

**ADDRESSING THE LEGAL DIMENSIONS OF CLIMATE CHANGE AND GENDER
DISCRIMINATION ON WOMEN'S HEALTH IN INDIA**

Dr. Gyanashree Dutta, Dr. Upankar Chutia, Assistant Professor, Alliance School of Law, Alliance University, Bengaluru

Abstract:

Women's health has been found to be significantly impacted by climate change and gender discrimination, especially in India, where climate change and gender discrimination have been proven to have a substantial influence on women's health, particularly in India where women face multiple barriers related to their gender, socioeconomic status, and access to healthcare. This is especially true in India, a growing nation with a patriarchal society.

The detrimental consequences of climate change on society and the environment have attracted a lot of attention, but less has been said about the legal ramifications of these issues and how they relate to gender discrimination. By looking over the legal guidelines for handling the impact of gender inequality and climate change on women's health in India, the research will look at how the judiciary might support women's health rights and gender-sensitive methods for mitigating and adapting to climate change. In order to address these concerns, the research will look for a more integrated approach that acknowledges the intricate interactions between gender discrimination, climate change, and women's health and advocates for increased cooperation between the legal, policy, and health sectors. It also emphasizes the need for a rights-based approach that prioritizes the protection and promotion of the health and well-being of women, particularly in the face of rapidly changing environmental and social conditions. Most importantly, the research will also identify the gaps in the current legal frameworks and proposes recommendations for improving the legal response to these issues.

Keywords:

Climate Change, Gender Discrimination, Health, India, Women

Introduction:

"If we took away barriers to women's leadership, we would solve the climate change problem a lot faster."

- Mary Robinson

In a developing and patriarchal nation like India, concerns like gender inequality, climate change, and health of women are all inter-related to each other. In addition to having a disproportionately detrimental effect on women's health, climate change exacerbates already-existing gender inequities. Women are often the individuals who are responsible for gathering water and other necessities, thus natural disasters like heat waves, droughts, and floods can result in a shortage of food and water. Furthermore, such conditions may raise the risk of vector-borne diseases such as dengue fever and malaria, which can have serious consequences for women's health, especially during pregnancy.

Since humans are a part of the ecosystem, any change in the ecosystem will undoubtedly influence the health of humans. And it has become widely recognised that several human activities have contributed to climate change, which has caused global warming and other environmental catastrophes. All of them will, without a doubt, contribute to the decline in human health. Additionally, most of the world's developing nations have fostered gender disparity as one of its outcomes. As a result, women frequently continue to be the victims of these gender disparities. An alarming stage has been reached for the female population because of these gender disparities and climate change.

As women frequently shoulder the responsibility of caring for their family members, adjusting to displacement, and dealing with the pain of losing homes and livelihoods, women are also more susceptible to the effects of climate change on mental health. Gender inequality can also limit women's access to economic opportunities, healthcare, and education, which increases their susceptibility to the consequences of climate change. Gender, caste, and class discrimination

frequently overlap, further marginalising women and contributing to their poor health. For instance, access to transportation, social and cultural norms that limit mobility, and the absence of female medical professionals are all the major obstacles that women in rural regions frequently experience when trying to obtain healthcare services. This can result in delays in seeking medical attention and insufficient care, particularly for problems with reproductive and maternal health.

Gender differences can be seen in several of the health hazards that are predicted to be impacted by continued climate change. Women die from natural disasters including droughts, floods, and storms at a higher rate than males do globally, and they often die younger. These effects also relate with the nature of the event and social status. The consequences of the gender gap on life expectancy are often more pronounced in catastrophes that are more severe and in areas where women's socio-economic level is particularly poor. Malaria and under-nutrition are two other climate-sensitive health effects that exhibit notable gender variations.

So, in this regard, it is very much important to highlight the effects of climate change on gender disparity and women's health, and its existing legal situation in India, and the laws and policies designed to combat this problem. And most importantly, it is very vital to address how the various laws, policies, regulations, etc. in this regard are not mitigating to combat this serious issue.

Research Problem:

Two major factors that significantly affect women's health in India today are gender discrimination and climate change. Numerous legal factors must be taken into account in order to resolve these problems. Initially, it should be noted that climate change is a worldwide occurrence that impacts livelihoods of people, health, and general well-being, especially for vulnerable populations like women. The Climate Change Act of 2008, the National Action Plan on Climate Change, and the National Adaptation Fund for Climate Change, 2015 are India's current climate change laws. To protect women's health and well-being from the detrimental effects of climate change, gender-sensitive legislations and policies must be implemented in greater depth. Gender discrimination is ubiquitous in modern Indian society, and it has a significant negative influence on women's health. Women's health suffers as a result of the multiple barriers to employment, education, and healthcare. The Indian Constitution guarantees gender equality and restricts gender discrimination. Furthermore, India has several laws that protect women's rights, including the Protection of Women from Domestic Violence Act of 2005 and the Maternity Benefit Act of 1961. However, as because these laws have not been successfully applied, discrimination and violence against women persist.

