

WOMEN TAKING THE LEAD:

Defending Human Rights and the Environment



trócaire

Women Taking the Lead: Defending Human Rights and the Environment is published by Trócaire as part of its programme of Policy, Research and Advocacy

Acknowledgements:

A sincere thank you to all Trócaire partners and human rights defenders who shared their experiences, insights and analysis for this report. Trócaire would like to thank the external and internal reviewers for their valuable inputs on the paper.

FRONT COVER: Yaka Lucia with her baby Rosa in the her Permagarden in Palabek Refugee camp in Uganda. Trócaire supports local partner African Women Rising to grow sustainable permagardens where they can grow nutritious food to help feed their families. Photo: Sarah Fretwell

I INTRODUCTION

“The world has never seen a threat to human rights of this scope.”

*UN High Commissioner on Human Rights, **Michelle Bachelet**, on climate change¹*

“The rise in feminist organising, including to protect land, environment and decent work, has been met with a toxic mix of online abuse, physical attacks, and sexist rhetoric by political leaders around the world.”²

Gender equality, climate justice and corporate accountability are inextricably linked – while climate change and corporate abuses impact women disproportionately and erode gender equality, the role of women as active participants in policy decisions and in implementing the practical solutions to climate change and corporate accountability is key to achievement of development goals, and climate and environmental breakdown.

This decade has been identified as the hottest on record – the scale of action needed to halve global emissions and keep within the 1.5°C limit is unprecedented. The Intergovernmental Panel on Climate Change (IPCC) has stated that climate change will worsen existing poverty and deepen existing inequalities, including gender equality. As the climate crisis unfolds, transnational corporations are taking over huge areas of land in developing countries to generate profits through extractive industries and mega-development projects, often at the expense of human rights and the environment.

The impacts of climate change and corporate abuses of power are detrimental to gender equality – women bear the disproportionate impacts of both, exacerbating and deepening gender inequality. Due to intersecting patriarchal structures of oppression, different women are affected differently due to factors such as age, colour, caste, class, ethnicity, religion, language, literacy, access to economic resources, marital status, sexual orientation, gender identity, ability, residence in a rural location, and migration, indigenous or minority status. For example, women, and particularly women from indigenous communities and in the global south, who have less secure rights to land are the most affected by the pressure on land due to climate disasters and by forced evictions and displacement. Furthermore, women are less likely to be included in decisions about responding to climate change or corporate developments and experience additional barriers in seeking access to effective remedies for business-related human rights abuses.³

Instead of the urgent action that is required to address climate change, states and corporations are acting in the pursuit of profit rather than the fulfilment of the Sustainable Development Goals for all. Indigenous, environmental and land defenders who are resisting these unsustainable actions by corporations and states are facing growing levels of violence and intimidation. Attacks on women human rights defenders have increased every year, with 137 attacks on women related to business and human rights recorded in 2019. Almost half of all of these attacks were against indigenous women and affected rural communities.⁴

Renewable energy projects represent a growing threat to human rights, with 47 documented attacks on human rights defenders in 2019 related to renewables. In addition, human rights defenders are being subjected to undue criminal prosecution and judicial harassment due to their role in protecting the environment, including criminal charges, arbitrary arrests, detentions, and strategic lawsuits brought by companies.⁵ Between 2015 and 2018, 12 carbon majors (active fossil fuel producers that are the largest corporate contributors to greenhouse gas emissions) brought at least 24 lawsuits against 71 environmental and human rights defenders for a total \$904m of damages.⁶

Along with the challenges of attacks, intimidation, smear campaigns, criminalisation and judicial harassment, women human rights defenders are also challenging gender norms and patriarchal systems, which compounds the risk they face. Women are increasingly under attack, not only for what they are challenging but also for who they are.

Gender inequality 25 years on from Beijing

- In 1995, the Beijing Platform for Action marked the largest gathering of gender equality advocates in history. The Beijing Declaration, adopted by 189 governments, committed states to take action in twelve key areas, including in the areas of poverty, power and decision-making, human rights and the environment.⁷
- In the twenty-five years since the adoption of the Beijing Declaration and Platform for Action the progress has varied from country to country. Many parts of the world have experienced some progress, such as increased representation at all levels of the private and public sector, changes to constitutions and laws to empower and protect women, greater economic participation and changes in cultural norms. Yet, in many countries women and girls still are denied their fundamental and basic rights. Despite non-discrimination provisions in the constitutions and laws of many countries, in practice women continue to experience various forms of othering⁸, discrimination, and violence in all spheres of life due to discriminatory social norms, patriarchal power structures and gender stereotypes. A recent World Bank report concluded that the average global score in the Women, Business and the Law index is 74.71, indicating that a typical country gives women only three quarters of the legal rights of men in the measured areas.⁹
- Women account for only 12.8 per cent of agricultural landholders in the world.¹⁰
- Today, women around the world will spend a collective 200 million hours collecting water.¹¹
- Women often bear the brunt of coping with climate-related shocks and stresses or the health effects of indoor and urban pollution, which add to their care burden. As land, forest and water resources are increasingly compromised, privatised or “grabbed” for commercial investment, local communities and indigenous peoples, particularly women, whose livelihoods depend on them, are marginalised and displaced. Globally, women are 14 times more likely than men to die during a disaster¹²
- While women’s representation in decision-making globally has increased, with the percentage of women parliamentarians having more than doubled to 24.3 percent since the 1995 Beijing Platform for Action, men continue to be overrepresented in the majority of parliaments worldwide. It has been estimated that, at the current pace, it will take 99 years until equal representation is reached globally.¹³
- One in three women is likely to experience physical and sexual violence at some point in her lifetime.¹⁴ The economic costs – a reflection of the human and social costs – to the global economy of discriminatory social institutions and violence against women is estimated to be approximately USD 12 trillion annually.¹⁵ Rape of a woman or girl by her husband is expressly legal in at least ten countries.¹⁶
- Most of the 3.9 billion people who are offline are in rural areas, poorer, less educated and tend to be women and girls.¹⁷ About 327 million fewer women than men worldwide have a smartphone and can access mobile Internet.¹⁸

It has been estimated that, at the current pace, it will take 99 years until equal representation is reached globally.¹³

This paper explores how women are disproportionately impacted by climate change and the abuse of human rights by corporations. It recognises that even though women face additional barriers to participation in decisions to solve these issues, they are often at the forefront of tackling climate change and human rights abuses and articulating the need for transformative change. Despite the increasingly challenging and dangerous environment, women continue to organise, speak out and to challenge human rights abuses. Their experiences, views and participation are critical to solving these urgent problems effectively.

The paper explores opportunities for accelerating action on the interlinked issues of gender equality, climate justice and corporate accountability through the examination of policy opportunities drawing on women's experience across Trócaire programmes. Underpinning this analysis is an understanding that women's participation and voice is core to unlocking persistent inequality 25 years after the landmark agreement in Beijing. An intersectional gender lens benefits all people and is central any sustainable response to the challenges we face. This requires supporting and listening to women, to create spaces for participation and promote women's leadership and gender equality as a central tenet to challenging corporate power and addressing climate change at all levels from local to international.

Participation is the key to unlock equality

Women are under-represented and excluded from decision-making roles at all levels – from within their households and communities to political institutions nationally and internationally. Supporting women to participate fully in social, economic, cultural and political life across society is essential to respecting and protecting their inalienable human rights. It also contributes to building stronger economic and social communities through inclusive economic growth, eradicating poverty, achieving internationally agreed goals for development and sustainability, and improving the quality of life for women, men, families and communities.

The International Covenant on Civil and Political Rights defines State obligations with respect to the right to participation. Women's right to participation is explicitly referenced in a number of international agreements and instruments.¹⁹

While women do not represent a homogenous group, they bring their perspectives and experiences to decision-making fora. In turn, decision-making benefits from their knowledge and their inputs, and this changes how issues are prioritised politically. Decision making that takes into account the different needs and capacities of all genders can respond more efficiently and effectively to these needs.²⁰

In a society that stacks the odds against women - politically, economically, and culturally - women's immense courage, resilience, power, and ability to persist is outstanding. On the 25th anniversary of the Beijing Platform for Action, and as we enter the 'Decade of Delivery' of the UN Sustainable Development Goals, we need to re-double efforts at ensuring women's participation in decision-making and ensuring that women are represented equally in the global response to tackling climate and human rights abuses.

This paper is a call to action for governments, in particular the Irish Government which has made gender equality, climate change and good governance priorities in the international development policy *A Better World*, to stand behind, support and enable all women to become empowered, and to ensure gender-sensitive decision making at all levels on the issues affecting women's lives.

Recommendations for prioritising gender-responsive climate action:

We call on Ireland to:

- Increase its current annual climate finance allocations approximately six fold, alongside fulfilment of ODA commitment to deliver 0.7 by 2025, to deliver its fair share of current joint donor climate finance commitments. As a champion of gender equality, climate and good governance, Ireland should scale up finance for climate action interventions dedicated to targeting transformative impacts for women, including funding for grassroots and women's organisations to empower local civil society and to complement the large financing mechanisms.
- Increase its climate finance allocations, bilaterally and multilaterally, in transformative, systems approaches such as agro-ecology which can realise social, economic and environmental dividends, with a focus on women small scale farmers and producers.
- Continue, through Irish Aid, its efforts to strengthen mainstreaming of gender-responsiveness and empowerment of women in its climate action programming, and work to increase its capacity, and the capacity of its partners, to plan, monitor and report against this objective.
- Continue to champion gender equality and women's full participation in action and decision-making as a policy priority in the UNFCCC and within all environmental agreements.
- Lead by example, ensuring that Ireland's national mitigation and adaptation plans are gender responsive and developed with the full and meaningful participation of women, including marginalised women and women living in poverty, and champion this approach within the EU and with bilateral programme country partners.
- Advocate the mandatory inclusion of gender-responsive funding guidelines, gender-disaggregated data to measure how funding is used, and gender audits of funding portfolios, within all UN and non-UN Climate Funds.

