in relation to men as they have less time and less energy for other productive activities, and gender stereotypical roles and inequality are perpetuated.

The change in environment has also impacted negatively on men's health as the pressure of having a better livelihood exposes them to industrial hazards, agricultural chemicals and organic pollutants which has a profound impact on their health and as consequence, they are more prone to diseases like Cholera, Dysentery, Typhoid, tuberculosis, cancer etc.

Ecological rights are the natural rights which shall be borne by every person on this planet irrespective of gender identity. However, the discourse shall be incomplete if the value of ecological rights is not looked at through the lenses of the most vulnerable and marginalized section of the society i.e LGBTQ+ community. This section of society is more vulnerable to exclusion, violence and exploitation because of the social stigma and discrimination attached to them as a consequence they are deprived of their fundamental right to shelter, a clean and safe environment, right of livelihood, freedom to live with dignity etc. which had made them prone to begging, unemployed, they often fall prey to abuse of police, involves themselves in prostitution. The environmental degradation has raised the hardships of the trans and queer community. They have been striving for a long time for their rights and existence in society,

the little relief they get is the recognition of their genders which may pave the way towards access to their social, economic, political and ecological rights.

It is important that men, women and all other gender identities must work hand in hand to confront the environmental challenges of our time. Considerations of gender and environment are crucial to our ability to achieve a just and sustainable future.

FEMINIST ENVIRONMENTALISM

Women and the environment are inextricably linked and interconnected. Women have been immortalized throughout history as powerful symbols of nature: Mother Earth in history. Traditionally Women and men have used natural resources in varied ways and their gender roles are associated with distinct knowledge and responsibilities. It is observed that there is an increase in participation of women in all processes. For instances, In forests women harvest non-timber products; in fisheries, they are often involved in collecting algae and molluscs from beaches and processing; and in their farms, they are the caretakers of the seeds and maintain exchanges by enriching genetic variability and product diversity, thereby increasing resilience to factors such as climate change. Women supplement family nutrition and health because they are traditionally in charge of family nutrition and health. Thus, among other things, women have worked as agriculturalists, water resource managers, and traditional scientists. The whole community relies on women as primary caregivers for children, the elderly, and the sick. Their traditional and generational knowledge of biodiversity, for example, provides medicines, nutritional balance, and crop rotation methods to communities. Women are not only environmentally conscious, but they are also protective and caring.

Despite this, a significant disparity can be seen when it comes to decision-making about the natural resources. Only a little population of women have the autonomy to make decisions about land ownership, water rights, rights in forest and protected areas fisheries and other resources. Also when any natural calamity hits, it is the women's life that gets severely affected as it disrupts access to these basic resources. According to studies, natural disasters disproportionately affect women, lowering female life expectancy rates and killing more women than men, especially where levels of gender equality are low.

- **Role of Women in the Conservation of the Environment**

Women's environmental ideas and values differ from those of men. Women place a higher value on protecting and increasing nature's capacity, preserving farmland, and caring for the future of nature and the environment. Several studies have demonstrated that women have an interest in the environment, which is shown in how much they care about natural resources.

The concept that emerged in the 1970s is popularly known as Ecofeminism. It occurred due to the increasing consciousness between women and nature. Ecofeminism refers to women's and feminist viewpoints on the environment, with the dominance and exploitation of women, under-resourced peoples, and nature at the heart of the ecofeminist movement. Women have had global success in resolving environmental issues. Over time, many movements have arisen around the world to save the environment and the lives of those who rely on it. In India, one such instance is the Narmada Bachao Andolan which was led by tribal women and environmental activist Medha Pathkar have played a crucial role in mobilising the community and making them aware about the potential risks and threats that construction of dams may possess. This led towards the non-violent protest against the government's rampant construction on the river in 1989. Later, Supreme Court in case of *Narmada Bachao Andolan vs Union of India & Ors*¹ upheld that "Water is the basic need for the survival of human beings and is part of the right to life and human rights as enshrined in Article 21 of the Constitution of India".

In the mid-1980s, there were widespread protests in Kenya against the elites and large foreign corporations that were coercing and controlling land production. Instead of allowing women to grow food for survival, they were forced to cultivate coffee for export. The protests lasted for years until Kenya's government decided for redistribution of the land.

