# From Non-Discrimination to Substantive Equality: The Shift of Women's Rights to Environment in International Human Rights Law

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**Abstract:** *The evolution of international norms governing right to environment reflects a shift from formal equality to substantive equality. In the early stages of the development of right to environment, attention to women was mainly manifested in a general declaration of the principle of non-discrimination, which gradually developed into a subject-oriented approach to the protection of specific groups. With the confirmation of the independent human right to a clean, healthy and sustainable environment by a series of UN resolutions, women's subject status as a rights holder under this issue has been practically recognized and continuously strengthened in the judicial practice of right to environment and in the context of new global issues. This shift has important implications for the implementation of China's Ecological and Environmental Code. A systematic examination of relevant norms, practices, and theories in international human rights law can reveal the current international trends in protecting women's right to environment and existing structural deficiencies, thus providing theoretical support for the improvement of right to environment protection system and the realization of substantive equality in China.*

**Keywords:** right to environment ♦ substantive equality ♦ women's subject status ♦ principle of non-discrimination ♦ protection of the rights of specific groups

The claim for rights to environment emerged against the backdrop that ecological crises pose severe challenges to human dignity. To uphold human dignity, which lies at the core of fundamental constitutional rights, rights to environment, and their supporting theories came into being.[1] Given that the formulation of rights to environment served to safeguard the fundamental rights and inherent dignity that people are entitled to by virtue of being human, it possesses the legitimate foundation as a basic human right, and has eventually been incorporated into the normative system of international human rights law for protection. From the perspective of right nature, on

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[1] Wu Weixing, "Review, Reflection and Prospect of Thirty Years of Theoretical Research on Rights to Environment in China," *Law Review* 5 (2014): 180.



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the one hand, rights to environment partially cover traditional human rights such as the right to life and the right to health in their content; on the other hand, they fall into the category of emerging human rights.[2] In recent years, with the adoption of a series of resolutions, including Resolution 48/13 by the Human Rights Council[3] and Resolution 76/300 by the General Assembly of the United Nations,[4] the independent status of rights to environment has been formally acknowledged. At the normative level, this marks the completion of its evolution process: originating as a general right at the initial stage, shifting to a human right, and finally evolving into an independent human right. In terms of extension, rights to environment are widely recognized to cover two components: substantive rights (including a safe climate, clean air, healthy ecosystems and biodiversity, safe and sufficient water, healthy and sustainable food, and a non-toxic environment) and procedural rights (including access to information, public participation, and access to justice).[5]

Due to their vulnerable positions in the face of environmental harms and climate change, women have received special attention in the discourse of rights to environment. In recent years, the United Nations has attached growing importance to the protection of women's rights in all its resolutions and initiatives related to rights to environment. This not only includes taking women's diverse needs, vulnerable situations, and the potential impacts of relevant actions on women into full consideration during the process of safeguarding rights to environment, but also further enhances women's empowerment in environmental governance and sustainable development decision-making.[6] This breaks away from the previous formal, mechanistic equal protection for women's rights to environment, and embraces an approach that realizes substantive gender equality through differentiated targeted measures. Multiple provisions across the 17 Sustainable Development Goals (SDGs) in the *Transforming Our World: The 2030 Agenda for Sustainable Development* adopted by the United Nations in 2015 touch upon the rights to environment enjoyed by women. Among them, Goal 6.2 and

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[2] Duan Qin, "The Limited Function and Development Space of Constitutional Environmental Right — Taking the 'Climate Ruling' of the Federal Constitutional Court in Germany as the Entry Point," *Chinese Journal of Human Rights* 3 (2022): 21-22.

[3] The Human Rights Council recognized in Resolution 48/13 that "the right to a clean, healthy and sustainable environment as a human right that is important for the enjoyment of human rights" and encouraged states to build capacities for the efforts to protect the environment in order to fulfil their human rights obligations and commitments. See Resolution 48/13 adopted by the Human Rights Council on October 8, 2021: *The Human Right to a Clean, Healthy and Sustainable Environment*, A/HRC/RES/48/13 (2021), 3.

[4] The General Assembly recalled Human Rights Council Resolution 48/13 in this resolution, acknowledged that "the three pillars of sustainable development (Environmental, Social, and Economic (ESG)) as well as the protection of the environment, including ecosystems, contribute to and promote human well-being and the full enjoyment of all human rights by present and future generations," and ultimately recognized "the right to a clean, healthy and sustainable environment as a human right." See "Resolution 76/300 adopted by the General Assembly of the United Nations on July 28, 2022: *The Human Right to a Clean, Healthy and Sustainable Environment*," A/RES/76/300 (2022), 2-3.

[5] Office of the High Commissioner for Human Rights (OHCHR), United Nations Environment Programme (UNEP) & United Nations Development Programme (UNDP), *What Is the Right to a Healthy Environment? Information Note*, 2023, 9, accessed April 26, 2026, https://www.undp.org/sites/g/files/zskgke326/files/2023-01/UNDP-UNEP-UNHCHR- What-is-the-Right-to-a-Healthy-Environment.pdf.

[6] The Enhanced Gender Action Plan adopted by the Conference of the Parties (COP) to the United Nations Framework Convention on Climate Change (UNFCCC) lists women's full, equal and meaningful participation in the Convention's proceedings as one of its five priority areas. See the official website of UNFCCC, August 1, 2025, https://unfccc.int/zh/node/61185.



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Goal 13.b highlight the focused attention on women in the delivery of clean water and sanitation, as well as in climate action. Meanwhile, in line with Goal 5 on gender equality, fully integrating a gender perspective into the realization of rights to environment is an inherent requirement for achieving gender equality. In addition, while most other goals do not explicitly address the link between rights to environment and gender equality, this connotation is implicitly embedded in most of them (such as the realization of good health and well-being for all).[7]

Although women have now been inherently recognized as a category of rights subjects that require special attention in the realization of all human rights including rights to environment, their rights were not granted full protection at the normative level from the very beginning during the emergence and development of rights to environment. Instead, they have undergone a gradual evolution process: from generalized blanket protection to targeted specific attention, and from formal equality to substantive equality. During this process, women's status as rights holders has been recognized and consolidated, and women have gradually moved toward being the substantive enjoyers of rights to environment. This progress is not only correlated with the increasingly strengthened concept of equality and the continuous expansion of its coverage, but also closely linked to the transformation of the United Nations' environmental protection philosophy and protection paradigm for rights to environment. Not long ago, two major milestones — the 10th anniversary of the adoption of the UN's *Transforming Our World: The 2030 Agenda for Sustainable Development* and the 30th anniversary of the Fourth World Conference on Women — were celebrated, and China has also recently promulgated its *Ecological and Environmental Code*. This presents a brand new, timely opportunity to re-examine women's rights to environment. Against this backdrop, sorting out the evolution of the concept of gender equality in international norms of rights to environment helps to clearly re-clarify the normative content of women's rights to environment and corresponding state obligations, thereby providing a solid basis for subsequent normative improvement and the further realization of substantive equality in rights to environment.

## I. The Non-Discrimination Principle in the Early Stage of Rights to Environment

The non-discrimination principle is one of the most fundamental principles in international human rights law. In the embryonic stage of rights to environment, attention to women was long embedded within the overarching, generalized non-discrimination principle. However, this principle failed to address the distinct predicaments faced by women, which differ from those encountered by men, in terms of environmental risk exposure, access to resources, and capacity to withstand environmental harm. With the rise of the environmental protection movement and the further development of progressive ideological trends, the non-discrimination principle

[7] the General Assembly of the United Nations, *Transforming Our World: The 2030 Agenda for Sustainable Development*, A/RES/70/1 (2015), 12, 17 and 21.



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has been gradually operationalized in rights to environment. The equal protection pathway for rights to environment has begun to shift from generic anti-discrimination provisions to targeted, context-specific consideration of women's lived circumstances. This transformation constitutes the early manifestation of the substantive equality concept as it unfolds in rights to environment.

**A. Equality and anti-discrimination in the initial rise of rights to environment**

The *United Nations Conference on the Human Environment* convened in Stockholm in 1972, and the *Declaration of the United Nations Conference on the Human Environment* (also known as the *Stockholm Declaration*) it adopted, stand as an important milestone in the rise of rights to environment. While the international community remained divided at that time over whether the *Declaration* formally established rights to environment as a recognized category of human rights,[8] the conference is universally acknowledged as the starting point of the internationalization process of rights to environment. Since many fundamental questions concerning rights to environment had not yet been clarified at that time, the anti-discrimination agenda did not receive widespread attention in relevant discussions on rights to environment. As evidenced by the text of the *Stockholm Declaration*, it does not explicitly use terms such as "women" or "female." Instead, on the premise of affirming that all human beings are entitled to the benefits brought by the environment, it further condemns a series of oppressive practices including "discrimination."[9] Nevertheless, even though international human rights covenants and other international instruments have long included gender discrimination within the scope of "discrimination," the term "discrimination" in the *Stockholm Declaration* is listed in parallel with terms such as "apartheid," "racial segregation," and "colonialism," and its key focus does not lie in gender-related issues. At this stage, the non-discrimination principle in rights to environment functioned as a broad declaratory statement, without carving out dedicated, separate attention to women as a distinct group.

Amid the flourishing development of the global environmental protection movement and advanced ideological trends, the disparities exhibited by different genders in environmental issues have begun to receive attention. Meanwhile, as the influence of justice theories further deepens in the environmental field,[10] "equality"

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[8] One view holds that the *Declaration* enshrined rights to environment, and civil rights to environment have been treated as fundamental human rights ever since the concept was first proposed. See Lyu Zhongmei, *New Horizons in Environmental Law* (3rd editoon) (Beijing: China University of Political Science and Law Press, 2019), 108-109; Wang Liqiang, Cao Dieyun and Jin Lihua eds., *Fundamental Issues in China's Nature Conservation Legislation* (Beijing: China Environmental Science Press, 1992), 43. The opposing view argues that the *Declaration* merely linked environmental issues to human rights, rather than directly creating a new standalone right. See Asbjørn Eide, Catarina Krause and Allan Rosas eds., *Economic, Social and Cultural Rights*, Huang Lie trans. (Beijing: China Social Sciences Press, 2003), 345-346; Francesco Francioni, *International Human Rights in an Environmental Horizon*, *European Journal of International Law* 21 (2010): 41-44.