We call on the Northern Ireland Executive to:

- Deliver on the commitments made in 'New Decade, New Approach' by urgently bringing forward legislation for a Climate Act. The act should have an integrated all-of-government approach to reducing emissions and ensure the transition to zero carbon is just, orderly and benefits the poorest and marginalised members of society by integrating strong social measures, gender responsiveness and human rights principles and safeguarding mechanisms. Ultimately this act is the best mechanism to ensure Northern Ireland does its part in the UK reaching 'net zero' greenhouse gas emissions by 2045.
 - Urge the UK Government to support and protect environmental human rights defenders, with a focus on women, in relevant international human rights and environmental fora. This includes delivering on its pledge in the guidance on UK Support for Human Rights Defenders to use all routes to create stronger global standards.
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Recommendations for gender responsive respect for human rights by corporations

We call on Ireland to:

- Support the UN binding treaty on business and human rights to regulate the activities of transnational corporations and other business enterprises, which will complement the UN Guiding Principles on Business and Human Rights.
- Play a leading role in the development of a gender transformative UN treaty that will prevent business-related human rights violations, provide protection for women human rights defenders and wider civil society, ensure free, prior and informed consent and provide meaningful access to remedy for women and communities.
- Adopt mandatory gender responsive human rights and environmental due diligence legislation to ensure businesses in Ireland respect human rights across their activities and value chain and to ensure access to remedy for potential victims overseas of human rights abuses by companies in Ireland;
- Implement an effective Irish National Plan on Business and Human Rights, based on a comprehensive gender analysis;
- Ensure the primacy of human rights is provided for and fully implemented in all trade and investment agreements to which Ireland is a party – including periodic ex ante and ex post gender responsive impact assessments of their trade and investment agreements;
- Support EU mandatory human rights and environmental due diligence legislation;
- Explicitly recognise the legitimacy of human rights defenders and publicly support and acknowledge their work, with a particular focus on the participation of women human rights defenders.
- Take immediate, appropriate and effective action in relation to specific attacks on human rights defenders – for example through public statements, diplomatic channels, and support for local organisations working to protect human rights defenders.

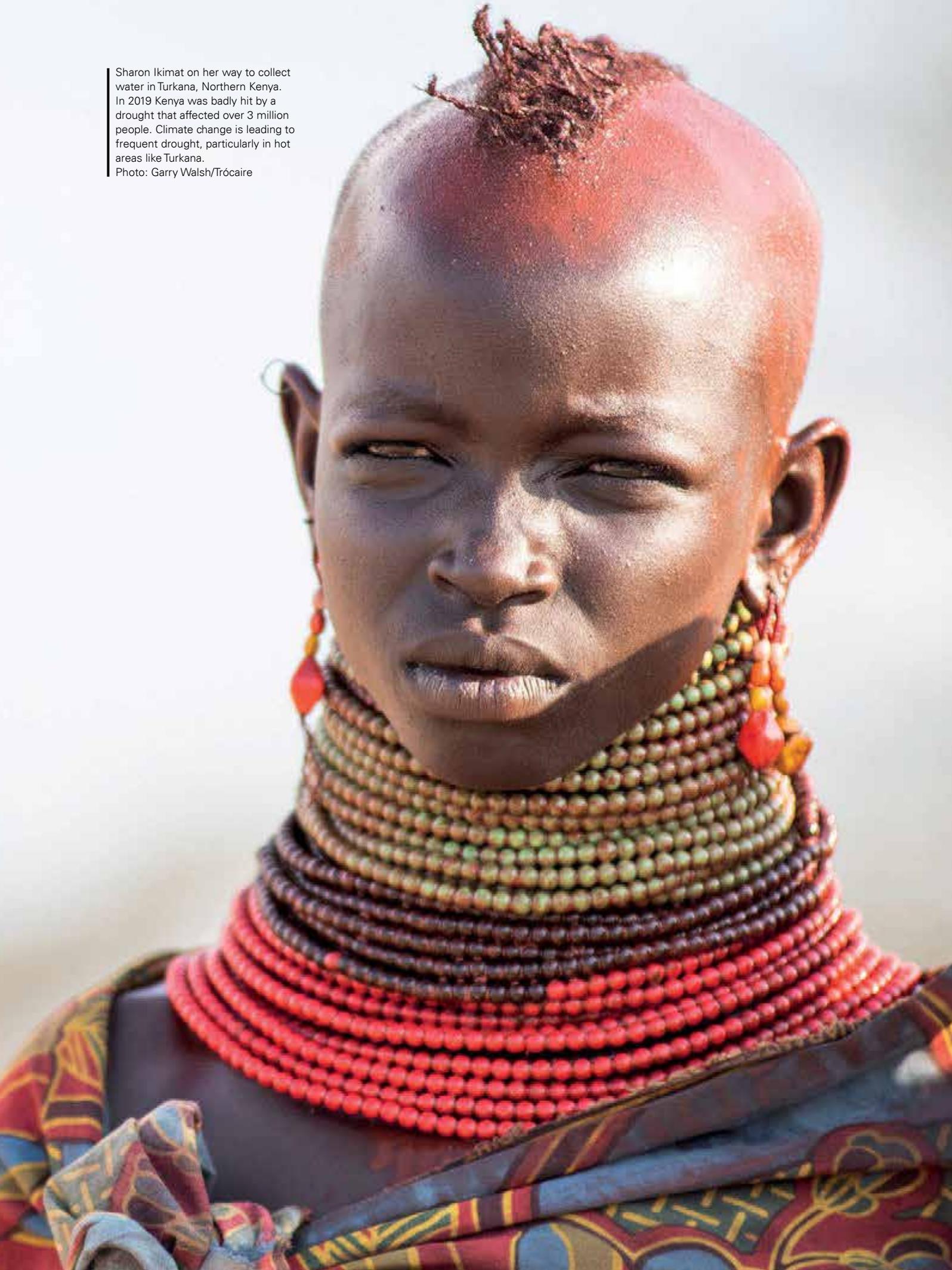
We call on the Northern Ireland Executive to:

- Adopt a National Action Plan on Business and Human Rights for Northern Ireland, based on a comprehensive gender analysis.

We call on the Northern Ireland Executive and Northern Ireland Members of the UK Parliament to:

- Proactively urge the UK Government to support the UN binding treaty on business and human rights to regulate the activities of transnational corporations and other business enterprises, including by ensuring the treaty is gender responsive. This treaty will complement the UN Guiding Principles on Business and Human Rights.
- Proactively urge the UK Government to adopt mandatory, gender responsive human rights and environmental due diligence legislation to ensure businesses in the UK respect human rights across their activities and value chain and to ensure access to remedy for potential overseas victims of human rights abuses by UK based companies.
- Proactively urge the UK Government to take immediate, appropriate and effective action in relation to specific attacks on human rights defenders – for example through public statements, diplomatic channels, and support for local organisations working to protect human rights defenders. This includes delivering on its pledge, in the guidance on UK Support for Human Rights Defenders, to use all routes to create stronger global standards.²¹

Sharon Ikimat on her way to collect water in Turkana, Northern Kenya. In 2019 Kenya was badly hit by a drought that affected over 3 million people. Climate change is leading to frequent drought, particularly in hot areas like Turkana.
Photo: Garry Walsh/Trócaire



WOMEN AT THE FOREFRONT OF CLIMATE CHANGE IMPACTS AND ACTION

“Climate change... will worsen existing poverty and exacerbate inequalities, especially for those disadvantaged by gender, age, race, class, caste, indigeneity and ability.”

Intergovernmental Panel on Climate Change²²

The past decade was the hottest on record. The number of people displaced by sudden onset climate and weather-related disasters averaged 22.5 million persons per year over the last decade. Global hunger is on the increase after a decade of steady decline, with climate change a key driver. In Southern Africa alone, 45 million people are food insecure in 2020 as a result of climate change, the cumulative effects of recurrent widespread drought. This is all at today's level of warming of 1°C above pre-industrial levels.

In 2018 the Intergovernmental Panel on Climate Change (IPCC) issued its starkest warning yet, highlighting that rapid, far reaching changes, unprecedented in scale, are required in order to halve global emissions within this decade if the international community is to avoid overshooting the 1.5°C limit and precipitating catastrophic direct and indirect impacts. The Report concludes that further warming ‘will worsen existing poverty and exacerbate inequalities, especially for those disadvantaged by gender, age, race, class, caste, indigeneity and ability.’

In his Report on Climate Change and Poverty in 2019, the UN Special Rapporteur on Extreme Poverty and Human Rights, Philip Alston, highlighted the profound inequality in which developing countries would bear an estimated 75% of the cost of the climate crisis, despite the fact that the poorest half of the world's population, mainly residing in these countries, are responsible for just 10% of historical carbon emissions²³.

Diverse factors, such as social status, gender, poverty level, access to resources and discrimination affect an individual's capacity to adapt to the direct and indirect impacts of climate change, and their capacity to participate in and influence how climate change policy and actions are developed and implemented.

Globally women face patriarchal structural inequality and systemic discrimination as well as social, economic and political barriers that limit their ability to adapt and to influence in relation to climate change. The same factors result in women being more vulnerable to the direct and indirect impacts of climate change. One study, which collated data and case studies from over 1000 sources documented extensive direct links between environmental pressures and gender-based violence.²⁴ Climate change will exacerbate and entrench existing gender based inequalities, unless policies, laws, norms and practices, and finance flows are addressed to ensure climate action instead furthers the gender equality and women's empowerment agenda. At the heart of this is women's participation in decision making.

This chapter explores the factors behind the disproportionate impacts of climate change on women living in poverty in poor countries and the importance of enabling and empowering women in climate action. It looks at how consideration of gender and women's empowerment in climate action has evolved in international policy and practice and concludes with recommendations for improving them.

Climate Change Risks and Impacts

“There is enough clear evidence to suggest that climate change is increasing gender-based violence. As environmental degradation and stress on ecosystems increases, that in turn creates scarcity and stress for people, and the evidence shows that, where environmental pressures increase, gender-based violence increases.”