Since its inception, the Movement has established a national network of 6,000 village nurseries aimed at combating desertification, restoring soil health, and protecting water catchment areas. The 50,000 female members have planted approximately 20 million trees.²

Other such instances include the Chipko and apiko movement, Save the Western Ghats, and others. In Europe and the United States, there is an anti-militarist movement. The movement

¹ AIR 2000 SC 3751

² Judi W. Wakhungu, Chris Huggins and Elvin Nyukuri. 2008. "Land Tenure and Violent Conflict in Kenya." African Centre for Technology Studies. Available online at: http://www.acts.or.ke/reports/RelatedResource/Land_Tenure_Brochure.pdf, accessed on 15 December 2010

against hazardous waste dumping in the United States and the Green Belt movement in Kenya are both labelled as "eco-feminist" because it gives and cares for many lives.

WOMEN, MYTHOLOGY, AND ENVIRONMENT

India's cultural heritage places a high priority on environmental preservation and protection. Indian culture referred to the earth as "Mother." Rivers are referred to as lokamata. Indians have articulated and systematized the necessity to protect and advance nature's ecological balances through sacred manifestations that support the survival of life on earth. Women are more sensitive to the earth's issues. They have developed a unique set of values on environmental concerns. People's perspectives on environmental concerns may be influenced by their attitudes toward nature, for example. Plants and trees like peepal, aawla, tulsi, and banyan are regarded as being holistic. The act of women worshipping the banyan tree on the occasion of Vat Savitri holds a special place in Hindu mythology. The act of tying the thread around the tree is not only a ritual but also helps the green activists to protect the environment.

GENDER EQUALITY AND ECOLOGICAL RIGHTS

Protection of the environment is a necessary enabling condition for the effective enjoyment of human rights enshrined in treaties including the *International Covenant on Civil and Political Rights (ICCPR)* and the *International Covenant on Economic, Social and Cultural Rights (ICESCR)*. These rights are guaranteed to all persons without discrimination based on sex or gender by those treaties, *the Convention on the Rights of the Child (CRC)*, and *the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)*. When protecting the right to a healthy environment, States should consider the needs of persons and people who are disproportionately affected by or at high risk of environmental harm.

On a global level, it is the state who is under obligation to provide a safe, clean, healthy and sustainable environment to all men, women, children and persons with diverse gender identities. In India, such right is granted as a fundamental right to all persons irrespective of nationality, caste, creed and sex enshrined in article 21 of the constitution. This guarantees the protection of life and personal liberty. The Judiciary in its various Judicial pronouncement has held that every person has the inalienable right to live with dignified life without discrimination. It is the most significant and predominant right without which a man's life would be mere an animal existence as stated in *Francis Coralie Mullin versus The*

*Administrator, Union*³. The Hon'ble Supreme Court in the case of *M. C. Mehta vs. Kamal Nath*⁴ enunciated the Public Trust Doctrine and observed that certain resources like air sea, waters and the forests have such a great importance to the people as a whole that it would be wholly unjust to make them a subject of private ownership. The said resources being a gift of nature, they should be made freely available to everyone irrespective of their status in life.

*Shantistar Builders vs Narayan Khimalal Totame*⁵, the Supreme Court said: Basic needs of man have traditionally been accepted to be three – food, clothing and shelter. The right to life is guaranteed in any civilized society. That would take within its sweep the right to food, the right to clothing, the right to a decent environment and a reasonable environment to live in.

The negative impacts of anthropogenic activities in the environment has also affected the ecological rights of an individual and such effects are gender-differentiated mainly on account of the different roles played by women and men, which leads to inequalities in access to and control of resources and in the exercise of rights and responsibilities.

There is a need to understand these inequalities, different requirements, vulnerabilities, roles and capacities of genders in order to have more inclusive environmentally sustainable solutions for the people. Some of them are discussed herein:

- **Access to decision-making and Representation**

The genders have the right to equally contribute towards mother nature and receive its benefit. However, when it comes to the participation of women in access to decision-making and representation they lack behind. Women often aren't consulted on important environmental programmes and rarely participate in community affairs. Women should participate equally in the design and controlling of water and sewage systems, as well as other Natural resources.

For instance, in places where women have to walk miles to fetch water or areas where women have been the primary users of wells and water pumps in such regions women, should be in charge of the water management system for the proper utilization of water resources. Generally, women are made responsible for household hygiene but there is a need that both genders should

³ AIR 1981 SC 746.