[9] Principle 1 of the *Stockholm Declaration* stipulates: "Man has the fundamental right to freedom, equality and adequate conditions of life, in an environment of a quality that permits a life of dignity and well-being, and he bears a solemn responsibility to protect and improve the environment for present and future generations. In this respect, policies promoting or perpetuating apartheid, racial segregation, discrimination, colonial and other forms of oppression and foreign domination stand condemned and must be eliminated." See United Nations, *Report of the United Nations Conference on the Human Environment*, A/CONF.48/14/Rev.1 (1972), 5.

[10] As early as the 1960s, the academic community began to extend justice theories to the environmental field. See Yu Xinsheng, *Environmental Justice: From Idea to Action* (Beijing: Social Sciences Academic Press (China), 2025),



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has emerged as the core of the new environmental outlook. This evolution has also enriched and updated the connotation of the non-discrimination principle in the context of rights to environment, whose focus is no longer confined to a series of race-based forms of discrimination, but has shifted toward universal equality. As Bodenheimer argued, justice is intrinsically linked to equality, referring to treating equal persons in an equal manner.[11] On this basis, environmental justice means that "all persons shall be treated equally in the implementation of development, environmental laws, institutions and policies," while emphasizing respect for the uniqueness and differences of diverse groups.[12] Given that environmental justice originated from the unjust impacts of environmental problems on ethnic minorities,[13] norms shaped by environmental justice pay particular attention to strengthening preferential protection for vulnerable groups, addressing their lived circumstances, and remedying their disadvantaged positions caused by natural differences or social construction. For women, their prominent vulnerability reflected in environmental issues has also made them a critical vulnerable group, thereby bringing a gender perspective into the protection of rights to environment.

With the introduction of this new perspective, the old gender-neutral logic of environmental governance has been broken, and the gender discrimination embedded in traditional environmental governance norms has begun to be examined and reflected upon. Under the influence of the traditional dualistic view of nature, women's roles were confined to the private sphere rather than the public sphere, and the social division of labor they engaged in was often regarded as inferior, repetitive, direct, and unreflective.[14] This has resulted in women undertaking more domestic tasks such as fuel collection and water fetching. In these processes, they are exposed to pollution sources more directly, which exacerbates their vulnerability to environmental issues. These further reflections on women's rights have reinforced their collective identity, making them increasingly appear as a collective with shared vulnerable situations and rights claims in environmental discourses. The Second World Conference on Women held in Copenhagen in 1980 began to address environmental issues, with its report specifically highlighting women's equal rights to access sufficient and safe drinking water.[15] The conference also drew attention to environmental issues in the realization of women's right to health. In the section on health and welfare, it recommended that all governments formulate comprehensive family health and welfare programs covering "environmental sanitation and sanitary facilities," and adopt concrete measures to meet women's special needs in access to safe drinking water supply, public health services,

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[11] Edgar Bodenheimer, *Jurisprudence: The Philosophy and Method of the Law*, Pan Handian trans. (Beijing: Law Press · China, 2015), 33.

[12] Wang Yunxia, "The Chinese Path to the Construction of Human Environmental Justice," *Journal of Shaanxi Normal University (Philosophy and Social Sciences Edition)* 1 (2022): 37-38.

[13] Li Chunlin and Wang Yaowei, "Exploration on the Multidimensional Attributes of Environmental Justice," *Journal of Hebei University of Technology (Social Sciences Edition)* 1 (2019): 51.

[14] Freya Mathews, Environmental Philosophy, in *History of Philosophy in Australia and New Zealand*, Graham Oppy and N. N. Trakakis eds. (Dort: Springer Science + Business Media Dordrecht, 2014), 572.

[15] United Nations, *Report of the World Conference of the United Nations Decade for Women: Equality, Development and Peace*, A/CONF.94/35 (1980), 100.



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and nutrition programs.[16] As a result, the differentiated needs of women in environmental issues have been further specified. With the continuous deepening of the internationalization process of rights to environment and the constant renewal of ideological concepts, the protection of women no longer merely stays at the level of general anti-discrimination, but has shifted to a subject-oriented protection pathway for specific groups.

**B From anti-discrimination to focus on specific groups**

Since the 1980s, a number of United Nations conferences themed on women's development have begun to propose adopting a gender-perspective analytical approach in specific fields including the environment.[17] Resolutions related to rights to environment have also started to demonstrate explicit attention to women as a specific vulnerable group. In 1987, the Summary of Proposed Legal Principles for Environmental Protection and Sustainable Development Adopted by the WCED Experts Group on Environmental Law of the World Commission on Environment and Development recognized that "all human beings have the fundamental right to an environment adequate for their health and well being" as a basic human right, and Article 20 of this summary specifically sets out the requirement of "equal access and treatment."[18] Meanwhile, other sections of the report attached to this summary repeatedly mention special attention to women, and incorporate improving women's social status and protecting vulnerable groups into the "new approach to environment and development."[19] At this stage, "marked by the 'International Women's Year' and three World Conferences on Women, the appeals to eliminate gender discrimination and realize equality and development have gradually gained worldwide recognition, and the international community has begun to focus on women's status and role from the perspective of 'gender and development.'"[20] This progress has also brought the connection between women and environmental development to greater prominence in international norms. In 1992, the United Nations Conference on Environment and Development was held in Rio de Janeiro. Although the outcome document the *Rio Declaration on Environment and Development* did not directly settle the ongoing debate over the human rights attribute of rights to environment, its Principle 1 affirms that "human beings are at the center of concerns for sustainable development. They are entitled to a healthy and productive life in harmony with nature."[21] On this basis,

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[16] Ibid., 89.

[17] The *Nairobi Forward-looking Strategies for the Advancement of Women* adopted at the Third World Conference on Women states in its "Basic Strategies" section: "Timely and reliable statistics on the situation of women have an important role to play in the elimination of stereotypes and the movement towards full equality. Governments should help collect statistics and make periodic assessment identifying stereotypes and inequalities, in providing concrete evidence concerning many of the harmful consequences of unequal laws and practices and in ensuring progress in the elimination of inequalities." See United Nations, *Report of the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women: Equality, Development and Peace*, A/CONF.116/28/Rev.1 (1985), 24.

[18] the General Assembly of the United Nations, *Report of the World Commission on Environment and Development*, A/42/427, Annexe 1 "Our Common Future" (1987), 512, 514-515.

[19] Ibid., 70-71.

[20] Yao Shuai and Yang Dongwan, "Continuously Contributing Chinese Strength to the Global Cause of Women's Development," *Guangming Daily*, October 15, 2025, 12.

[21] United Nations, *Report of the United Nations Conference on Environment and Development (Volume I)*, A/CONF.151/26/Rev.1, Vol. 1 (1992), 3.



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Principle 20 explicitly states: "Women have a vital role in environmental management and development. Their full participation is therefore essential to achieve sustainable development."[22] In addition, *Agenda 21* adopted by the conference dedicates a special chapter to "global action for women toward sustainable and equitable development," which involves "analysis of the structural linkages between gender relations, environment and development," and takes a series of basic methods proposed by the *Nairobi Forward-looking Strategies for the Advancement of Women* — the outcome of the Third World Conference on Women — as its action basis.[23] This further strengthens the influence of the gender-perspective analytical approach in the international agenda of rights to environment.

Meanwhile, driven by the flourishing global environmental justice movement, pre-existing structural inequalities have been further brought into the scope of consideration. Some scholars argue that the "United Nations Decade for Women" program regards "insufficient participation" as the root cause of women's stagnant economic status improvement. In reality, however, women have long been forced to participate in natural environment exploitation and socio-economic construction. Such participation is asymmetric: they bear all the associated costs, yet are excluded from the benefits generated in the process.[24] For instance, women have made remarkable, non-negligible contributions to agricultural development, but environmental policies in areas such as water resources management have failed to fully incorporate women's voices. As a result, women not only fail to reap the corresponding benefits of economic development, but also suffer disproportionately more negative impacts from environmental pollution. Driven continuously by a series of relevant ideological trends in the same period,[25] the subject-centered focus on specific groups has kept deepening, and women's participation in environmental decision-making has received growing attention. After the Fourth World Conference on Women convened in 1995, "Women and the Environment" was officially incorporated into international affairs as an independent agenda item. The *Beijing Declaration and Platform for Action* adopted at the conference lists "Women and the Environment" alongside 11 other priority issues including "Women and Poverty" and "Women's Education and Training," defining it as one of the critical areas of concern for the conference and subsequent follow-up actions, and highlights that women's participation and leadership in sustainable development should be fully valued.[26] In 1997, the United Nations Economic and Social Council

[22] Ibid., 6.
[23] Ibid., 341-345.
[24] Vandana Shiva, "Staying Alive: Women, Ecology, and Survival in India," *Kali for Women* (1988): 2.
[25] Some scholars argue that women maintain a closer connection with nature due to biological factors (such as menstruation, pregnancy and lactation) and their socially prescribed gender roles (such as family caregivers and food providers), which makes them more sensitive to environmental degradation. Therefore, such sensitivity should be duly valued in the formulation of environmental laws. See Aga Natalis, Ani Purwanti and Teddy Asmara, "Anthropocentrism vs Ecofeminism: How Should Modern Environmental Law Be Reformed?," *Sortuz. Oñati Journal of Emergent Socio-Legal Studies* 13 (2023): 38 and 56. Other scholars hold that global environmental issues including climate justice, food security, energy justice, wildlife extinction and unsound development practices have both ecological and social dimensions, requiring an integrated analysis from both ecological and gender perspectives. See Greta Gaard, "Ecofeminism Revisited: Rejecting Essentialism and Re-Placing Species in a Material Feminist Environmentalism," *Feminist Formations* 23 (2011): 32.
[26] United Nations, *Report of the Fourth World Conference on Women*, A/CONF.177/20/Rev.1 (1996), "Platform for Action."