Cate Owren, lead author of IUCN report on climate change and gender-based violence²⁵

In its 2018 Special Report focusing on global warming at 1.5°C and the implications for poverty and sustainable development, the IPCC increased the projected risk level associated with key climate impacts, highlighting that impacts are now projected to be worse than previously thought.²⁶ Even keeping warming below 1.5°C, five-hundred million people may still be exposed and vulnerable to water stress, 36 million people could see lower crop yields, and up to 4.5 billion people could be exposed to heat waves.

According to the landmark report in 2019 by the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES), the diversity within species, between species and of ecosystems (biodiversity) is declining faster than at any time in human history, with more species threatened with global extinction now than ever before as a result of human actions. The Report warned that areas of the world projected to experience significant negative effects from global changes in climate, biodiversity, ecosystem functions and nature’s contributions to people, are also home to large concentrations of indigenous peoples and many of the world’s poorest communities.

Warming of 1.5°C is not considered ‘safe’ for most nations, communities, ecosystems and sectors and poses significant risks to natural and human systems.

The impacts of 1.5°C of warming would disproportionately affect disadvantaged and vulnerable populations through food insecurity, higher food prices, income losses, lost livelihood opportunities, adverse health impacts and population displacements.

Climate change could lead to significant impacts on extreme poverty by 2030. The IPCC 1.5°C report concluded, with very high confidence, that climate change and climate variability worsen existing poverty and exacerbate inequalities, especially for those who face inequality on the basis of gender, age, race, class, caste, indigeneity and persons with additional needs.

In the Paris Agreement adopted in 2015 Governments signed up to hold warming to ‘well below’ 2°C, and to pursue policies in line with the lower target of 1.5°C. However, at current rates of action the average global surface temperature is set to increase to warm to more than 3°C above pre-industrial levels. Deep social and economic transformation is urgently needed if climate catastrophe is to be averted. Global emissions need to drop by 55% before 2030, and this will require rapid, deep decarbonisation, averaging global reductions of 7.6% per annum for the next decade.²⁷

Importantly, alongside their message of urgency, both the IPCC and the IPBES reports emphasised that *the way* in which the transition is managed will have significant implications. Scaled up action could achieve significant synergies with the SDGs, or it could result in significant trade-offs with them. Trócaire’s experience on the ground has shown us how such trade-offs can manifest in the absence of human rights based approaches. In our long-term development and humanitarian response we have also seen how existing norms and gender based discrimination result in women being disproportionately impacted by climate change impacts, and simultaneously hindered from shaping the response.

How discrimination against women exacerbates their vulnerability to climate change

People living in poverty are more vulnerable to the impacts of climate change because they tend to live in vulnerable structures in exposed areas, have less assets and are more likely to be directly dependent on

threatened natural resources for their food and income. They are also likely to have less influence on how decisions are made in preparing for and responding to the impacts of climate change. Multiple, intersecting forms of discrimination are experienced by people based on their socio-economic status, their ethnicity, ability, migrant or refugee status.

The entrenched stereotypes, systemic discrimination and multiple barriers faced by women within all groups and socio-economic conditions, affect their capacity to respond to climate impacts and prepare for future changes as compared to their male counterparts, often with devastating consequences. For example, an International Union for Conservation of Nature (IUCN) report on climate change gender-based violence highlights the increased risk of young girls to early marriage as a result of climate pressures, and an increase of 20-30% in human trafficking as a result of environmental disasters.²⁸

Case Study: Madris Nginya, Kenya

“It is very important that I’m strong, because that’s how I can take good care of my family”. *Madris Nginya, Kenya*

Madris Nginya is a farmer, and heads a single parent household of six in the Eastern Region of Kenya. Madris has been supported by Trócaire’s local partner, Ishiara parish. She has received chickens, and has been taught new methods of farming, how to harvest rainwater and how to prevent livestock diseases. She has been supported to join a savings and loans group which enables her to receive an additional income during the dry months, and to get support and help from other women.



Madris Nginya. Photo: Garry Moore

Despite the challenges they face, she holds her family together, even if this means carrying containers of water on her back for hours on end every day. Despite a changing climate, she finds new sources of income to support the family, even if this means long hours away from her children. Kenya itself is an unequal country. It is transforming rapidly, with high levels of economic growth. It achieved the status of a ‘middle income country’ in 2014. However this masks significant social and economic inequality.

Over one third of Kenyans live below the poverty line, and 80% of the country is either arid or semi-arid. Chronic malnutrition rates among children aged 6-59 months stands at 26%. Despite some economic growth, many are clearly being left behind. The failure of two seasons of rains put between one and two million people in need of assistance over the dry summer months of 2019.

She says that “last year I harvested 70kg [of mung beans], and this year I harvested only 5kg which is not enough.” The 5kg she harvested only lasted her a month. Her maize crop failed and she sold the dry remains to cattle farmers to feed their cows. She only made enough from that sale to support her family for one day.

Water is absolutely essential for Madris and her family to survive, as well as to keep her goats and chickens alive. Madris gets clean water from a local river, but it is a three hour round-trip to walk there and back. In the past, she was able to sell her crops and get money to hire a donkey to fetch water. However, with the failed rains she cannot afford this. So now she has to carry barrels of water on her back, using a strap around her forehead.

“I feel very tired fetching water on my back, and then even it’s not enough.” With the donkey she could carry five containers of water, but on her back she can only bring one. This means she needs to go every day to fetch water. Sometimes, however they do run out of food and this affects Madris. “I feel very bad when my children don’t eat because they cry a lot, and they don’t play with the football when they are hungry”.

Madris gets up at 5am and doesn’t get to bed until 11. For Madris, her favourite time of the day is the evening. “I love the evening, because I have time to talk to my children” She says that “after cooking, I get some rest, I sit with my children to talk and discuss before they go to sleep.” They often play games together and sing songs as a family.

Disasters resulting from climate change are estimated to kill 14 times more women and girls than men and boys.²⁹ During disasters and extreme events women are at more risk of mortality.³⁰ Women are often the first to skip meals or reduce consumption during times of scarcity. Humanitarian aid or post-disaster programmes can target presumed male 'head of household', risking that female headed households experience greater difficulty in accessing supports which can be further complicated in the case of polygamous relationships or marriages.

Women and girls forced to flee their homes, whether because of climate shocks or stressors, or because of wars or natural disasters face a double threat. The risk of violence increases both because of their gender and because they are uprooted from normal protective social support networks and public services.³¹ According to UN Women, more than 70 percent of women in crisis situations have experienced some form of gender-based violence.

The Irish Research Council (IRC) estimates that 14 million refugees and displaced women and girls were subjected to sexual violence in 2019.³² During such events, women and girls are frequently subjected to increased intimidation, gender-based violence, sexual harassment and rape, cultural practices like child marriage,³³ and are more vulnerable to organised criminal traffickers as a result of communities being scattered, and protective patterns in families and society become disrupted, a pattern of exploitation known from armed conflicts and displacement.³⁴ The increase of negative coping mechanism in response to climate disasters was cited both during and after Cyclone Idai. Transactional sex was used as a key means to access food and supplies. This highlights the need for increased emphasis on protection issues before, during and after crises.³⁵

Whether pre or post disaster, supporting women to become more resilient to climate change impacts is also significantly affected by gender-based norms and discrimination. Limited or inequitable access to finance and services, education, information and technology, secure land tenure and autonomy all result in women being more vulnerable to shocks and stressors.⁽ⁱ⁾

Some regions have already experienced a 1.5°C warming, with negative impacts on food and water security, and health.³⁶ Based on existing norms, women bear the major responsibility for both reproductive work and agricultural and labour. Despite this, agricultural policies are often gender blind, failing to respond to the barriers faced by the majority of those producing the food. Women's disproportionate dependence on threatened natural resources for food, water and fuel collection mean they are increasingly vulnerable when these resources are affected by changing conditions,³⁷ including protracted drought, severe storms and flooding, deforestation and soil degradation.³⁸ For example in Kenya, during times of drought, some women spend up to eight hours a day finding water.³⁹ The increasing burden of water collection reduces time for education and income generation. The increased physical and time burden to cope with the impacts of today has a knock on effect, reducing the capacity to explore new strategies to build resilience for the future. Less access to or influence in decision-making at all levels undermines the ability of women to seek to change discriminatory norms, policies, laws and practices.

Human rights related risks and opportunities in responding to climate change

There is a critical tension between acting to address the climate and environmental crisis and social and economic progress – there is a major risk that responses to these crises are implemented in ways that increase inequality, particularly gender inequality and poverty. Equally, there are major opportunities to approach climate and environmental measures in ways that exploit synergies between environmental, social and economic goals, achieving win-wins. Both the IPCC Special Report of 2018 and the report of the IPBES in 2019 looked at these inter-relationships. They found significant synergies between climate change action, in particular that ecosystem and community-based adaptation were found to align well with achieving SDG 5 on Gender Equality, SDG 10 on Reducing Inequalities, and SDG 16 on Inclusive Societies.

Climate action can result in negative impacts on gender inequality, poverty and human rights where the mitigation or adaptation measure is not appropriately tailored. The IPCC highlight the need for systems perspectives to integrate adaptation and mitigation and complementary policies to resolve potential trade-offs. Social protection systems are one such complementary policy to ensure the most vulnerable are not adversely affected by climate action measures. The adoption and implementation of human rights-based approaches and safeguards is another such measure that is essential to ensure the significant increase in the speed and scale of policy and investment roll out, do not result in an escalation of human rights violations.

Experiences with the Clean Development Mechanism (CDM) under the Kyoto Protocol demonstrates how instruments and policies to incentivise and facilitate private sector investment in delivering climate action can result in negative human rights outcomes when human rights and human rights accountability are not embedded in corporate practice. For example a CDM project was approved in the Aguán Valley for a project that optimises the wastewater treatment system of the palm oil mill from the plantations that are at the centre of evictions and killings of indigenous community members.