⁴ (1997) 1 SCC 388

⁵ AIR 1990 630

accept equal responsibility for the maintenance of sanitation and access to clean water for securing their own health as well as their family members.

Policies that address the requirements of entire communities without jeopardising the sustainability of the resource base can be devised by involving women and men in environmental management and understanding their various needs and views. To guarantee that they may access and participate in environmental decision-making, women in particular require distinct and formal channels of support. They also need to be included in management on an equal footing with men.

- **Control over and access to resources**

The ability to access resources has a significant impact on both income generation and poverty reduction. Despite depending on natural resources for their livelihood, poor men and women frequently have very unstable access to them. Poor people may become landless or dependent on more marginal areas as a result of government redistribution of land, relocation, and the selling of traditionally held lands to commercial enterprises. As well as enabling farmers to access loans by using their land as collateral, tenure security motivates them to invest in their land through soil conservation, fertilisation, and irrigation. However, historically, women have not had access to technological inputs and advice that boost productivity, and some players may mistakenly believe that they are not "farmers" or otherwise engaged in the economy.

Women need to be aware of their new rights when rules governing the use of land and resources change. Agencies must keep in mind that it may be difficult for women to attend public discussions because of the social norms or they may be prevented from travelling due to their family responsibilities. This leads to the lack of information and awareness in women about their rights and responsibilities, for instance the repercussion of such situation can be seen where a conservation initiatives aimed at benefiting local or indigenous communities, such as restoration efforts or payments for environmental services to maintain forests, do not directly benefit women, but rather men, who are predominantly the legal owners of the land and tend to secure such benefits in their favour.

BARRIERS OF GENDER EQUALITY IN ATTAINMENT OF ECOLOGICAL RIGHTS

The persistent inequality between men and women in terms of access to and control over

resources, as well as overt discrimination against women throughout history, are now considered as obstacles to both national and global development agendas. The attainment of gender equality is crucial because it is connected to every other sustainable development objective, including effective governance, respect for human rights, environmental sustainability, and the decrease of poverty. Women's empowerment is promoted as a development objective on the grounds that social justice is a crucial component of human wellbeing and is inherently worthwhile. The grounds that advancing women's empowerment will help to attain sustainable human development. Therefore, ensuring that both men and women are free to achieve their full potential and are able to make choices without constricting gender norms is the goal of evoking national development and its processes. Thus, it follows that if any country is to experience sustainable development, the needs and interests of both men and women must be equally respected and safeguarded.

The only way is by comprehending gender inequalities and removing the particular hurdles can good governance in sustainable environment management be realized. Without doing this, approaches to managing sustainable ecosystems run the risk of escalating gender inequality, which would be detrimental to conservation objectives, community well-being, and human rights. The management of a sustainable ecosystem is hampered by very serious gender inequalities.

- **Gender based violence**

Gender-based violence is widespread around the world. Globally, 1 in 3 women encounter gender-based violence⁶ at some point in their lives, although data from individual countries and contexts suggests that the actual prevalence may be significantly higher. Gender-based violence, which has its roots in discriminatory gender norms, is used to preserve and promote gender inequality through control, subjection, and exploitation. Every element of a survivor's life, from health and wellbeing to public engagement and economic and political empowerment, is negatively affected by gender-based violence in the long run since it violates core human rights.

If sustainable development programs do not take into account local gender dynamics and the drivers of gender-based violence, initiatives may unintentionally exacerbate conditions that contribute to an increase in violence. Addressing gender-based violence across environmental

⁶ https://www.unfpa.org/Cost_of_Ending_Gender-Based_Violence

contexts and sectors is critical for achieving conservation and resilience-focused initiatives and advocacy, as well as human rights and peace and security. It is critical to provide safe civic spaces, raise understanding about rights, and improve institutional protections for women to participate in and defend their rights to environmental resources and land.

- **Gender specific threats are used to silence female environmental leaders.**

Women around the world have demonstrated perseverance and leadership in defending their communities, land, livelihoods, and natural resources for generations. Nonetheless, female environmental defenders face disproportionately high rates of gender-based violence as a result of their involvement. These assaults range from sex-based verbal abuse and harassment to intimidation, exclusion, sexual abuse, and rape. All are intended to stifle their voice and leadership in these initiatives.