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formally adopted Agreed Conclusions 1997/2 on mainstreaming a gender perspective into all policies and programmes of the United Nations system,[27] advancing the gender perspective and the goal of gender equality to be the core of all research, legislation, policy formulation and implementation activities, which is the practice of advancing Gender Mainstreaming.[28] This process has continued to exert a profound influence on the evolution of rights to environment. Although the debate over the human rights attribute of rights to environment remained unresolved at this stage, the United Nations never ceased its efforts to protect human rights closely related to rights to environment.

Around the year 2000, the UN human rights treaty bodies, with the Committee on Economic, Social and Cultural Rights (hereinafter referred to as the CESCR) playing a leading role, successively issued a series of General Comments (or Recommendations) related to the protection of rights to environment. In these General Comments (or Recommendations), women's rights received independent, targeted attention. For instance, the CESCR's General Comment No. 15 on the right to water specifies that states parties shall ensure "that women are not excluded from decision-making processes concerning water resources and entitlements to water," and shall also "alleviate the disproportionate burden women bear in the collection of water."[29] With the establishment of the Human Rights Council, the United Nations' framework for protecting rights to environment has become increasingly robust. Women's subjectivity in this process has gradually come to the forefront, and the gender equality dimension of rights to environment has ushered in a new stage of development.

## II. Comprehensive Development of Women's Rights to Environment Following the Establishment of the UN Human Rights Council

Since its founding in 2006, the UN Human Rights Council has officially succeeded the UN Commission on Human Rights as the dedicated functional body for UN human rights protection. A series of norms and instruments adopted thereafter have put in place a relatively complete framework for the protection of women's rights to environment. On the one hand, international human rights law addresses environmental issues by incorporating them into the existing normative system through expansive interpretation, and provides targeted protection for specific groups including women with the support of mechanisms such as specialized conventions and thematic reports under special procedures. On the other hand, the process of independent codification of rights to environment has continued to advance. In this process, the international legal status of women has gradually shifted from a passive object of protection to a rights-holder with independent claims, and significant progress has been achieved in realizing substantive equality in the enjoyment of rights to environment.

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[27] the General Assembly of the United Nations, *Report of the Economic and Social Council for 1997*, A/52/3 (1997), 23-31.

[28] UN Women, *Gender Mainstreaming*, https://www.un.org/womenwatch/osagi/gendermainstreaming.htm, last visited August 13, 2025.

[29] United Nations Committee on Economic, Social and Cultural Rights, *General Comment No. 15: The Right to Water* (Articles 11 and 12 of the International Covenant on Economic, Social and Cultural Rights), E/C.12/2002/11, 2003, para. 16(a).



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## A Traditional protection of women's rights to environment under international human rights law

For a long time, the right to environment has not been protected as an independent right. Instead, individual environmental interests can only be safeguarded through the "greening" of multiple rights under international human rights law,[30] that is, integrating an environmental perspective into the normative content of traditional rights. For women, in addition to general protection, the attention to specific groups and anti-gender discrimination reflected in the General Comments (or General Recommendations) successively issued by specialized conventions and human rights treaty bodies constitutes the main legal source for the realization of their rights. In addition, the special procedures of the Human Rights Council have also paid attention to the vulnerability of women in environmental matters. Compared with the period before the establishment of the Human Rights Council, the UN's protection level for women's rights to environment has been significantly improved, though certain deficiencies still remain.

### 1. Environmental interests embedded in women's right to an adequate standard of living

It is a core instrumental value of the ecological environment to provide human beings with essential livelihood goods such as food, water, land and air,[31] — a value that directly determines the sustainability of individual human life. Without the guarantee of life, no other human rights can be realized. Therefore, access to the survival necessities provided by the ecological environment should be the fundamental element that rights to environment are designed to construct.[32] In this context, the content of rights to environment is closely linked to the right to an adequate standard of living established under Article 25 of the *Universal Declaration of Human Rights* and Article 11 of the *International Covenant on Economic, Social and Cultural Rights* (hereinafter referred to as the ICESCR). Among them, food and water, as the most fundamental elements sustaining human vital signs, constitute the core content of the right to an adequate standard of living. Nevertheless, women demonstrate unique group-specific vulnerabilities in the enjoyment of this right, and such vulnerability has received special attention within the UN human rights mechanisms.

In terms of the realization of the right to food, the structural inequality faced by women hinders their access to adequate, sustainable food sources through the environment.[33] When environmental crises such as climate change and land

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[30] Du Qun and Du Zhongqiu, "The Human Rights Evolution of Rights to Environment and Its Rule of Law Implications — From the Perspective of International Human Rights Law," *Journal of China University of Political Science and Law* 6 (2023): 20-21.

[31] Wang Yurong, "A Brief Discussion on Rights to Environment as Human Rights," *Law and Social Development* 4 (2023): 104.

[32] Hu Yuhong, "Research on the Right to Survival Theory in Xi Jinping Thought on the Rule of Law," *Journal of Soochow University (Philosophy and Social Science Edition)* 2 (2021): 35.

[33] The Committee on Economic, Social and Cultural Rights, in its General Comment No. 12 on the right to adequate food, states that the normative content of this right includes the "adequacy" and "sustainability" of food availability and access. The criteria for judging the former are determined by social, cultural, climatic, ecological and other conditions, while the latter emphasizes the long-term nature and accessibility of food supply. See UN Committee on Economic, Social and Cultural Rights, *General Comment No. 12 (Twentieth Session, 1999): The Right to Adequate Food (Article 11)*, E/C.12/1999/5 (1999), para. 7.



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degradation occur, women are often disproportionately and adversely affected. For instance, due to factors including customary laws and social norms, women face significant structural barriers to the possession and use of land.[34] In traditional perceptions, property rights over land and other assets are deemed exclusive to men,[35] which directly blocks women's access to basic food through agricultural production. In the distribution of food, women and girls are also frequently placed in a disadvantaged position.[36] This means that when grain yields decline, women face a more severe survival crisis than men. In response, the Committee on Economic, Social and Cultural Rights addressed the application of the principle of equality between men and women in the provisions on the right to an adequate standard of living in General Comment No. 16, emphasizing that women have the right to enjoy land and other resources on an equal footing with men, and that particular efforts should be made to guarantee women's access to and control over the means of food production. In food distribution, customary practices such as the convention that women can only eat after men are full or that women are only allowed to consume food of inferior nutritional quality must be eliminated.[37] General Comment No. 12 also requires states parties to pay special attention to preventing discrimination in access to food resources and to guarantee women's full and equal access to economic resources.[38] Among them, the high degree of dependence of indigenous women on land makes their exposure to environmental crises even more pronounced, as land is not only a crucial foundation for the formation of their identity, spirituality and cultural values, but also the means for them to sustain their basic livelihoods. Accordingly, the Committee on the Elimination of Discrimination against Women emphasizes that when carrying out development activities on the land of indigenous women, special attention must be paid to the possible impacts on their food security, to ensure that they can effectively and meaningfully participate in environmental decision-making.[39]

In addition, access to sufficient water is also a core component of rights to environment. Although the right to water is not explicitly enumerated in the provisions on the right to an adequate standard of living, it is inherently linked to human life, health and personal dignity, and has been widely recognized as an implicit element of this provision.[40] This provides a normative foundation for the protection of women's rights

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[34] UN Committee on Economic, Social and Cultural Rights, *Concluding Observations on the Fifth Periodic Report of Rwanda*, E/C.12/RWA/CO/5 (2025), paras. 24-25; UN Committee on Economic, Social and Cultural Rights, *Concluding Observations on the Fourth Periodic Report of Albania*, E/C.12/ALB/CO/4 (2024), paras. 24-25.

[35] Asbjørn Eide, Freedom from Need: The Universal Right to an Adequate Standard of Living-Origins, Obstacles and Prospects, *Scandinavian Studies in Law* 55 (2010): 160-161.

[36] UN Human Rights Council, *Report of the Special Rapporteur on the Right to Food: Integrating a Gender Perspective in the Right to Food*, A/HRC/31/51 (2015), para. 6.

[37] UN Committee on Economic, Social and Cultural Rights, *General Comment No. 16: The Equal Right of Men and Women to the Enjoyment of All Economic, Social and Cultural Rights* (Article 3 of the International Covenant on Economic, Social and Cultural Rights), E/C.12/2005/4 (2005), para. 28.

[38] UN Committee on Economic, Social and Cultural Rights, *General Comment No. 12 (Twentieth Session, 1999): The Right to Adequate Food* (Article 11), E/C.12/1999/5 (1999), para. 26.

[39] UN Committee on the Elimination of Discrimination against Women, *General Recommendation No. 39 (2022) on the Rights of Indigenous Women and Girls*, CEDAW/C/GC/39 (2022), paras. 56-61.

[40] Ben Saul, David Kinley and Jacqueline Mowbray, *The International Covenant on Economic, Social and Cultural Rights: Commentary, Cases and Materials (Volume II)*, Sun Shiyan trans. (Beijing: Law Press · China, 2019), 741-742.