The scale of the transition required poses profound challenges for sustainable management of multiple demands on land, including for human settlements, food, livestock feed, fibre, bioenergy, carbon storage, biodiversity and other ecosystem services. The impacts upon land and land-use arising from the global response to climate change will exert significant pressure on land and human rights, increasing the risks to women human and environmental rights defenders, who are leading community mobilisation against the odds.

Case Study: Without effective safeguards and corporate regulation the transition to renewable energy can violate human rights.

While the climate crisis poses a major threat to the land and living conditions of the world's poorest, additional demands on land in the context of a transition to renewable energy is a growing concern.

Large hydropower projects have resulted in large-scale displacement and human rights violations against local communities⁴⁰ and 13% of attacks on human rights defenders documented by the business and human rights resource centre in 2018 related to renewable energy.⁴¹ Berta Cáceres, a winner of the Goldman prize for environmental defenders, was murdered late at night on 2 March 2016 – two days before her 45th birthday – after a long battle to stop construction of an internationally financed hydroelectric dam on the Gualcarque River. The hydro dam was planned to be constructed in the River Gualcarque, located in the land of the Lenca, Honduras' largest indigenous group. The river is sacred to the indigenous community and plays an essential role in agriculture, fishing, the use of water for domestic and recreational activities, as well as being important to the culture and beliefs of the Lenca people. It is believed that the river holds the spirits of their ancestors.

In November 2018, the court ruled the murder was ordered by executives of the Agua Zarca dam company, Desa, because of delays and financial losses linked to protests led by Cáceres. Cáceres, the coordinator of the Civic Council of Popular and Indigenous Organizations of Honduras (COPINH), was best known for defending indigenous territory and natural resources, but she was also a respected political analyst, women's rights defender and anti-capitalist campaigner. Those who masterminded her murder have still not been brought to justice and the license for the dam has not been revoked.



Berta Cáceres was killed in her home in March 2016. She co-founded COPINH and was an outspoken champion of the rights of indigenous people.
Photo: Garry Walsh

Case Study

Dollas Njeru Kathiga lives with her husband and children in Embu County, Kenya. They depend on their two acre farm for meeting their food and income needs. In the face of increasingly challenging climatic growing conditions, dependence on expensive external inputs including seeds and chemical fertiliser has eroded their farming income over time.

In 2017, Dollas participated in a Community Resilience and Climate Change Adaptation project. The project involved training sessions on agroecology and visits to a demonstration farm.

Dollas shared the details of each training with her husband Stanley and together they implemented a range of new techniques including sunken and raised beds, compost manure and food forestry on their own farm. Changes were quickly observed. The greater diversity of crops grown, including maize, sorghum, millet and vegetables (such as kales and spinach) provided the household with improved nutrition. The use of Zai pits has also increased farm yields while notable savings from the phasing out of external inputs has further contributed to boosting household income. They now plan to develop a number of water pans that will provide irrigation water when there are long dry periods.

Dollas says she now feels more involved in decision making regarding household farming initiatives and other household decisions. They hope to continue this journey and see their farm prosper into the future.



Dollas monitoring her crops' progress. Photo: Margaret Wanjiku

Gender Responsive Climate Action and Women's Participation in Climate Change Decision-making

The pursuit of inclusive and socially acceptable scaled up action on climate change will be challenging but is essential. It will demand deliberation and negotiation to forge new societal values, to determine what is desirable and fair and how risks should be managed. The IPCC has highlighted that ensuring positive outcomes for both climate action and the SDGs will require inclusive, participatory and deliberative processes that facilitate equitable transformation.

Overcoming entrenched gender inequalities will require gender-responsive action, including in particular, significant attention to and investment in empowering women to participate at all levels in decision-making. Ensuring women's participation is to respect, protect and promote women's human rights, enshrined in States' legal obligations under UN Human Rights Treaties. Beyond this, it is essential to effective, inclusive and sustainable outcomes.

Given that women in many low to middle income countries spend an estimated 85-90 percent of their time on food production, processing, preparation and nutrition security across various countries,⁴² they hold valuable knowledge, skills and insights in these areas. In many contexts, women, including in particular indigenous women, are closely connected to the environment and natural resources⁴³ and as a result hold key knowledge and skills needed to tackle biodiversity, Natural Resource Management, climate change and other environmental challenges while producing sufficient and nutritious food sustainably.⁴⁴

Women have been key agents in implementing sustainable approaches to agricultural production, including agroecological approaches that are accessible in terms of cost effectiveness, and have the potential to enable women to draw on their existing expertise (particularly related to seed conservation, plant and biodiversity expertise).⁴⁵ Such approaches can create meaningful and diverse work, requiring specialised skills and knowledge often held by women.⁴⁶

Women Leading Against the Odds

Women are passionate about increasing resilience to the impacts of climate change and can pass on green values to the next generations. Women's participation in decision-making in climate change adaptation and mitigation at all levels must be enhanced as well as ensuring gender-sensitivity in related policies and programmes."

Cecilia Muthoni Kibe, Kenya Climate Justice Women Champions speaking to Trócaire in 2012

Across the world, in spite of multiple barriers, women are leading in the design and implementation of actions to fight for natural resource and land rights, and addressing environmental degradation and climate change impacts at local levels.⁴⁷ The Huairou Commission reported that 'living and working in areas of poverty and marginalized from decision-making processes, women have been addressing water and sanitation issues, upgrading infrastructure, and seeking sustainable energy resources because conditions of the built environment directly affect their ability to improve their lives and their families.'⁴⁸ The role of women in embedding change and bringing it to scale, is essential. It is equally important that women are also represented in leadership roles addressing strategic gender needs that are related to climate action at parliamentary and international level so that these issues are addressed in all spheres.

Women led groups and civil society organisations play an important role in promoting the participation of women and advocating for gender perspectives. In a comparative study of 70 countries over 40 years, the role of independent feminist organisations was recognised as the most critical factor in the implementation of gender equality policies and in advancing women's rights.⁴⁹

Case Study: From struggling farmer to empowered climate justice activist

Linda Shuwali (29) knows first-hand the damage caused by climate change. As a subsistence farmer⁴⁹ in southern Malawi, she was finding it harder each year to produce the food she needed. Gone were the predictable weather patterns, replaced by erratic extremes - prolonged droughts that starved the soil of moisture, followed by intense floods and storms, including Cyclone Idai in March 2019.

As a farmer relying on rain-fed agriculture to produce maize, groundnuts, sweet potatoes, pigeon peas and cassava, Linda was struggling to provide food for her family. The worsening climate was making life more difficult in a region where extreme poverty is already a daily reality for many. Over 80 per cent of Malawi's 17.5 million population are farmers who rely on rain to grow crops.



Linda in front of her maize crop. Photo: CADECOM

As head of a single parent household, Linda was particularly vulnerable. She says that women are more at risk from climate change due to having less power and influence in their communities. "I feel that women are more at risk to exploitation when it comes to climate change," she says. "This is because culturally we are meant to be dependent on men. When times are hard, women can resort to transactional sex to get the needed help from men who are in authority."

With the support of Irish Aid, Trócaire partners with local organisation CADECOM to help give farmers in the region the training and tools they need to continue to grow food in the face of climate change.

Linda joined the Trócaire-funded project in 2017. As well as vital support to grow different crops, which has allowed her to increase her income by selling surplus crops, she has also taken-on leadership positions in her community to advocate for more support. She has met with local members of parliament and officials to secure support for farmers facing the challenges of climate change.

Her advocacy is securing real benefits for the community. The local government has committed to building disaster evacuation centres in her area to protect people when floods or storms hit. There has also been an improvement in irrigation facilities and more people are accessing savings and loan schemes. "I now have confidence that my voice can be heard," she says. "I want to be the voice for the voiceless in my community. I want people with power to know what is happening in our area and what the communities want from them."

Leadership positions are still dominated by men, but Linda is helping to break the mould. She says that most women in her community lack confidence, but she believes women should take the lead in advocating for climate action since they are worst affected by its impacts.

I hope for a world where everyone has enough food all over the world despite climate change, and a world where women are recognised, supported and given opportunities just as men

How climate policy and practice has evolved on women's participation

In 2012, twenty years after the United Nations Framework Convention on Climate Change (UNFCCC) was adopted, governments adopted a decision on gender balance and the representation of women. Up until that moment, the Convention had been gender blind. Work on women's representation in climate decision-making and gender responsive action gradually began to grow thanks to the tireless efforts of women's rights groups from across the world.⁽⁶⁾

In 2016, States adopted a decision recognizing the value of the participation of grass-roots women in gender-responsive climate action at all levels, thanks in no small part to the leadership of former President of Ireland Mary Robinson and her foundation, Mary Robinson Foundation – Climate Justice. A year later parties adopted a Climate Change Gender Action Plan, co-facilitated by Ireland and Kenya, to guide ongoing work on gender-responsive approaches to climate change. The Gender Action Plan is aimed specifically at ensuring that women can participate in and influence climate change decisions, and ensuring their equal representation in all of the work of the UNFCCC. In addition to representation and participation, the Plan aims to improve monitoring and reporting on gender-related matters under the UNFCCC.

In the SDG framework, Goal 13 explicitly calls upon Member States to “promote mechanisms for raising capacity for effective climate change-related planning and management... including focusing on women”. General recommendations of the Committee on the Elimination of Racial Discrimination (CERD) in recent years have also provided substantive guidance on gender responsive action and women's empowerment in climate action.

In General Recommendation No. 37 in 2018 for example, CERD notes the urgency of mitigating climate change, and emphasises that climate change action should provide for women's full and effective participation, advancing substantive gender equality and women's empowerment. It identifies general principles of the CERD related to disaster risk reduction and climate change: non-discrimination and substantive representation; participation and empowerment; and accountability and access to justice, recommending the allocation of adequate resources to build women's leadership capacities, and a gender impact analysis of current laws to assess their effect on women as regards disaster risk and climate change, and collection and assessment of disaggregated data.