ACTIONS TO BRIDGE THE GAP BETWEEN ENVIRONMENT AND GENDER

There is a need to create opportunities to strengthen the link between Gender and Ecological Rights. To enhance the synergies between them following steps could be taken:

- **Take quick, bold, and gender-sensitive action to address environmental disasters**

States must respond to environmental problems immediately and proactively, while also recognising and attempting to alleviate their gendered effects. A human rights-based, gender-responsive strategy will be necessary to effectively address issues like land degradation, the climate emergency, mass extinction, zoonotic diseases, and the pollution crisis. This strategy must account for the crucial but distinct contributions of all genders, particularly women and people with multiple gender identities. Targeting the underlying causes of human rights problems, such as poverty, inequality, discrimination, and marginalisation, will be crucial.

- **Recognize the effects of various intersecting forms of discrimination and take appropriate action.**

The Committee on the Elimination of Discrimination against Women recognized that environmental crises worsen the existing gender inequalities and compound intersecting forms of discrimination, including on a basis of economic or social class; caste, ethnicity, race, religion, or indigeneity; disability; age; migration status; and sexual orientation, gender

identity, or sex characteristics. Those facing such multiple and intersecting forms of discrimination are often disproportionately affected by environmental harms.

The state should take specific actions in form of making laws, policies and practises to encourage the participation and leadership qualities of women who may face intersectional marginalization and discrimination. These actions could involve providing equal access to information, participation, and remedies, making investments in social safety and care systems that take gender into account, as well as empowerment and capacity building.

- **Ensure gender-responsive access to justice and environmental accountability**

According to the ICCPR, States must ensure that no one, regardless of gender, is denied access to justice or legal redress for violations of their human rights. CEDAW article 15 affirms the equal rights of women and girls before the law and in legal proceedings. Regional agreements including the Aarhus Convention and Article 15 of CEDAW affirm that women and girls have equal rights before the law and legal proceedings of the court.

States should remove barriers that prevent people from access to justice in environmental problems, including safeguarding women from reprisal and ensuring affordable or, where appropriate, free access to legal services, aid, and records. They should encourage collaboration between governments and non-governmental groups, particularly those that are crucial in supporting women in getting access to justice.

- **Recognize gender-based violence in the context of environmental crises.**

Environment-related calamities, resource scarcity, and environmental degradation all contribute to migration and breakdowns in social and security structures and an increase in gender-based violence, which is often used to maintain privileges and control over resources. As a means of social and economic coping for families during crises, the prevalence of child, early, and forced marriages may also increase, as well as the dangers of human trafficking.

States should identify environmental risk factors that increase the likelihood of gender-based violence occurring and create policies and programmes to address those risks, including updating pertinent laws to conform to international standards and enhancing access to services for victims of gender-based violence. States should work to offer systems that are private and universally accessible in terms of location, means of payment, and language for anyone

desiring to report instances of violence. States should fund training and awareness-raising programmes on gender-based violence, which include strategies for being attentive to, addressing, and preventing the issue in the context of environmental disasters, to prepare authorities for such occurrences.

- **Ensure that all people, including women, have the right to benefit from science and its applications.**

The ICESCR's Article 15 affirms that everyone has the equal right to benefit from scientific advancement and its uses. States must make sure that everyone has access to the advantages of scientific advancement so that everyone, particularly vulnerable individuals and marginalised groups, can realise a better and more sustainable future. States must collaborate with the private sector and on international levels to recognise and address the needs of women to give them the opportunity to realise the benefits of scientific advancement and its applications. They ought to fund studies that reveal how differences in vulnerability to climate change and environmental degradation are shaped by sexual orientation and gender identity expression.

CONCLUSION

The connection between gender and the environment is complicated, dynamic, and context-dependent. Ecological challenges affect men and women in different ways and according to distinct societal positions. Women are important change agents and are not weak. To achieve gender equality, gender mainstreaming is essential. These improvements to the economy are more towards a positive future. Gender equality is emphasized in international legal documents related to human rights and sustainable development. Now is the moment to take action, to promote gender equality and women's empowerment, and to seize the chances for transformative change so that a change may be achieved to build fair and sustainable communities. The management of natural resources equally by all the genders in communities, the diversification of livelihoods to meet the needs of people, and the support of strategies to enable women to participate equally with men in decision-making regarding the environment and natural resources are a few examples of win-win activities for the environment and gender equality.