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to environment. The Committee on Economic, Social and Cultural Rights has specifically issued a dedicated General Comment on the right to water, clarifying that the normative content of the right to water encompasses two dimensions: "freedoms" and "entitlements." The "freedoms" refer to the entitlement to protection against arbitrary disconnection or contamination of water supply, while the "entitlements" highlight the egalitarian dimension of the right to water. In terms of entitlements, the realization of the right to water must satisfy the fundamental requirement of non-discrimination, ensuring that all persons, including women, can effectively access water, water supply facilities and water-related equipment.[41] In this regard, the Committee on Economic, Social and Cultural Rights has noted that priority should be given to groups facing obstacles in realizing the right to water, such as women and indigenous peoples, and that targeted measures should be adopted to ensure women's participation in decision-making related to water resources.[42] Furthermore, the Committee has also noted the interconnection between the right to water and the right to food, emphasizing that priority should be given to ensuring that poor and marginalized farmers, including women farmers, can access water on an equitable basis and utilize water management systems to sustain agricultural production.[43] Among these groups, rural women have received particular attention due to their high dependence on water resources in both production and daily life. Article 14(2)(8) of the *Convention on the Elimination of All Forms of Discrimination against Women* (hereinafter referred to as "CEDAW") specifically stipulates the right of rural women to an adequate standard of living to guarantee their basic survival. Different from the provisions on the right to an adequate standard of living in the ICESCR, this clause explicitly incorporates water supply into the normative connotation of this right, and has become a critical legal basis for rural women to realize their rights to environment.

To sum up, human rights treaty bodies have already recognized the disadvantaged position of women in accessing environmental resources in the process of protecting the right to an adequate standard of living, and are committed to addressing this issue through soft law norms. Reports from special procedures on thematic issues such as the right to food have also revealed the vulnerability of women in this field. However, the right to an adequate standard of living focuses on obtaining elements essential for sustaining basic livelihoods through the environment, which cannot cover all the environmental claims of women. As such, supplementary provisions from other human rights covenant clauses are required to fill this gap.

**2. Environmental interests in women's right to health**

On the premise of sustaining basic survival, human beings shall be able to live a decent, dignified life. As the foundation of human rights, human dignity puts forward further requirements for the normative content of rights to environment: individuals are not only entitled to sustain their lives by accessing natural resources, but also have the

[41] UN Committee on Economic, Social and Cultural Rights, *General Comment No. 15: The Right to Water* (Articles 11 and 12 of the *International Covenant on Economic, Social and Cultural Rights*), E/C.12/2002/11 (2003), para. 10.
[42] Ibid., para. 16(a).
[43] Ibid., para. 7.



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right to pursue a higher standard of living environment and quality of life. Some scholars interpret the essential characteristics of normatively protected environmental interests as a specific dimension of "environmental quality."[44] Examples include "clean" water, "pure" air, "harmless" environment, and "diverse" ecosystems. This dimension goes beyond the content emphasized by the right to an adequate standard of living, and falls primarily within the protection scope of the right to health. From a normative perspective, although Article 25 of the *Universal Declaration of Human Rights* stipulates both the right to an adequate standard of living and the right to health, the two rights have become independent of each other after the adoption of the two International Human Rights Covenants, and are respectively enshrined in Articles 11 and 12 of the ICESCR. The General Comment on the right to water issued by the Committee on Economic, Social and Cultural Rights also covers both the provisions on the right to an adequate standard of living and the right to health, but when addressing water pollution and environmental sanitation issues, it mainly links this part of content to the right to health.[45] It is clear that there is an intersection between the right to an adequate standard of living and the right to health, but the content of rights and state obligations they target are not identical, with distinct respective priorities. In its General Comment, the Committee on Economic, Social and Cultural Rights clarifies that the core content of the right to adequate food refers to "the availability of food in a quantity and quality sufficient to satisfy the dietary needs of individuals, free from adverse substances..." and that "dietary needs imply that the diet as a whole contains a mix of nutrients for physical and mental growth, development and maintenance, and physical activity that are in compliance with human physiological needs at all stages throughout the life cycle and according to gender and occupation."[46] The requirement of this right for the basic quality (non-harmfulness) of food is primarily oriented towards sustaining human physiological functions. In its General Comment on the right to health, the Committee on Economic, Social and Cultural Rights states that the right to health "is an inclusive right, extending not only to timely and appropriate health care, but also to the underlying determinants of health, such as access to safe and potable water and adequate sanitation, sufficient safe food..."[47]and meanwhile, health facilities, goods and services "must be scientifically- and medically-appropriate, and in good working condition."[48] The ultimate goal of these requirements is to achieve a more favorable state of human existence. Therefore, for women, the provisions on the right to an

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[44] Xu Xiangmin and Zhu Wen, "On the Essential Characteristics of Environmental Interests," *Legal Forum* 6 (2014): 48-49.

[45] For instance, "water is necessary to produce food (right to adequate food) and ensure environmental hygiene (right to health)"; for another example, "environmental hygiene, as an aspect of the right to health under article 12, paragraph 2 (b), of the *Covenant*, encompasses taking steps on a non-discriminatory basis to prevent threats to health from unsafe and toxic water conditions." See UN Committee on Economic, Social and Cultural Rights, *General Comment No. 15: The Right to Water* (Articles 11 and 12 of the *International Covenant on Economic, Social and Cultural Rights*), E/C.12/2002/11 (2003), paras. 6 and 8.

[46] UN Committee on Economic, Social and Cultural Rights, *General Comment No. 12 (Twentieth Session, 1999): The Right to Adequate Food* (Article 11), E/C.12/1999/5 (1999), paras. 8-10.

[47] UN Committee on Economic, Social and Cultural Rights, *General Comment No. 14 (2000): The Right to the Highest Attainable Standard of Health* (Article 12 of the *International Covenant on Economic, Social and Cultural Rights*), E/C.12/2000/4 (2000), para. 11.

[48] Ibid., para. 12(d).



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adequate standard of living mainly require states parties to guarantee the accessibility and basic quality for women to obtain survival materials such as food and water, while the provisions on the right to health focus more on the quality of these survival materials and their impact on women's realization of a decent, high-quality life.

Returning to the treaty text of the right to health, subparagraph 2 of Article 12(2) of the ICESCR directly makes provisions for environmental hygiene, stating that the measures states parties shall take to realize the right to health shall include "the improvement of all aspects of environmental and industrial hygiene." Although other subparagraphs of this paragraph do not explicitly mention environment-related content, the realization of these rights is inseparable from the "environmental quality" required by rights to environment, and can serve as a critical legal foundation for the realization of women's rights to environment. Among them, subparagraph 1 of Article 12(2) specifies the environmental interests of women during the reproductive process, stipulating that states parties shall take measures to "reduce the stillbirth rate and infant mortality rate." Although women are not explicitly referenced in the treaty text, the Committee on Economic, Social and Cultural Rights clarifies in its General Comment that this provision requires states parties to adopt measures to improve the health, sexual and reproductive health services for children and mothers, including the implementation of family planning, prenatal and postnatal care,[49] which indirectly sets out requirements for the environmental hygiene conditions during women's reproductive process. Environmental hygiene conditions have a non-negligible pre-emptive impact on maternal health and childbirth safety, and poor hygienic conditions are a major cause of maternal infection and mortality.[50] The Committee on Economic, Social and Cultural Rights also points out in its General Comment on the right to sexual and reproductive health that the content of this right extends to fundamental determinants such as safe drinking water, adequate sanitation facilities, sufficient food and nutrition,[51] which provides a basis for protection of women during childbirth.

It is noteworthy that due to their physiological characteristics, women are more vulnerable to the negative impacts of environmental crises than men. For instance, the salinization of drinking water caused by sea level rise may lead to premature birth or maternal mortality; furthermore, in the context of climate change, women's menstrual hygiene needs are often overlooked.[52] Such vulnerability is even more pronounced for disadvantaged groups, including girls and elderly women. Therefore, women have distinct needs in enjoying a "healthy environment," which imposes further requirements on the performance of state obligations, and this issue has also attracted the attention of human rights treaty bodies. The Committee on the Elimination of

[49] Ibid., para. 14.

[50] World Health Organization, *Patient Safety: Water, Sanitation and Hygiene in Health Care Facilities: Report by the Director-General*, EB144/30 (2018), para. 3.

[51] UN Committee on Economic, Social and Cultural Rights, *General Comment No. 22 (2016) on the Right to Sexual and Reproductive Health* (Article 12 of the *International Covenant on Economic, Social and Cultural Rights*), E/C.12/GC/22 (2016), para. 7.

[52] Pedro Arrojo Agudo, *Climate Change and the Human Rights to Water and Sanitation, Special Thematic Report 2: The Impacts of Climate Change on the Human Rights to Safe Drinking Water and Sanitation of Groups and Populations in Situations of Vulnerability* (2022): 6, accessed April 26, 2026, https://www.ohchr.org/sites/default/files/2022-01/climate-change-2-friendlyversion.pdf.



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Discrimination against Women states in its General Recommendation on climate change that states shall "invest in climate change and disaster-resilient health systems and services," such as clean water, adequate nutrition and sanitation facilities as well as menstrual hygiene management, and adopt a series of other measures to meet the needs of different groups of women under environmental crises.[53]

Apart from the physiological differences between women and men, structural socio-economic inequality also hinders women from realizing their rights to environment through the right to health, a phenomenon that becomes far more pronounced amid environmental crises. The Committee on the Elimination of Discrimination against Women has noted that older women face prominent dilemmas on this issue: as their roles in production and reproduction are no longer socially recognized, they are subjected to unequal treatment in the distribution of social resources such as medical care, which directly exacerbates their vulnerability in environmental crises including climate change.[54] In the meantime, gender roles also reinforce women's disadvantaged position in the realization of their rights. Under the entrenched social division of labor, women are the primary bearers of domestic work, and this labor distribution exposes them to higher health risks than men. As the United Nations points out in its 2024 Sustainable Development Goals Report, in regions that rely on polluting fuels, cooking and fuel collection are predominantly undertaken by women and children.[55] This means women are exposed to higher levels of polluting fumes during domestic work, leaving them facing elevated health risks.