The work under the UNFCCC and the CERD committee, informed by the work of women's groups and organisations from across the world, highlights the need for a comprehensive approach, from quotas and statistics, to capacity building, due diligence and safeguards, in order to institutionalise globally, from the grassroots to the highest levels of decision-making, gender responsiveness and women's empowerment climate and environmental action.

Finance flows: critical to support climate action and shaping whether action will eradicate or inadvertently exacerbate inequality

Providing adequate and predictable finance for climate action in developing countries is essential to ensure global climate goals are met, both reducing emissions, and ensuring adaptation takes place. The provision of adequate international climate finance is a commitment and obligation of donors under the UNFCCC and multiple agreements adopted under it, including the Paris Agreement. Sufficient public finance for action for adaptation and poverty focused mitigation in the poorest countries is essential if the transition is to reduce rather than intensify existing inequalities and vulnerabilities.

Currently the level of climate finance flowing internationally is inadequate compared to the level of need. Within current flows, the poorest countries and adaptation are losing out. The focus by many donor countries, including the EU, on the mobilisation of private finance is crowding out attention to the mobilisation of increased public finance. Sufficient public climate finance is essential for many of the interventions that will be needed to ensure climate action is poverty, human rights and equality focused, and poverty, human rights and equality proofed where needed. Such programmes may not involve profit for outside investors. It is critical that objectives, outcomes and process are not skewed away from the central social impact objectives.

Case Study: Kenya Climate Justice Women Champions

In 2009 Trócaire supported the establishment of the Kenya Climate Change Working Group, a forum to bring together a cross section of stakeholders from civil society, government, parliamentarians and non-governmental organisation (NGO) partners. Among the group's primary objectives was a legislative framework for climate action in Kenya and national policies that support climate justice for all. The working group drew up a draft climate bill and prepared a popular version to share with the wider public. Members of the Group then travelled across the country to explain the bill to local communities and engaged throughout the legislative process and policy development that followed.



Cecilia Kibe (second from left) pictured with Mary Robinson in 2012, not long after she visited Ireland. Photo: MRFCJ

A leading advocate in the group was the Kenya Climate Justice Women Champions that connected women in Kenya from the grassroots to the national level, all the way to the UN climate negotiations. Trócaire invited Cecilia Kibe, the Executive Director of Kenya Climate Justice Women Champions, to come to Ireland, to share her experiences in participating in the development of national climate legislation. While in Ireland Cecilia met with Mary Robinson at the Mary Robinson Foundation for Climate Justice, and went on to become an active contributor to the Foundation's work at international levels to promote women's leadership in climate action and decision making.

Climate Finance Delivering for Women

Climate action measures and investments can tackle gender inequalities that result in women being more vulnerable to the impacts, resulting in a double dividend of more effective action on adaptation and mitigation, while furthering social development and human rights outcomes. Without explicit inclusion of gender equality and women's empowerment objectives it is likely that these transformative opportunities will be missed. In addition to mainstreaming these objectives, sufficient climate finance should be channelled toward projects that focus explicitly on directly supporting and empowering women to take climate action at all levels.

Effective mainstreaming and the development of relevant, effective and sustainable women focused interventions requires the full and meaningful participation of women in their design, implementation and review. Addressing legal and normative frameworks that act as barriers to women participating in climate action will need to be addressed as part of this. This can directly support the increased resilience of women and the communities they live in to the impacts of climate change.⁽ⁱ⁾

According to OECD data on climate finance gross annual disbursements for climate finance projects, including mitigation and adaptation, two thirds of bilateral climate finance project disbursements in 2017 had no gender equality objectives. Blended finance, a favoured approach of donors with the aim of mobilising private finance flows, has a poor record on gender-responsiveness. For example, an independent evaluation of seven EU blending facilities, found 'gender was rarely targeted', even in sectors such as financial inclusion where considerable gender inequalities are known to exist.⁵⁰

Multilateral climate funds have started to incorporate gender concerns. The Adaptation Fund adopted a Gender Policy and Action Plan in 2016, encouraging project and programme proposals to consider gender-specific impacts and ensure that women are adequately consulted, amongst other measures.⁵¹ The Global Environment Facility (GEF) adopted a Gender Equality Action Plan in 2014, with a “roadmap” for gender mainstreaming in the period to 2018.⁵² The Green Climate Fund (GCF) has also adopted a Gender Policy and Action Plan, which includes asking funding proposals to include gender planning documents, as well as requiring funded activities to measure their results using sex-disaggregated data. The GCF also employs a gender specialist in its Secretariat.

Progress has not been uniform, however. Measures to renew and update the GCF gender policy were blocked by a handful of countries represented on the Fund’s Board in March 2018, with Saudi Arabia suggesting that implementation of the policy be subject to ‘individual country circumstances.’

Other multilateral funds, including the Least Developed Countries Fund (LDCF), have made slower progress in ensuring gender equity in their approach.⁵³ As the LDCF is managed by the GEF, it has (at least) to adhere to broader GEF gender policies. The most recent evaluation by the GEF’s Independent Evaluation Office shows some improvements, although it also notes that “gender mainstreaming” requirements were acted on inconsistently.⁵⁴ As of 2016, a majority of GEF projects still lacked a means to assess the gender implications of planned actions.⁵⁵

Climate funds (and funding providers) could learn from the best practices in other fields of development finance. The Global Fund to Fight Aids, Tuberculosis and Malaria (Global Fund), for example, supports its gender policy and action plan with a team of several full time gender advisors, including ‘gender experts on the monitoring, evaluation, legal advisory and civil society outreach teams.’⁵⁶ Gender-responsive funding guidelines, gender-disaggregated data to measure how funding is used, and gender audits of funding portfolios are amongst the key principles that could be adopted to improve gender-responsiveness.⁵⁷

In addition, mandatory human rights and environmental due diligence legislation at all relevant levels are essential to ensure the full range of increased global public and private investment flows do not result in increased human rights violations. Such mandatory due diligence measures need to be gender responsive to take into account the specific experiences and barriers to accessing justice experienced by women human rights defenders, which are explored in more detail in the next chapter of this report.

With the Paris Agreement in force as of 2020 renewed emphasis is needed on the adequacy and quality of climate finance. Ensuring sufficient public finance is available for adaptation, that sufficient finance across adaptation and mitigation goes to poverty and equality focused interventions and ensuring climate finance is new and additional to existing Official Development Assistance (ODA) commitments and flows, is essential. To ensure women are not left behind, to harness their potential as leaders for contributing to more effective and fairer social and environmental outcomes, and to empower existing and potential women climate leaders, a significant increase in policy, practice and investment in women in climate action is needed.



Community members from San Pedro Ayampuc & San Jose del Golfo, peacefully protesting against the El Tambor gold mine. Photo: Daniele Volpe.

WOMEN CHALLENGING CORPORATE POWER

“[t]he human rights impact of economic activities that disregard people, are not neutral. They are not benign and they are not distributed equally. Business related human rights abuses impact different groups of people and rights-holders differently, and some disproportionately.”

Kate Gilmore, UN Deputy High Commissioner for Human Rights⁵⁸

The abuse of human rights in the pursuit of profit by the world’s most powerful entities is a critical injustice. Communities seeking to resist the actions of corporations and complicit states are facing growing levels of violence and intimidation, with indigenous, environmental and land defenders at extreme risk. Business-related human rights abuses impact women in distinctive, intersectional and often disproportionate ways. For example, indigenous women, who often have less formal rights to land, are vulnerable to eviction and dispossession to make way for large-scale development projects.⁵⁹ Women are less likely to be included in decisions about corporate developments and experience additional barriers in seeking access to effective remedies for business-related human rights abuses.⁶⁰

In response, women human rights defenders across the world are standing up to challenge corporate and state power and are demanding a gender transformative response to corporate human rights abuses. However, in the face of these powerful interests, those who oppose projects relating to extractive industries, agribusiness, infrastructure, hydroelectric dams and logging are facing brutal consequences, such as killings, attacks, sexual violence, smear campaigns, criminalisation and repression.⁶¹ Along with challenging corporate and state power, women are also challenging gender norms and patriarchal systems, which compounds the risk they face. Women are increasingly under attack, not only for what they are challenging but also for who they are.

The adverse human rights impacts of corporate related activities reinforce and exacerbate existing intersecting structural inequalities, including along the lines of gender and ethnicity. Despite the negative human rights impacts that corporations can have, there is a major gap in the regulation of corporate activities by states and in access to remedy for victims of human rights violations.

There is no binding international legal framework to establish the liability of transnational corporations with respect to human rights and the environment, and stronger regulation is needed internationally and nationally to provide a legal framework to ensure justice for affected communities. Such legislation must be underpinned by a gender analysis, taking into account the structural discrimination faced by differently situated women, so that the specific harms and challenges that they face can be addressed.

The impact of corporate activities on women

The UN Working Group on the issue of human rights and transnational corporations and other business enterprises (Working Group on Business and Human Rights) notes that women experience adverse impacts of business activities differently and disproportionately. Due to intersecting structures of oppression, different women may be affected differently by business activities in view of their age, colour, caste, class, ethnicity, religion, language, literacy, access to economic resources, marital status, sexual orientation, gender identity, ability, residence in a rural location, and migration, indigenous or minority status.⁶²

The adverse business-related human rights impacts documented by the Working Group on Business and Human Rights include the impacts of the exploitation of natural resources, discrimination in the workplace, tax evasion, austerity measures and the privatisation of public services, all of which have a gendered impact. For example, women are over-represented in precarious work with poor working conditions and are vulnerable to

exploitation and abuse, including sexual abuse. Sexual violence by security guards in the extractive industry is identified as an endemic problem.⁶³

The gendered impact of business-related activities has a devastating impact in the communities in which Trócaire works. Trócaire partners have reported the displacement of communities, violent evictions, and the pollution of land, the destruction of livelihoods and attacks and harassment of women human rights defenders. Corporate related activities are diminishing access to land and water, vital for growing food, shelter and a whole range of interdependent human rights, including access to education and health.