At this stage, these issues triggered by physiological differences and structural inequality have not been properly addressed through the right to health. First, while international human rights norms governing the right to health acknowledge the diverse needs of women, they focus more on physiological differences and fail to give meaningful, due attention to the interconnection between environmental issues and social structural inequality. Second, the health impacts of many environmental challenges such as climate change are long-term, hidden and lagging issues. Before these impacts trigger immediate, conspicuous harms to health, it is difficult for women to access remedies through the provisions on the right to health. Furthermore, the normative content of the right to health cannot fully cover women's demands in areas such as environmental sustainability. Therefore, special normative norms for rights to environment still need to be formulated to grant targeted, special protection to women.

**3. Environmental interests in other human rights of women**

Beyond the right to an adequate standard of living and the right to health, women's rights to environment are further supplemented and guaranteed through other substantive provisions of international human rights law. First, the right to environment

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[53] UN Committee on the Elimination of Discrimination against Women, *General Recommendation No. 37 (2018) on the Gender-related Dimensions of Disaster Risk Reduction in the Context of Climate Change*, CEDAW/C/GC/37 (2018), para. 68.

[54] United Nations Committee on the Elimination of Discrimination against Women, *General Recommendation No. 27 on Older Women and the Protection of Their Human Rights*, CEDAW/C/GC/27 (2010), paras. 11-14 and 25.

[55] United Nations, *The Sustainable Development Goals Report 2024*, 2024, page 22, accessed April 26, 2026, https://unstats.un.org/sdgs/report/2024/TheSustainable-Development-Goals-Report-2024.pdf.



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is intrinsically linked to, and to a certain extent derived from, the right to life.[56] Whether maintaining an adequate standard of living or protecting human health, the ultimate goal is to sustain life, which constitutes the foundation for human existence and all other social activities. Therefore, the requirements arising from the right to life should be prioritized in advancing the legal protection of rights to environment. As the global ecological and environmental crisis has increasingly evolved into the overarching context of international affairs, the UN Human Rights Committee released its latest General Comment on the right to life in 2019, which expanded the normative content of Article 6 of the *International Covenant on Civil and Political Rights* and extended states parties' obligations under the right to life to cover environmental protection, so as to prevent environmental hazards from posing imminent threats to individuals' right to life.[57] Although the Human Rights Committee did not elaborate on gender-specific special protection for women in this General Comment, the right-to-life provision can still be regarded as a normative foundation for the realization of women's rights to environment.

Second, the content of women's right to work inherently incorporates protection for their rights to environment, which is closely interconnected with the right to health. Article 6 of the ICESCR sets out the basic connotation of the right to work. In its General Comment on this provision, the Committee on Economic, Social and Cultural Rights explicitly states: "Work as specified in Article 6 of the *Covenant* must be decent work. This is work that respects the fundamental rights of the human person as well as the rights of workers in terms of conditions of work safety and remuneration.… These fundamental rights also include respect for the physical and mental integrity of the worker in the exercise of his/her employment."[58] Based on this position, Article 7 of the *Covenant* recognizes "the right of everyone to the enjoyment of just and favorable conditions of work," and explicitly refers to "safe and healthy working conditions." This provision represents a concrete manifestation of rights to environment in the workplace, and echoes the right to a healthy natural and workplace environment recognized in Paragraph 2 (b), Article 12 of the Covenant on the right to health.[59] For women, the Committee on Economic, Social and Cultural Rights proposes that national policies "should take into account specific risks to the safety and health of female

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[56] Brian J. Preston, The Right to a Clean, Healthy and Sustainable Environment: How to Make It Operational and Effective, *Journal of Energy & Natural Resources Law* 42 (2024): 27-28.

[57] UN Human Rights Committee, *General Comment No. 36: Article 6–The Right to Life*, CCPR/C/GC/36 (2019), para. 62.

[58] UN Committee on Economic, Social and Cultural Rights, *General Comment No. 18: The Right to Work* (Article 6 of the International Covenant on Economic, Social and Cultural Rights), E/C.12/GC/18 (2006), para. 7.

[59] "'The improvement of all aspects of environmental and industrial hygiene' (art. 12.2 (b)) comprises, inter alia, preventive measures in respect of occupational accidents and diseases; the requirement to ensure an adequate supply of safe and potable water and basic sanitation; the prevention and reduction of the population's exposure to harmful substances such as radiation and harmful chemicals or other detrimental environmental conditions that directly or indirectly impact upon human health. Furthermore, industrial hygiene refers to the minimization, so far as is reasonably practicable, of the causes of health hazards inherent in the working environment. Article 12.2 (b) also embraces adequate housing and safe and hygienic working conditions, an adequate supply of food and proper nutrition, and discourages the abuse of alcohol, and the use of tobacco, drugs and other harmful substances." UN Committee on Economic, Social and Cultural Rights, *General Comment No. 14 (2000): The Right to the Highest Attainable Standard of Health* (Article 12 of the *International Covenant on Economic, Social and Cultural Rights*), E/C.12/2000/4 (2000), para. 15.



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workers in the event of pregnancy," and identifies "access to safe drinking water," "adequate sanitation facilities that also meet women's specific hygiene needs," and "materials and information to promote good hygiene" as essential elements of a safe and healthy working environment.[60] Article 11 of the CEDAW also stipulates that states parties shall ensure that women enjoy "the right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction," and provide special protection for women engaged in work that is hazardous to health during pregnancy. Similarly, the protection of the right to education for girls and women also involves rights to environment. Although the texts of the ICESCR and the CEDAW do not explicitly address this issue, the Committee on the Elimination of Discrimination against Women, in the "availability of physical facilities" section concerning the realization of the right to education in its General Recommendation, sets out specific requirements for water and sanitation facilities, with particular attention to the differentiated needs of girls arising from puberty and menstrual health.[61]

Furthermore, rights to environment in the broad sense not only include substantive rights, but also cover procedural connotations such as the right to participation.[62] The right to participate in public life and to vote established under Article 25 of the *International Covenant on Civil and Political Rights* provides the normative basis for this procedural dimension of rights to environment. In its General Comment on Article 25, the UN Human Rights Committee states that citizens shall not be subject to discrimination on any ground including gender when exercising the rights set out in this provision.[63] The General Recommendation No. 23 of the Committee on the Elimination of Discrimination against Women also highlights the gender equality and non-discrimination dimensions of this right. The Committee observes that traditional norms and social stereotypes have confined women to the private or domestic sphere, and the right to participate in public life and to vote has long been regarded as an exclusive privilege for men,[64] which directly hinders the realization of women's rights to environmental participation. According to the statement released by UN Women on World Environment Day 2024, women make up only 15% of all environment minister positions across countries, and their representation in local decision-making bodies reaches a mere 36%.[65] In response to this underrepresentation, the Committee

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[60] UN Committee on Economic, Social and Cultural Rights, *General Comment No. 23 (2016) on the Right to Just and Favorable Conditions of Work* (Article 7 of the *International Covenant on Economic, Social and Cultural Rights*), E/C.12/GC/23 (2016), paras. 26 and 30.

[61] UN Committee on the Elimination of Discrimination against Women, *General Recommendation No. 36 on the Right of Girls and Women to Education*, CEDAW/C/GC/36 (2017), paras. 30-31.

[62] Cui Jianxia, "Reconstructing Rights to Environment: On Environmental Subsistence Rights and Environmental Development Rights and Their Realization," *Journal of Shandong University of Philosophy and Social Sciences* 6 (2019): 153.

[63] UN Human Rights Committee, *General Comment No. 25: Article 25 (Rights to Participate in Public Life and Voting Rights)*, CCPR/C/21/Rev.1/Add.7, 1996, para. 3.

[64] UN Committee on the Elimination of Discrimination against Women, General Recommendation No. 23: Political and Public Life, A/52/38/Rev.1 (1997), paras. 8-12.

[65] Statement: *Women's Leadership and Collective Action Are Crucial for Our Common Future: UN Women Statement for World Environment Day*, 5 June 2024, UN Women (3 June 2024) , accessed August 24, 2025, https://www.unwomen.org/en/news-stories/statement/2024/06/statementwomens-leadership-and-collective-action-are-crucial-for-our-common-future?utm_source-chatgpt.com.



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explicitly proposes seven pillars for realizing women's equal and inclusive representation in decision-making systems in its General Recommendation No.40,[66] so as to enhance women's representation in environmental governance and decision-making processes. Additionally, the Committee proposes that gender-disaggregated data on disaster scenarios should be collected to support the formulation of environmental decisions,[67] to ensure that environmental decisions fully integrate a gender perspective.

From a holistic perspective, before the independent status of rights to environment was widely recognized, international human rights law has established a relatively sound framework for the protection of women's rights to environment through traditional human rights categories. Although the protection mechanism under this framework remains fragmented and has not yet been systematized, it has achieved a remarkable improvement compared to the protection levels prior to the establishment of the UN Human Rights Council. Incorporating women's rights into the environmental agenda has increasingly become a standard practice in global environmental governance.

**B. Recognition of women's subject status by independent right to environment**

Although the framework of traditional international human rights law has laid a certain normative foundation for the realization of rights to environment, it cannot cover the full scope of this right. As an emerging third-generation human right, the right to environment has its unique particularity and demand for positive legalization.[68] For this reason, ongoing efforts have been made to establish an independent right to environment at the international normative level. Since the founding of the Human Rights Council, this process has achieved groundbreaking progress, with the status of women further elevated.

In 2011, the United Nations High Commissioner for Human Rights submitted the report titled "Analytical Study on the Relationship between Human Rights and the Environment" in accordance with Resolution 16/11 of the Human Rights Council.[69] This report directly facilitated the establishment of the special procedures mandate on human rights and the environment in 2012 (pursuant to Resolution 19/10 of the Human Rights Council). The resolution paid special attention to the gender equality dimension of rights to environment, and listed it as one of the key components of the mandate "to apply a gender perspective by, inter alia, considering the particular situation of women and girls and identifying gender-specific discrimination and vulnerabilities."[70] Pursuant to this resolution, Independent Expert John Knox launched research on all

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[66] UN Committee on the Elimination of Discrimination against Women, *General Recommendation No. 40 (2024) on the Equal and Inclusive Representation of Women in Decision-Making Systems*, CEDAW/C/GC/40 (2024), paras. 11-21.

[67] UN Committee on the Elimination of Discrimination against Women, *General Recommendation No. 37 (2018) on the Gender-Related Dimensions of Disaster Risk Reduction in the context of Climate Change*, CEDAW/C/GC/37 (2018), para. 68(h).

[68] Zhang Wenxian, "Human Rights Jurisprudence in the New Era," *Human Rights* 3 (2019): 19-20.

[69] UN Human Rights Council, *Analytical Study on the Relationship between Human Rights and the Environment: Report of the United Nations High Commissioner for Human Rights*, A/HRC/19/34 (2011).

[70] UN Human Rights Council, Resolution 19/10 Adopted by the Human Rights Council. *Human Rights and the Environment*, A/HRC/RES/19/10 (2012), 3.



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human rights obligations related to the enjoyment of a safe, clean, healthy and sustainable environment, including the obligation of non-discrimination. Among the research outcomes, the 4th thematic report finalized in 2013 systematically sorted out the content related to rights to environment stipulated in the CEDAW and various documents thereunder, covering women's right to health, right to an adequate standard of living, right to development and other related rights. It also clearly defined the procedural obligations and substantive obligations of states parties in safeguarding women's rights to environment, as well as the obligations concerning the protection of vulnerable groups among women.[71] This report gives special attention to women as rights-bearing subjects with distinct rights claims, making significant contributions to the jurisprudential development of rights to environment and gender equality and further highlighting women's status as independent subjects of rights.

In March 2015, the Human Rights Council, in its adopted Resolution 28/11, encouraged the Special Rapporteur, in fulfilling the mandate, "to apply a gender perspective by, inter alia, considering the particular situation of women and girls and identifying gender-specific discrimination and vulnerabilities."[72] Compared with the expression "adopt a gender equity perspective" used in the 2012 resolution that established the mandate, the term "adopt a gender perspective" represents a conceptual renewal and progress, shifting from preferential resource allocation and opportunity compensation to recognizing women as subjects of equal status with men. In December of the same year, the Special Rapporteur, in his annual report, elaborated on the human rights obligations of all stakeholders in ensuring individuals' access to a safe, clean, healthy and sustainable environment.[73] This clarified the normative content required for the codification of an independent right to environment, facilitated the understanding of the right to environment, and guided the application of relevant norms. In 2018, in the report submitted to the Human Rights Council, the Special Rapporteur recommended the recognition of the human right to a safe, clean, healthy and sustainable environment in global instruments, and proposed to draw reference from the normative path of the rights to water and sanitation in international human rights covenants.[74] Meanwhile, the report put forward 16 "Framework Principles on Human Rights and the Environment." Among them, Principle 3 sets out a general provision on the non-discrimination obligation of states parties in ensuring the right to environment.[75] Principle 14 stipulates that "States should take additional measures to

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[71] OHCHR, *Mapping Human Rights Obligations Relating to the Enjoyment of a Safe, Clean, Healthy and Sustainable Environment: Individual Report on the United Nations Convention on the Elimination of All Forms of Discrimination against Women*, Report No. 4, 2013, accessed April 26, 2026, https://www.ohchr.org/en/special-procedures/sr-environment/ mapping-report.

[72] United Nations Human Rights Council, Resolution 28/11 Adopted by the Human Rights Council: *Human Rights and the Environment*, A/HRC/RES/28/11 (2015), 2.

[73] UN Human Rights Council, *Report of the Independent Expert on the Issue of Human Rights Obligations Relating to the Enjoyment of a Safe, Clean, Healthy and Sustainable Environmen*t, John H. Knox: mapping report, A/HRC/28/61 (2015), paras. 22-102.

[74] UN Human Rights Council, *Report of the Special Rapporteur on the Issue of Human Rights Obligations Relating to the Enjoyment of a Safe, Clean, Healthy and Sustainable Environment*, A/HRC/37/59 (2018), 4.

[75] Framework Principle 3 on Human Rights and the Environment: States should prohibit discrimination and ensure equal and effective protection against discrimination in relation to the enjoyment of a safe, clean, healthy and sustainable environment. See UN Human Rights Council, *Report of the Special Rapporteur on the Issue of Human*



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protect the rights of those who are most vulnerable to, or at particular risk from, environmental harm, taking into account their needs, risks and capacities." In the commentary to Principle 14, women are placed at the top of the list of persons more vulnerable to environmental harm. It also notes that women are more likely to be exposed to pollution in water collection, a task assigned to them under the traditional division of labor, yet they are usually excluded from decision-making on water and sanitation facilities.[76] This provision directly targets women's equal right to participation in environmental decision-making. Since then, the Special Rapporteur has repeatedly reaffirmed, in his submitted annual reports, the position that everyone is entitled to the right to a safe, clean, healthy and sustainable environment, pointing out that the conditions for recognizing the independent status of the right to environment in international human rights law have become relatively mature.

Against this backdrop, on October 8, 2021, the UN Human Rights Council adopted Resolution 48/13, which formally recognizes that "the right to a clean, healthy and sustainable environment as a human right that is important for the enjoyment of human rights."[77] This marks the first time the international community has formally acknowledged the existence of an independent right to environment. The resolution draws the attention of states parties to other human rights obligations, including those related to gender equality,[78] and pays special attention to the vulnerability of women and girls in the context of environmental harm. This landmark resolution upholds the consistent position of previous documents, treating women as a specific group distinct from other subjects and recognizing the status of women as rights-holders in the enjoyment of rights to environment at the international normative level. On July 28, 2022, Resolution 76/300 adopted by the General Assembly of the United Nations reaffirms "the human right to a clean, healthy and sustainable environment," which means that the broader international community has recognized the right to environment as an independent human right. This resolution also elaborated on the significance of gender equality and related actions, the empowerment of women and girls, and women's leadership and full, equal and meaningful participation in decision-making,[79] and reaffirmed the status of women as rights-holders. At this point, the protection of women's rights to environment has been systematized in international human rights law, and is governed under the independent right to the environment.

Looking back on the emergence process of the independent right to environment, women, as a vulnerable group disproportionately affected by environmental harm, have received special attention from the very beginning of the initiative. After theoretical demonstration in multiple documents and the recognition of two resolutions on "the

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*Rights Obligations Relating to the Enjoyment of a Safe, Clean, Healthy and Sustainable Environment*, A/HRC/37/59, "Annex: Framework Principles on Human Rights and the Environment" (2018), 7.

[76] UN Human Rights Council, *Report of the Special Rapporteur on the Issue of Human Rights Obligations Relating to the Enjoyment of a Safe, Clean, Healthy and Sustainable Environment*, A/HRC/37/59, "Annex: Framework Principles on Human Rights and the Environment" (2018), 15.

[77] UN Human Rights Council, Resolution 48/13 Adopted by the Human Rights Council on October 8, 2021: *The Human Right to a Clean, Healthy and Sustainable Environment*, A/HRC/RES/48/13 (2021), 3.

[78] Ibid.

[79] the General Assembly of the United Nations, Resolution 76/300 Adopted on July 28, 2022: *The Human Right to a Clean, Healthy and Sustainable Environment*, A/RES/76/300 (2022), 2.



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human right to a clean, healthy and sustainable environment," their status as subjects of the right to environment has been widely recognized. The shift from "greening" existing human rights to recognizing an independent right to environment reflects the overall improvement of the UN's capacity in environmental protection and human rights protection. In this development process, women have also transformed from passive recipients of non-discrimination protection to active rights-holders. The international community's understanding of gender equality in rights to environment has shifted from a formal dimension to a substantive dimension.

## III. New Developments in Substantive Gender Equality in Practices of Rights to Environment

The attention to women and the recognition of women's subjective status in international human rights law have led to the further development of practices in rights to environment. The accumulated experience in judicial practice in turn feeds back into norms, driving the renewal and progress of regional norms and domestic laws. Meanwhile, against the new backdrop of global environmental governance, the practice of gender equality in rights to environment has also unfolded across multiple issues, which opens up new possibilities for the renewal and progress of international norms. In this process, the protection of women's rights to environment has been continuously improved, with their status as rights subjects further consolidated.

### A. Enhanced protection for women's rights in litigation related to rights to environment

Consistent with the normative development trends, judicial practices in rights to environment also reflect enhanced protection for women's rights and the deepened concept of substantive equality. Before the independent status of rights to environment was recognized at the international normative level, many countries had already directly specified the independent rights to environment in their constitutions.[80] Women have been able to seek protection at the domestic level on this basis. In countries whose written constitutions do not provide for an independent right to environment, women have invoked related rights, such as the right to life, to assert their rights to environment. For instance, in the case of the Women's Alliance, represented by Maria Khan, v. the Federation of Pakistan, the plaintiffs invoked the Lahore High Court's recognition in its judgment that "the fundamental rights to life and personal security specified under

[80] For instance, Section 24 of the *Constitution* of the Republic of South Africa provides: "Everyone has the right — (a) to an environment that is not harmful to their health or well-being; and (b) to have the environment protected, for the benefit of present and future generations, through reasonable legislative and other measures that — (i) prevent pollution and ecological degradation; (ii) promote conservation; and (iii) secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development." The *Constitution* of the Republic of South Africa, https://www.gov.za/documents/constitution/chapter-2-bill-rights, last visited April 26, 2026. Similarly, Article 225 of the *Constitution* of the Federal Republic of Brazil provides: "Everyone has the right to an ecologically balanced environment, which is the common property of the people and is indispensable to a healthy quality of life. The Government and society have the responsibility to protect and preserve the environment for present and future generations." The *Constitution* of the Federal Republic of Brazil, accessed April 26, 2026, https://normas.leg.br/?urn=urn:lex:br:federal:constituicao:1988-10-05;1988#/CON1988_05.10.1988/CON1988.asp.