While the majority of indigenous defenders facing criminalisation are men, women bear the brunt of their absence, including increased risk of sexual violence for women who are isolated by the death, exile or imprisonment of male partners, whilst simultaneously managing caring roles and securing resources to sustain families.⁶⁴ These abuses are pushing communities into poverty and positions of vulnerability, with a detrimental impact on gender equality.

Land and displacement

Transnational corporations, investors, and private individuals are acquiring large areas of land, particularly in developing countries, to extract profitable resources — including commodity crops, timber, minerals, and fossil fuels, at the expense of livelihoods, human rights and the environment. Communal resources, particularly those of indigenous peoples, such as land, rivers and forests are under threat from polluting industries, deforestation and hydro-electric projects.

Women, and particularly indigenous and ethnic minority women, are more vulnerable to displacement and dispossession in the context of large-scale land acquisition by private companies as they are more likely to lack security of tenure. Women experience land tenure insecurity due to direct and indirect discriminatory laws and practices at the national, community and family level including land and property deprivation by kin or state.⁶⁵ Land reform programmes often target the household, or assign ownership to the “head of household” most frequently defined as a man.⁶⁶ Indigenous women and women living on communal lands face additional and intersecting barriers to land security. It is estimated that as much as 65% of the world’s land is held through customary or community based tenure systems. However, national governments only recognise formal, legal rights of indigenous peoples and local communities to a fraction of these lands.⁶⁷ Up to half of major land deals documented since 2000 have involved land claimed by indigenous peoples and communities and have largely occurred without their consent.⁶⁸

Furthermore, when land is acquired for infrastructure and mining projects, or to build a dam, women dependent on such land for their livelihoods or subsistence are rarely consulted or involved specifically in the decision-making processes, despite the international standard of Free, Prior and Informed Consent.⁶⁹ In addition to the risks of displacement and dispossession faced by women, the consequences also have a disproportionate impact on women, who often carry the additional responsibility of caring for families in the context of displacement, dispossession, loss of livelihoods and trauma. Women are at risk of gender based violence as armed military and security forces involved in large-scale infrastructure developments and extractive work, have perpetrated gender based violence as means to pressure local communities.⁷⁰

Making the necessary transition to renewable energy in response to the climate crisis is also putting additional demands on land. In the context of corporate impunity for human rights violations, this has resulted in large-scale displacement and human rights violations against local communities.⁷¹ 13% of attacks on human rights defenders documented by the business and human rights resource centre in 2018 related to renewable energy.⁷²

...when land is acquired for infrastructure and mining projects, or to build a dam, women dependent on such land for their livelihoods or subsistence are rarely consulted or involved specifically in the decision-making processes, despite the international standard of Free, Prior and Informed Consent

Case Study: Juana Zuniga – Defending the environment in Honduras

Early in 2018, the crystal clear river that runs through Carlos Escaleras Mejia National Park, in Northern Honduras, turned into a river of mud. With decades of experience in environmental activism in the area, Trócaire partner Fundação San Alonso Rodriguez (FSAR) set about figuring out why. Eventually, together with the local communities in the surrounding area of Guapinol, they established that the muddied waters could be traced to the new activities of a mining company, 'Inversión Los Pinares.' Unknown to the communities of Guapinol, the company had been granted license to operate in the national park.

Juana was one of the first women of the Environmental Committee of Guapinol to denounce the work of the mining company. In the middle of 2018, the people of Guapinol began to organise direct action to prevent the mining company's activities. They wanted proper consultation, and to protect the Rio Guapinol – a vital source of fresh water for the community.

Juana has actively participated in community advocacy actions, including the 'Camp for Life' that was held for eighty-eight consecutive days to block access to the mine site. In response to the escalating protests in the area, the local authorities swiftly acted to protect the interests of the company. In October 2018, some 1500 police and army officials descended on the community of Guapinol to stop the protests, and violently dismantled the camp.

Soon after the arrival of the police, the public prosecutor issued warrants for the arrest of 31 members of the Guapinol community, charged with offences including usurpation, illegal detention, robbery, arson and illegal association. In Honduras, somebody charged with offences such as these does not qualify for bail, and can expect to spend some two to three years in prison awaiting trial.

Juana's husband, Albelino, was falsely imprisoned. The case of Guapinol in Honduras became emblematic as it was the first case of environmental human rights defenders taken to national jurisdiction, where crimes such as terrorism and drug trafficking are prosecuted.⁷³ During her husband's imprisonment, Juana said, "nothing is the same: the fight against the mining companies have a bitter taste, the silences are more intense, the time to relax has diminished." Juana's voice on the other hand, has become louder.



Juana Zuniga (34) is Treasurer of the Environmental Committee of Guapinol, Honduras. She is a member of the Committee in Defence of Common and Public Assets, and mother of three. Photo: Blanca Blanco / Trócaire'

Myanmar

In Myanmar, 7000 people risk being displaced due to the planned construction of large hydropower dams on the Tanintharyi River, with a further 22,000 peoples' livelihoods at risk, along with the catastrophic environmental impacts of destroying some of South East Asia's largest remaining intact forest and biodiversity.⁷⁴

The Tanintharyi River is one of southern Myanmar's largest free-flowing rivers. The river and tributaries support tens of thousands of indigenous people, animal and plant life and vast areas of forest. Communities living along with river rely on the river for food security, through orchard cultivation, rotational agriculture, fishing and collection of forest based foods. Communities depend on the river as a primary source of drinking water and transportation, with almost 60% of people travelling by boat on a daily basis.

Assessments to build dams in the area occurred in 1998 during the civil war when severe attacks were taking place in this area, and interest from Japanese, Italian and Chinese companies, and most recently, a Thai company, has been documented. Communities have never been adequately consulted on plans for the dams and are protesting these proposals by the Thai company.⁷⁵

Proposals to construct a large 1040 mega-watt dam on the river would flood an area of nearly 150,000 acres of community owned farms and forestland, displacing almost 7,000 people and submerging some of South East Asia's largest remaining areas of forest and biodiversity. Over 22,000 people living downstream would be impacted by changes to river flow and quality, which would decimate fisheries, render water undrinkable and erode riverbanks where community orchards are located. The proposed dam would have catastrophic environmental impacts, destroying rich aquatic ecosystems and habitats.

Communities also fear that the construction of a dam may put new pressures on a fragile peace process between the Karen National Union (KNU) and the central Myanmar government, risking a return to armed conflict. This region has been the site of over six decades of war with over 80,000 people being forced to flee their homes during the conflict. Returned communities may again be forced off their land and worry about the impact of large dams on the Tanintharyi River on the fragile ceasefire.

Despite the potential impacts and concerns, those living along the Tanintharyi River have never been adequately consulted on dam proposals. Any dam development on the Tanintharyi River must take into consideration the human rights and environmental impacts and allow for the free, prior and informed consent of those who stand to be affected. These indigenous communities have not been consulted and yet their lives will be irreversibly impacted if the transnational corporation proceeds with these developments.

Access to remedy

The right to remedy is a core tenet of the international human rights system. However, despite the adverse human rights impacts that corporations can have, there is a major gap in the regulation of corporate activities by states and in access to remedy for victims of human rights violations, which creates a culture of impunity, where further human rights violations are likely to occur.

Since the 1970s, the dominance of the neoliberal model of free trade, liberated markets and the privatisation of public services, has facilitated the proliferation of transnational corporations. The growth of large transnational corporations, with major revenues, lobbying power and influence, and operating across states, poses major accountability challenges. Governments may be unable or unwilling to enforce human rights regulations in relation to the activities of corporations, and at times perpetrate human rights violations themselves, in order to keep or attract investment.

The UN High Commissioner for Human Rights notes that, 'although causing or contributing to severe human rights abuses would amount to a crime in many jurisdictions, business enterprises are seldom the subject of law enforcement and criminal sanctions. Private claims often fail to proceed to judgment and, where a legal remedy is obtained, it frequently does not meet the international standard of "adequate, effective and prompt reparation for harm suffered"'.⁷⁶

The complexity of corporate structures in a globalised economy enables transnational corporations to evade accountability for human rights violations. Victims can find it difficult to access remedy in their jurisdiction, where the violation occurred, and in the corporation's home state. Barriers to accessing remedy in the home state of the corporation include the difficulty of holding a parent company accountable for actions of a subsidiary and legal obstacles used to defeat extraterritorial claims. Victims of human rights violations can find it difficult to access evidence of the company's activities and this undermines their ability to build a successful case. These issues are all the more difficult when communities living in poverty are challenging large corporations with well-funded legal teams.

In addition, the embedding of discriminatory systems within institutions, including the courts and judiciary, can operate to exclude women, indigenous people and people from poorer communities from justice mechanisms. In her report on Guatemala the Special Rapporteur on the Rights of Indigenous Peoples notes that 'indigenous people continue to experience serious difficulty, against a backdrop of extreme impunity, in obtaining access to the ordinary justice system in a way that meets the relevant international standards. The Special Rapporteur received numerous testimonies about the discrimination and racism suffered by indigenous people, particularly indigenous women, when they apply to the courts at the local level'.⁷⁷

Further barriers include not being equal before the law, lack of legal fees and failure to follow up on the reported crime by authorities.⁷⁸ Women also face the issue of unsuitable remedies in a context whereby remedial mechanisms adopt gender-neutral processes that do not take account of the specific harms experienced by women.⁷⁹

While women affected by business related human rights abuses lack access to justice, large corporations benefit from investor-state dispute settlement (ISDS) whereby a company can argue that new laws or regulations could adversely affect the expected profits or potential investment, and seek compensation in a binding settlement. ISDS mechanisms can be used to challenge states who seek to develop legislation that could enhance human rights. This imbalance in international law operates to protect corporations over the human rights of women and affected communities.

...despite the adverse human rights impacts that corporations can have, there is a major gap in the regulation of corporate activities by states and in access to remedy for victims of human rights violations, which creates a culture of impunity, where further human rights violations are likely to occur.