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Articles 4 and 9 of the *Constitution* include the right to a healthy, clean environment," arguing that the government's inaction on climate change infringed upon their rights to environment. The Alliance further argued that, because climate change disproportionately affects women, the government had also infringed upon their right to equality before the law and freedom from gender discrimination.[81] These domestic judicial explorations have contributed to the continuous renewal and progress of women's protection concepts.

At the regional level, both the awareness and protection standards for women's rights to environment in human rights adjudication have been progressively enhanced. Even before the adoption of the two UN resolutions which recognize the independent right to environment, the European Court of Human Rights had identified women's vulnerability in environmental matters. In the third-party observations documented in the 2020 judgment of Hudorovič and Others v. Slovenia, it was noted that a large number of Roma (Gypsy) people, especially those residing in segregated settlements, face the predicament of water sources being far from their homes. The heavy burden of water collection disproportionately falls on women and girls, and these water sources are usually untested and exposed to various pollutants.[82] As a result, women are subject to far more pronounced adverse environmental impacts than other demographic groups. Following the landmark ruling made by the European Court of Human Rights in Verein KlimaSeniorinnen Schweiz and Others v. Switzerland in 2024, the protection of women's rights to environment has achieved a major leap forward. The European Court of Human Rights cited the UN resolutions that recognize the independent right to environment, systematically addressed the vulnerability of older women amid climate change, and granted them targeted, substantive protection. The reasoning section of the judgment states that the devastating impacts of climate change disproportionately affect various vulnerable groups in society, who require special consideration and protection from state authorities.[83] On this basis, the Court affirmed the procedural standing of the climate protection association, as it represents individual victims whose realization of rights has been undermined by climate change.[84] This judicial position effectively affirms the collective vulnerability of women in environmental crises, which further consolidates their subjective status in environmental rights jurisprudence. This development also aligns with the prevailing trend in international environmental rights norms that shifts from formal equality to substantive equality.

A series of advisory opinions issued in human rights conventions and by the Inter-American Court of Human Rights have provided a relatively viable path for women to realize their rights to environment. Diverging from the European approach of expansively interpreting existing rights, Article 11 of the *Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural*

[81] Lahore High Court, Maria Khan et al. v. *Federation of Pakistan* et al., Writ Petition No. 8960/2019, February 15, 2019.
[82] Hudorovič and Others v. Slovenia, *Judgment of European Court of Human Rights*, Application Nos. 24816/14 and 25140/14, §136, September 7, 2020.
[83] Serein KlimaSeniorinnen Schweiz and Others v. Switzerland, *Judgment of European Court of Human Rights*, Application No. 53600/20, § 410, April 9, 2024.
[84] Ibid., §§ 489-503.



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*Rights* (also known as the *Protocol of San Salvador*) directly specifies the independent right to a healthy environment (Right to a Healthy Environment): 1. Everyone shall have the right to live in a healthy environment and to have access to basic public services. 2. The States Parties shall promote the protection, preservation, and improvement of the environment. On this basis, in its Advisory Opinion OC-23/17 on the Environment and Human Rights, the Inter-American Court of Human Rights directly adopted the expression of the right to a healthy environment,[85] and affirmed it as an autonomous and justiciable right, thereby paving the way for the independent implementation of this right, separate from any other civil and political rights.[86] Building on this foundation, in its newly issued Advisory Opinion OC-32/25 on Climate Emergency and Human Rights, the Inter-American Court of Human Rights reviewed the jurisprudential foundations, normative connotations, and judicial precedents pertaining to the right to a healthy environment, and further proposed the concept of a right to a healthy climate (Right to a Healthy Climate).[87] In this advisory opinion, the Court noted that the principles of equality and non-discrimination apply to states' obligations in the context of climate change,[88] and paid special attention to the differential impacts on women, proposing that all actions taken in response to the climate emergency should incorporate a gender perspective,[89] thereby alleviating the burden on women to demonstrate the difficulties they face and the states' obligations of non-discrimination. Similarly, the African human rights system has recognized the independent right to environment at the normative level: Article 24 of the *African Charter on Human and Peoples' Rights* provides that "all peoples shall have the right to a general satisfactory environment favorable to their development." On 2 May 2025, the Pan African Lawyers Union and other organizations, relying primarily on this right as a legal basis, jointly requested the African Court on Human and Peoples' Rights to issue an advisory opinion on states' obligations with respect to the climate change crisis. In the section of the application entitled "Populations Most Affected by Climate Change," the applicants first identified women and girls,[90] and specifically urged the Court to delineate the rights of marginalized groups, including women, and to clarify the nuances therein.[91]

From the perspective of regional and national-level practices, the vulnerability of women in environmental issues is gradually being brought into the purview of judicial

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[85] Inter-American Court of Human Rights, The Environment and Human Rights, Advisory Opinion OC-23/17 of November 15, 2017, paras. 56-63, accessed April 26, 2026, https://www.corteidh.or.cr/docs/opiniones/seriea_23_ing.pdf.

[86] Diego Mejia-Lemos, The Protection of the Environment through International Human Rights Litigation: Taking Stock of Challenges and Opportunities in the Inter-American System, *Human Rights Law Review* 22 (2022): 1-4.

[87] Inter-American Court of Human Rights, Climate Emergency and Human Rights, Advisory Opinion OC-32/25 of May 29, 2025, paras. 298-304, accessed April 26, 2026, https://www.refworld.org/sites/default/files/2025-08/20250703_18528_decision-1.pdf.

[88] Ibid., paras. 589-594.

[89] Ibid., para. 614.

[90] The African Court on Human and Peoples' Rights, *In the Matter of a Request by the Pan African Lawyers Union (PALU) for an Advisory Opinion on the Obligations of States with Respect to the Climate Change Crisis*, Request for Advisory Opinion No. 001 of 2025, paras. 61-64, accessed April 13, 2026, https://www.african-court.org/epmt/storage/app/uploads/public/68a/6ca/fb0/68a6cafb0e6f6880543145.pdf.

[91] Ibid., para. 131.



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adjudication, and their status as subjects of rights to environment has also been reinforced in judicial practice. This progress is attributable to the continuous evolution of international norms, and mirrors the elevation of human rights protection standards as well as the deepening of gender equality concepts. Meanwhile, the exploration of judicial practice is imperceptibly driving the improvement and evolution of existing regional and national norms, thereby gradually fostering a virtuous cycle of mutual reinforcement between norms and practices.

**B Multi-dimensional development of gender equality in global environmental governance**

The integration of a gender perspective into the new agenda of global environmental governance continues to deepen. The structural disadvantages that women face amid climate change responses and business operations have gradually attracted the attention of the international community. The exploration of these dimensions not only further refines the connotation of women's rights to environment, but also highlights the increasingly prominent status of women as subjects entitled to such rights.

**1. Evolution of women's rights to environment in the context of climate change**

Due to its far-reaching impacts and the growing number of related litigation cases,[92] climate change has gradually evolved into a relatively independent and important issue in global environmental governance. Women have received special attention for their disadvantaged position in response to climate change. Such attention can be traced back to the Fourth World Conference on Women held in 1995, which conducted an in-depth analysis on the structural connections among gender relations, environment and sustainable development, with climate-related issues identified as a key focus of analysis.[93]

In 2018, the Committee on the Elimination of Discrimination against Women issued General Recommendation No. 37 (2018) on Gender-Related Dimensions of Disaster Risk Reduction in a Changing Climate. This document makes a systematic analysis of the protection of women's rights, with a specific focus on their rights to environment, in the context of climate change, and provides guidance for states parties to fulfill their obligations related to gender equality amid the climate crisis. Special attention was paid to the issue of intersecting discrimination. The committee noted that compared with men and more privileged groups of women, vulnerable subgroups among women — including women living in poverty, Indigenous women, women with disabilities, and rural women — are often exposed to excessively severe impacts from climate change and related disasters. Meanwhile, the structural barriers faced by women in realizing their rights will further exacerbate gender inequality and intersecting

[92] As of June 30, 2025, a total of 3,099 climate-related litigation cases have been processed across 55 national jurisdictions, as well as 24 international and regional courts, tribunals or quasi-judicial institutions around the world. See "Over 3,000 climate litigation cases are reshaping global climate policy today," published on the United Nations Official Website on October 3, 2025, accessed April 16, 2026, https://news.un.org/zh/story/2025/10/1140849.

[93] United Nations, *Report of the Fourth World Conference on Women*, A/CONF.177/20/Rev.1 (1996), "Platform for Action," para. 258(b)(iii).



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discrimination.[94] For instance, climate change has undermined the ability of Indigenous peoples to apply and maintain their own knowledge systems for agricultural production, while Indigenous women are placed in an even more disadvantaged position in this process due to structural discrimination.[95] In 2021, the Human Rights Council established a thematic mandate under the special procedures system focused on the promotion and protection of human rights in the context of climate change pursuant to Resolution 48/14, requiring that a gender equality perspective be integrated into all aspects of the mandate's work.[96] In the report submitted in 2024, the Special Rapporteur for this mandate offered an explanation of the concept of "intersectionality,"[97] so as to raise all parties' attention to groups in intersecting disadvantaged positions amid climate change.