ISDS in Guatemala

Investor-state dispute settlement (ISDS) is a feature of many trade agreements, whereby a company can argue that new laws or regulations could adversely affect the expected profits or potential investment, and seek compensation in a binding settlement. ISDS mechanisms can be used to challenge states who seek to develop legislation that could enhance human rights. Since the creation of the ISDS system, more than 940 complaints have been registered, and more than 88 billion dollars from public funds have been paid to transnational corporations by states.⁸⁰ For example, in December 2013, Guatemala was ordered to pay \$21.1 million damages to a US based electricity company for introducing a regulation to lower electricity rates.⁸¹ This was the equivalent of the per capita health spend for 44,608 Guatemalans in 2014.⁸²

Companies have also used the threat of arbitration to influence states' decisions and to lobby for less regulation. In Guatemala, documents obtained through the Freedom of Information Act showed that the state ignored a recommendation from the Inter-American Commission on Human Rights in 2010 to close down the Marlin goldmine owned by Goldcorp due to a threat of arbitration.⁸³ The documents warned that such an action could provoke the company to activate the ICSID or invoke clauses of CAFTA to claim damages from the state.⁸⁴ Trócaire's partner COPAE works with the indigenous communities who have been adversely impacted by the mine in San Miguel Ixtahuacan and Sipakapa, which was developed without their free and informed consent.

Trócaire has also worked with communities impacted by the El Tambor gold mine, located near Guatemala City. In February 2016, the Guatemalan Supreme Court ruled to provisionally suspend the mining license due to a lack of prior consultation. In December 2018, the US based firm Kappes, Cassidy & Associates (KCA) filed an international claim with the International Centre for Settlement of Investment Disputes against the Guatemalan state. In its notice of intent to file arbitration KCA cited unjust treatment by the state, and community protests that prohibit the company from carrying out exploration and cited losses in excess of \$300 million dollars.⁸⁵ Civil society organisations have expressed concern with renewed military presence in the area since the ruling.⁸⁶

Women Human Rights Defenders Challenging Corporate Power

"Projects carried out in the name of economic development – for example, by extractive industries and agribusiness – have resulted in environmental destruction, displacement and high levels of human rights abuses and violence. Such projects often marginalize, impoverish and fragment communities and families. Women defenders have been at the forefront of protesting such changes and claiming their rights, often with far fewer resources than those whose actions they resist."

*Michel Forst, former Special Rapporteur on the Situation of Human Rights Defenders*⁸⁷

Women human rights defenders play a critical role in the defence of human rights and the environment. However, challenging corporations and states places defenders at huge risk. In 2016, Berta Cáceres, an inspirational environmental and human rights defender, was murdered for working with her community, the indigenous Lenca community, to defend their river from a hydro-electric project in Rio Blanco in western Honduras. Those who masterminded her murder have still not been brought to justice and the license for the dam has not been revoked. Front Line Defenders have identified land, environmental and indigenous rights as the most dangerous and deadly sector of human rights defence, constituting almost half of the 304 human rights defenders murdered last year.⁸⁸

Since 2015, more than 2,000 attacks on activists working on human rights issues related to business have been documented by the Business and Human Rights Resource Centre. Attacks on women human rights defenders have increased every year, with 137 attacks recorded in 2019. Almost half of all of these attacks were against indigenous women and affected rural communities' leaders and members.⁸⁹ The sectors that saw the most attacks in 2019 were mining (143 attacks) and agribusiness (85 attacks), with 47 attacks relating to renewable energy.⁹⁰

There is also a trend of human rights defenders being labelled as dangerous criminals and terrorists. In this context, women human rights defenders face ongoing attacks and harassment, smear campaigns, sexual violence, travel bans, and restrictions on their rights to freedom of assembly and association. Along with the risk of attack from standing up against these sectors, criminalisation and judicial harassment are commonly used to silence opposition to business-related projects, including arbitrary arrests, detentions, and strategic lawsuits against public participation (SLAPPs) brought by companies.⁹¹ Almost 250 indigenous Xinka women, have been criminalised between 2012 and 2017 for engaging in the peaceful resistance to a gold and silver mine in San Rafael, Guatemala.⁹²

Women human rights defenders working in this context also face gendered risks, which exploit existing inequalities and perceptions about their role in society. Attacks on women human rights defenders include attacks on their honour and reputation, public shaming, sexual violence, and threats against their children and loved ones.⁹³

Front Line Defenders 2019 data shows that a significant number of reports of sexual violence and harassment were made by women human rights defenders as part of data collection that was not for public advocacy and thus the extent of sexual violence against women is likely to be underestimated.⁹⁴ Online smear campaigns, trolling and defamation are regularly used to intimidate shame or harass women human rights defenders.⁹⁵ Women defenders have been maligned by “deepfake” videos, in which images and videos are manipulated to create computer-generated replicas of them saying and doing things they have not done.⁹⁶

Indigenous women face even further layers of oppression. The Special Rapporteur on the Rights of Indigenous Peoples notes that indigenous women tend to be targeted by smear campaigns that spread rumours that they are dishonourable women of poor reputation and that they are violating indigenous traditions through their advocacy.⁹⁷ Such methods of shaming and defamation act as powerful tools in suppressing resistance and undermining solidarity. Female indigenous defenders are also more likely to be attacked than non-indigenous female defenders.

Women’s struggles and activism can also be undermined and made invisible thus weakening the protection they may require and increasing impunity. Often attacks against women are not reported or acknowledged as attacks against human rights defenders, and the combined impact of the physical and emotional burden of domestic and community care work on women, in addition to their activism is rarely recognised.⁹⁸ The positioning of women as human rights defenders can be seen to challenge gender norms and roles and can lead to women facing hostility and consequences for taking these leadership roles. Despite the challenges, women human rights defenders are forging out transformative change that will have global benefit.



Bertha Zuniga Cáceres stands beside a mural of her mother, murdered human rights activist, Berta Cáceres. Bertha is the general coordinator of the Civic Council of Popular and Indigenous Organizations of Honduras (COPINH). Photo: Garry Walsh

Angela and her family.
Photo: Simon Burch



Case Study: Angela Murillo Bardales – Defending indigenous women’s rights in Honduras.

“As a woman, as a mother of five children, I have learned a lot, to fight for the defence of our territory, of our goods. Because our life lies in this forest, it lies in the rivers, it’s in all of our nature.”

Angela is from San Francisco de Locomapa, Yoro, northern Honduras. She is a member of the Tolupan indigenous community. Angela organises groups of women to peacefully protest against the illegal logging of her community’s forests. Angela faces huge risk because of her activism. She has been arrested by the police and received threats from the logging company.

The Tolupan community have had to fight to remain on their ancestral territories (of which they have legal title) and to stop illegal mining exploitation and the logging of their forest. Companies were granted illegal licences by the state to exploit the wood of the Tolupanes. The community has been torn apart by killings of those who have resisted corporations, with more than 100 leaders murdered in the last 20 years.

“Everyone in my house has been threatened. I’ve been beaten and teargassed. We watch the logging ravage the land.” As corporations destroy her village’s forests and rivers to exploit natural resources, she risks her life to fight them and protect the future of her family. In Honduras, indigenous communities like Angela’s suffer most. “They just come with their trucks,” she tells you. “They leave poisoned water and lifeless earth behind.” Her children Jocsan and Nicole have coughs from the dirty air, and her baby Helen’s skin is infected from the toxic water. Their health centre hasn’t had medicine in months. To deepen the injustice, Angela could stand trial for defending their land. “We want to protect the water, the air,” she says, drawing her beloved children close. “I have never considered giving up. I want a better life for my children.”

Policy responses: Promoting gender justice in business

Business-related human rights abuses deepen gender inequality. The global governance gaps that leave women exposed to corporate human rights abuses with inadequate access to remedy have to be addressed. The imbalance between the protection of corporate interests through investor-state dispute settlement, in comparison to the lack of human rights protection and justice for communities affected by business-related human rights abuses must be redressed. While the UN Guiding Principles on Business and Human Rights have recommended a smart mix of regulatory measures, regulation has largely developed in the form of voluntary guidance, and implementation of these voluntary, soft law guidelines has been marginal. Legally binding measures to regulate corporations are crucial in order to ensure respect for human rights in business related activities. Such measures must be underpinned by a gender analysis, taking into account the structural discrimination faced by differently situated women and ensuring affected women's participation in the legislative development process.

Incorporating Gender Analysis into Human Rights and Environment Due Diligence

Human rights due diligence is a process that a company should implement in order to identify, prevent, mitigate and account for how it addresses its adverse human rights impacts. It includes assessing actual and potential human rights impacts; integrating and acting on findings; tracking responses; and communicating about how impacts are addressed.⁹⁹ The results of the 2019 Corporate Human Rights Benchmark paint a stark picture, 'most companies are scoring poorly and the UN Guiding Principles on Business and Human Rights (UNGPs) are clearly not being implemented. That one quarter of companies score less than 10% and a full half of companies fail to meet any of the five basic criteria for human rights due diligence should alarm governments and investors.'¹⁰⁰

In Ireland, research has shown that human rights due diligence is either not occurring, or at least is not being disclosed, and that there remains a significant amount of work to be done by government and by the business community to ensure Irish compliance with the UN Guiding Principles.¹⁰¹ With evidence of the failure of voluntary measures mounting, laws and regulations that deliver human rights and environmental due diligence are urgently needed.¹⁰²

Human Rights Due Diligence has been set out in detail in the UN Guiding Principles on Business & Human Rights and in the OECD Guidelines on Responsible Business Conduct. In addition, the guidance on the gender dimensions of the Guiding Principles on Business and Human Rights provided by the Working Group on Business and Human Rights outline steps to ensure a gender responsive due diligence process.

Gender responsive due diligence requires that attention be paid to specificity in relation to women's experiences, informed by gender disaggregated data (along with other factors such as ethnicity, ability, age) and that business enterprises ensure meaningful participation of potentially affected women, women's organisations, women human rights defenders and gender experts in all stages of human rights due diligence.¹⁰³

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Growing momentum across Europe

The momentum in Europe is moving towards mandatory human rights and environmental due diligence legislation. In 2017, France adopted a law on the duty of vigilance and became the first country to pass legislation to invoke the civil liability of corporations for violations of human rights and environmental law caused by their activities, including their subsidiaries, suppliers and subcontractors abroad. The law requires certain companies to publish a vigilance plan in order to identify and prevent negative impacts caused by their activities throughout their value chain.¹⁰⁴ Other countries taking the lead are the Netherlands, Switzerland and Germany and legislative proposals are also being debated and discussed in many other European countries.¹⁰⁵

The European Commission department responsible for EU policy on justice, consumer rights and gender equality (DG Just) has completed a study on the types of regularity options that could be pursued thus establishing the foundations for European human rights and environmental due diligence legislation. A recent report by the European Parliament maps legal cases against EU companies in third countries, and includes allegations of gross human rights abuses such as murder and complicity to murder, war crimes and crimes against humanity, thus highlighting the urgency of legislation to prevent corporate human rights abuses and provide access to remedy.¹⁰⁶

Human Rights and Environment Due Diligence in Ireland

Ireland should ensure that companies domiciled in Ireland are not complicit in serious violations of human rights and environmental law in other jurisdictions. Trócaire welcomes Ireland's commitment to implement the UN Guiding Principles on Business and Human Rights through the National Plan on Business and Human Rights 2017-2020.

The Department of Foreign Affairs and Trade commissioned an independent baseline assessment of legislative and regulatory framework as part of this commitment. The report notes that the National Plan proposes a largely voluntary regime and recommends that the state considers the adoption of mandatory human rights due diligence.

Furthermore, the UN Committee on the Elimination of Racial Discrimination states that Ireland should adopt legislation to ensure the availability of remedies for victims of business activities, which harm human rights, including by Irish companies operating or engaging in business activities abroad.¹⁰⁷ Trócaire supports the development of gender responsive human rights and environmental due diligence legislation in Ireland in order to ensure that businesses operating in Ireland are meeting their responsibility to respect human rights. This will hold companies legally accountable and provide access to justice for victims.

Incorporating Gender Analysis into a UN treaty to regulate transnational corporations and other business enterprises

The *UN Inter-Governmental Working Group (IGWG) on Transnational Corporations and other Business Enterprises with respect to human rights*, was established in 2014 to elaborate an international legally binding treaty to regulate the activities of transnational corporations and other business enterprises. This treaty is urgently needed to help address the gaps in the global legal framework, which is out of step with the global economic and business reality.

This UN treaty provides an opportunity to develop a transformative legal framework that will embed gender justice into global accountability mechanisms for corporations and justice for communities. As noted by the Feminists for a Binding Treaty a gender transformative treaty should reflect a feminist analysis that highlights lived experiences and perspectives, with an emphasis on women and gender issues as well as on marginalised voices generally. This identification of systemic and structural issues that perpetuate lack of accountability in relation to business-related human rights abuses and violations, benefits all.¹⁰⁸

In drafting the UN Treaty, recognition of structural discrimination and the particular experiences of differently situated women need to be embedded in the provisions, including the specific harms faced by women human rights defenders, additional barriers in accessing remedy and the requirement for free, prior and informed consent.

Gender based human rights and environmental due diligence processes, with disaggregated data, should be clearly linked to corporate liability. The guidance on the gender dimensions of the Guiding Principles on Business and Human Rights provided by the UN working group should be used to inform a treaty that can prevent adverse impacts on women, and challenge and transform discriminatory norms and patriarchal power structures.¹⁰⁹

Ireland has not yet supported the treaty process. Ireland should support the development of a UN binding treaty on business and human rights to regulate the activities of transnational corporations and other business enterprises and show leadership within the EU to ensure that the EU plays a constructive role in this process.

There is an opportunity to build on Ireland's important work on civil society space and supporting women human rights defenders, to become a leader in the treaty negotiations by pioneering support for a gender transformative treaty. Such a treaty should have provisions to prevent business-related human rights violations, provide protection for women human rights defenders and wider civil society, ensure free, prior and informed consent and provide access to remedy for women and communities.



Liss Jireth Cedillo Zúniga (7), daughter of Juana Zúniga and Cristhel Alejandra Romero Portillo (6), daughter of Lilian Portillo, standing in front of a mural in Tegucigalpa, 2019, after 7 Tolupanes were arrested and put in prison. The fathers of the two girls in the picture are in pretrial detention for defending the water source of their community. Photo: Giulia Vuillermoz.

Lene Nanthabwe's community in Machinga, Malawi have been provided with ten treadle pumps which are irrigating five hectares of land for forty four households.

Photo: Alan Whelan/Trócaire.



I CONCLUSION

This paper has explored how existing gender inequalities makes women more vulnerable to the global challenges of climate change and human rights abuse.

Climate change both perpetuates and exacerbates gender inequalities, and as women lead in defending the environment and their communities from human rights abuses they face additional attacks. The radical ramp up in climate action that is now needed can either harness and capitalise on the wide range of synergies between radical climate action in line with 1.5°C and delivery of the SDGs, including gender equality and women's empowerment, or it can intensify the poverty, inequality and injustice experienced by women.

Women are agents of change and essential actors in national, EU and international efforts on climate action and on ensuring corporations respect human rights. Their voices must be central to legislative and policy discussions and their right to participate in policy-making processes must be upheld and facilitated by states. The Irish Government, which has made gender equality, climate change and good governance priorities in the international development policy *A Better World*, must support and enable all women to become empowered, and to ensure gender-sensitive decision making at all levels on the issues affecting women's lives.

Recommendations for prioritising gender-responsive climate action:

We call on Ireland to:

- Increase its current annual climate finance allocations approximately six fold, alongside fulfilment of ODA commitment to deliver 0.7 by 2025, to deliver its fair share of current joint donor climate finance commitments. As a champion of gender equality, climate and good governance, Ireland should scale up finance for climate action interventions dedicated to targeting transformative impacts for women, including funding for grassroots and women's organisations to empower local civil society and to complement the large financing mechanisms.
- Increase its climate finance allocations, bilaterally and multilaterally, in transformative, systems approaches such as agro-ecology which can realise social, economic and environmental dividends, with a focus on women small scale farmers and producers.
- Continue, through Irish Aid, its efforts to strengthen mainstreaming of gender-responsiveness and empowerment of women in its climate action programming, and work to increase its capacity, and the capacity of its partners, to plan, monitor and report against this objective.
- Continue to champion gender equality and women's full participation in action and decision-making as a policy priority in the UNFCCC and within all environmental agreements.
- Lead by example, ensuring that Ireland's national mitigation and adaptation plans are gender responsive and developed with the full and meaningful participation of women, including marginalised women and women living in poverty, and should champion this approach within the EU and with bilateral programme country partners
- Advocate the mandatory inclusion of gender-responsive funding guidelines, gender-disaggregated data to measure how funding is used, and gender audits of funding portfolios, within all UN and non-UN Climate Funds.

We call on the Northern Ireland Executive to:

- Deliver on the commitments made in 'New Decade, New Approach' by urgently bringing forward legislation for a Climate Act. The act should have an integrated all-of-government approach to reducing emissions and ensure the transition to zero carbon is just, orderly and benefits the poorest and marginalised members of society by integrating strong social measures, gender responsiveness and human rights principles and safeguarding mechanisms. Ultimately this act is the best mechanism to ensure Northern Ireland does its part in the UK reaching 'net zero' greenhouse gas emissions by 2045.

- Urge the UK Government to support and protect environmental human rights defenders, with a focus on women, in relevant international human rights and environmental fora. This includes delivering on its pledge in the guidance on UK Support for Human Rights Defenders to use all routes to create stronger global standards.

Recommendations for gender responsive respect for human rights by corporations

We call on Ireland to:

- Support the UN binding treaty on business and human rights to regulate the activities of transnational corporations and other business enterprises, which will complement the UN Guiding Principles on Business and Human Rights.
- Play a leading role in the development of a gender transformative UN treaty that will prevent business-related human rights violations, provide protection for women human rights defenders and wider civil society, ensure free, prior and informed consent and provide meaningful access to remedy for women and communities.
- Adopt mandatory gender responsive human rights and environmental due diligence legislation to ensure businesses in Ireland respect human rights across their activities and value chain and to ensure access to remedy for potential victims overseas of human rights abuses by companies in Ireland;
- Implement an effective Irish National Plan on Business and Human Rights, based on a comprehensive gender analysis;
- Ensure the primacy of human rights is provided for and fully implemented in all trade and investment agreements to which Ireland is a party – including periodic ex ante and ex post gender responsive impact assessments of their trade and investment agreements;
- Support EU mandatory human rights and environmental due diligence legislation;
- Explicitly recognise the legitimacy of human rights defenders and publicly support and acknowledge their work, with a particular focus on the participation of women human rights defenders.
- Take immediate, appropriate and effective action in relation to specific attacks on human rights defenders – for example through public statements, diplomatic channels, and support for local organisations working to protect human rights defenders.

We call on the Northern Ireland Executive to:

- Adopt a National Action Plan on Business and Human Rights for Northern Ireland, based on a comprehensive gender analysis.

We call on the Northern Ireland Executive and Northern Ireland Members of the UK Parliament to:

- Proactively urge the UK Government to support the UN binding treaty on business and human rights to regulate the activities of transnational corporations and other business enterprises, including by ensuring the treaty is gender responsive. This treaty will complement the UN Guiding Principles on Business and Human Rights.
- Proactively urge the UK Government to adopt mandatory, gender responsive human rights and environmental due diligence legislation to ensure businesses in the UK respect human rights across their activities and value chain and to ensure access to remedy for potential overseas victims of human rights abuses by UK based companies.
- Proactively urge the UK Government to take immediate, appropriate and effective action in relation to specific attacks on human rights defenders – for example through public statements, diplomatic channels, and support for local organisations working to protect human rights defenders. This includes delivering on its pledge, in the guidance on UK Support for Human Rights Defenders, to use all routes to create stronger global standards.¹¹⁰

ENDNOTES

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ROI Revenue Number: CHY 5883
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