In recent years, as women's status as rights-bearing subjects has been strengthened, women are no longer merely regarded as objects in need of protection in the context of climate change, but have come to be recognized as a non-negligible force in climate change responses.[98] Women's participation is widely acknowledged as a linchpin for sustainable peace, which integrates the core logic of gender justice and environmental justice.[99] In this context, women's empowerment has gradually evolved into a key priority of global climate action. As early as 2018, the Committee on the Elimination of Discrimination against Women explicitly stated in its General Recommendation on climate change that "the categorization of women and girls as passive 'vulnerable groups' in need of protection from the impacts of disasters is a negative gender stereotype." The full and effective participation of women in fields such as climate change strategies is conducive to "advancing substantive gender equality and the empowerment of women."[100] This issue received renewed attention in the Committee's General Recommendation No. 40 on the equal and inclusive representation of women in decision-making systems.[101] In 2023, UN Women released a thematic report on the implementation framework of climate justice from a gender perspective, which put forward four action pillars: "recognition, redistribution, representation and remedy." The section on "representation" specifically highlights the critical significance of

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[94] UN Committee on the Elimination of Discrimination against Women, *General Recommendation No. 37 on Gender-Related Dimensions of Disaster Risk Reduction in a context of Climate Changing*, CEDAW/C/GC/37 (2018), paras. 2-3.

[95] UN Human Rights Council, *Indigenous Women and the Development, Application, Preservation and Transmission of Scientific and Technical Knowledge: Report of the Special Rapporteur on the Rights of Indigenous Peoples*, José Francisco Calí Tzay, A/HRC/51/28 (2022), paras. 60-68.

[96] UN Human Rights Council, Resolution 48/14 Adopted by the Human Rights Council on October 8, 2021: *Mandate of the Special Rapporteur on the Promotion and Protection of Human Rights in the Context of Climate Change*, A/HRC/RES/48/14 (2021), 4.

[97] UN Human Rights Council, *Background Briefing Report: Report of Elisa Mogra, Special Rapporteur on the Promotion and Protection of Human Rights in the Context of Climate Change*, A/HRC/56/46 (2024), paras. 19-26.

[98] Liu Lei, "Progress and Enlightenment of Integrating Gender Considerations into the Process of Climate Change Response," *Advances in Climate Change Research* 5 (2021): 548.

[99] A. C. De la Parra-Guerra et al., Gender-Based Violence as a Barrier to Women Rights towards Socio-Environmental Sustainability, *Global Journal of Environmental Science and Management* 11 (2025): 346.

[100] UN Committee on the Elimination of Discrimination against Women, *General Recommendation No. 37(2018) on Gender-Related Dimensions of Disaster Risk Reduction in a Changing Climate*, CEDAW/C/GC/37 (2018), para. 7.

[101] UN Committee on the Elimination of Discrimination against Women, *General Recommendation No. 40 (2024) on Equal and Inclusive Representation of Women in Decision-Making Systems*, CEDAW/C/GC/40 (2024), para. 8.



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improving women's representation in environmental decision-making for the realization of climate justice.[102] Driven by the aforementioned theoretical research, the gender sensitivity of climate change governance has been continuously enhanced, further advancing the protection of rights to environment toward deeper, more substantive equality.

**2. Development of women's rights to environment under the business and human rights agenda**

As economic globalization deepens, the protection of rights to environment in business activities has attracted growing public attention. Women exhibit notably prominent vulnerability in both direct occupational exposure or indirect impacts on the ecological environment caused by business operations. This vulnerability arises, on one hand, from differences in physiological structure, and on the other hand, from the existing social division of labor. In current social labor arrangements, women are often concentrated in the labor-intensive segments of supply chains, where most positions involve direct contact with sources of pollution, leaving them at higher risks of occupational exposure compared to male workers. As such, the vulnerability of women has become a key focus in discussions under the business and human rights agenda.

Guided by the three pillars established in the *Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework* (hereinafter referred to as the *UN Guiding Principles on Business and Human Rights*), "the State duty to protect human rights" and "the corporate responsibility to respect human rights" are two core dimensions in the field of business and human rights. On the state obligation front, the Committee on Economic, Social and Cultural Rights clarified in its General Comment No. 24 the obligations that states assume in business activities, with the obligation of non-discrimination listed as the top priority. In compliance with this obligation, states shall give special consideration to groups that are disproportionately affected by business activities when taking actions. Given that some subgroups among women and girls face elevated risks under intersecting and multiple forms of discrimination, the Committee on Economic, Social and Cultural Rights therefore recommends that states incorporate a gender perspective into regulatory measures governing business activities.[103]

On the corporate responsibility front, the human rights responsibilities of enterprises toward women were first brought to attention as early as 2010, when UN Women released the *Women's Empowerment Principles (WEPs)*.[104] Subsequently, the *UN Guiding Principles on Business and Human Rights* also set out requirements for the responsibilities of enterprises in promoting gender equality, specifying that enterprises shall formulate supplementary standards based on the negative impacts their

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[102] Laura Turquet et al., *Feminist Climate Justice: A Framework for Action* (2023) 15-16, accessed August 29, 2025, https://www.unwomen.org/sites/default/files/2023-12/Feminist-climate-justice-A-framework-for-action-en.pdf?utm_source-chatgpt.com.

[103] UN Committee on Economic, Social and Cultural Rights, *General Comment No. 24 (2017) on State Obligations under the International Covenant on Economic, Social and Cultural Rights in the Context of Business Activities*, E/C.12/GC/24 (2017), para. 9.

[104] *Women's Empowerment Principles (WEPs)*, UN Women Asia-Pacific official website, accessed August 31, 2025, https://asiapacific.unwomen.org/en/countries/china/chinese/weps.



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operations impose on specific groups including women.[105] While environmental issues were not explicitly addressed in this document, it laid a foundation for the development of relevant concepts in subsequent practices. In 2021, UN Women proposed in its released report *Human Rights, the Environment and Gender Equality* that in accordance with international human rights law, international environmental law and relevant international policy commitments, enterprises bear the responsibility to address the environmental crisis, and are obligated to prevent the negative gendered impacts of the crisis on human rights, while ensuring that actions to tackle environmental degradation are gender-sensitive, equitable and non-discriminatory.[106] In 2023, the Organization for Economic Co-operation and Development (OECD) released the *OECD Guidelines for Multinational Enterprises on Responsible Business Conduct* targeting key areas of growing public concern in recent years. The dedicated "Environment" chapter in the guidelines focuses on the potential impacts of business activities on the ecological environment, specifying that enterprises shall conduct targeted consultations with individuals or groups in vulnerable or marginalized situations before such business activities are carried out.[107]

Against the latest developments in business and human rights, the vulnerability of women in business activities has attracted widespread attention from the international community during the drafting process of the Binding Treaty on Business and Human Rights. In the latest draft treaty text discussed at the 11th Session of the Open-ended Intergovernmental Working Group on Transnational Corporations and Other Business Enterprises with Respect to Human Rights held in October 2025, its preamble recognizes the prominent and disproportionate impacts that women and girls suffer from business-related human rights abuses. Meanwhile, multiple provisions including "Prevention" and "Remedy" also incorporate gender-related concerns such as the integration of a gender perspective and the removal of barriers faced by women and other vulnerable groups in accessing judicial remedy.[108] In addition, many states have given attention to women's rights in their submitted comments on the draft text. From a developmental perspective, strengthening the protection of women's rights to environment in business activities is gradually becoming a consensus in the international community, and the status of women as rights-holders continues to be consolidated in the advancement of this agenda.

In the dual contexts of climate change and the business and human rights agenda, the protection of women's rights to environment has been continuously refined and

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[105] UN Human Rights Council, *Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework*, A/HRC/17/31 (2011), commentary to Principle 12.

[106] OHCHR, UNEP & UN Women, *Human Rights, The Environment and Gender Equality: Key Messages* (2022), 1, accessed April 26, 2026, https://www unwomen.org/sites/default/files/2022-06/Policy-paper-Human-rights-environment-gender-equality-en.pdf.

[107] Organization for Economic Co-operation and Development (OECD), *OECD Guidelines for Multinational Enterprises on Responsible Business Conduct* (2023), para. 72, accessed August 31, 2025, https://www.oecd.org/content/dam/oecd/zh/publications/reports/2023/06/oecd-guidelines-for-multinational-enterprises-on-responsible-business-conduct-a0b49990/12182cb3-zh.pdf.

[108] OEIGWG, *Updated Draft Legally Binding Instrument to Regulate, in International Human Rights Law, the Activities of Transnational Corporations and Other Business Enterprises* (2025), 10-11, 42 and 46-47, accessed April 15, 2026, https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/igwg-transcorp/session10/igwg-10th-updated-draft-lbi-with-proposals.pdf.



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operationalized, and new progress has been achieved in substantive gender equality across multiple dimensions. These explorations provide theoretical support and new possibilities for the development of international human rights law, and are of considerable practical relevance in the present-day context of global environmental governance.

## IV. Conclusion

From its emergence to its establishment as an independent right, the path for equal protection of rights to environment at the international normative level has gradually shifted from a general affirmation of the non-discrimination principle to the explicit recognition of women's status as rights-holders. This trend is reflected in the focus on the differentiated needs of women and the dilemmas they face in realizing their rights, and is continuously strengthened in litigation related to rights to environment and new agendas of global environmental governance. From a developmental perspective, the equal protection of rights to environment should not be a mechanical combination of environmental rights norms and the protection framework for specific groups. Rather, the concept of substantive equality should be integrated into the realization process of fundamental human rights, and taken as an inherent value yardstick to promote the genuine realization of environmental justice. Against the backdrop where the independent right to environment has gained wider recognition in the international community, the future implementation of China's *Ecological and Environmental Code* can also follow the transformative trend of women's rights to environment. By integrating the perspective of women's development into practices and norms, we can truly position women as legitimate rights-holders of rights to environment and active participants in environmental governance, "supporting women to play a greater role in green development,"[109] in a bid to achieve more adequate protection for rights to environment and substantive gender equality at a higher level.

(Translated by *LI Chunyan*)

[109] Xi Jinping, "Carry Forward the Spirit of the Beijing World Conference on Women and Accelerate the New Process of Comprehensive Development of Women — Keynote Speech at the Opening Ceremony of the Global Summit of Women," *People's Daily*, October 14, 2025, 2.



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