To address gender discrimination and climate change's impact on women's health, extensive legislative frameworks are necessary. These frameworks aim to promote gender equality, protect women's health and welfare, and ensure access to quality healthcare, education, and employment opportunities. More education and knowledge are needed, especially among politicians, to guarantee that these concerns receive adequate attention.

Climate Change and Its Impact on Health of Women:

Climate change can have negative impacts on health due to rising temperatures, harsh weather, poor air quality, and altered weather patterns. Physiological, socio-economic, and cultural deficiencies also exacerbate these risks. For example, women are mostly seen using biomass in conventional indoor stoves for cooking, which creates carbon monoxide, particulate matter, and hydrocarbons and contributes close to 24 percent of environmental air pollution. This is in line with economic and cultural vulnerabilities. Again, in catastrophes connected to climate change, women are more likely to die and have shorter life expectancies. Although the middle and low-income groups are not the primary drivers of climate change, they are primarily affected by its health effects, which widens the gap in global health. The human-pathogen connections are significantly altered in the tropical areas, which are the primary victims of climate change related health disorders.

The International Scenario:

Based on the Intergovernmental Panel on Climate Change (IPCC) reports, whose definition of climate change included natural changes that led to such changes in climate, the United Nations

Framework Convention on Climate Change (UNFCCC) was drafted, which dealt with the concept of climate change to include only anthropogenic activities that led to climate change, and became the first ever comprehensive international legal framework dealing comprehensively with the ever-growing problem of climate change. Then various efforts were made by the Kyoto Protocol, but the outcomes were not that satisfactory. The Sustainable Development Goals, or SDG Goals of 2015, were the next major endeavour. They addressed a number of significant issues, including SDG Goal 1 (no poverty), Goal 5 (gender equality), Goal 11 (making cities and human settlements accessible, secure, adaptive, and sustainable), and Goal 13 (immediate action to combat climate change and its impacts). However, all these goals were very difficult to achieve in reality.

Again, the Sendai Framework for Disaster Risk Reduction 2015-2030, which is a non-binding agreement has rightly observed the problem of climate change, gender discrimination, and its impact on the health of women. A Gender Action Plan was launched by UNFCCC COP 21 and COP 22 in 2017 and called for the implementation of financial, technological, capacity-building, adaptation, and mitigation strategies with a gender perspective.

The Indian Scenario:

The National Policy on Empowerment of Women, 2001, most significantly, offers several tools to empower women. The most significant accomplishment of this policy is that it works towards achieving the goals that are most important for the empowerment of women, such as enhancing housing and sanitation facilities for them, defining girls' rights, and creating institutional frameworks to protect those rights, and involving women actively in discussions of environmental policy, scientific and technological advancements. It makes significant progress towards fulfilling the Indian Constitution's primary aim of gender equality.

The National Rural Health Mission (NRHM) was founded by the government to address women's health concerns, particularly in rural regions, with the goal of lowering infant and maternal mortality rates. Additionally, Family Welfare Programmes were introduced at various levels throughout the nation. Even though these measures have had some success, there is still more to be done.

Nevertheless, no single strategy has been developed that clearly links the issues of gender inequality, climate change, and women's health. Moreover, a developing and patriarchal country like India finds it extremely challenging to achieve the extremely lofty goals of the majority of these measures. Again, protecting women from men or from long-standing socio-cultural practices that frequently violate their rights is the main objective of these laws, which aim to enhance the lives of women. As a result, these efforts must aim to change inflexible and outdated cultural standards while also eliminating male dominance in society.

Recommendations, Suggestions and Conclusion:

To address the impact of gender inequality and climate change on women's health in India, a multipronged strategy is needed. This includes effective law enforcement, increased public awareness and education, and comprehensive legal frameworks. India's policies can protect women's health and wellbeing from the negative effects of climate change and gender-based discrimination. Gender inequality, women's health, and climate change require comprehensive and coordinated action. To address gender inequality and discrimination, we must strengthen laws and policies that protect women's health, provide affordable and high-quality healthcare services, and integrate gender concerns into climate change policies and programmes. The following are a few suggestions and recommendations in this regard:

- 1) Incorporation of Policies:** Gender-responsive approaches should be integrated into climate change laws and policies to safeguard that women's needs are sufficiently suited.
- 2) Legislative Reform:** Draft and put into practice laws that defend women's rights to equality, protection, and health considering climate change.
- 3) Securing Justice:** Increase the community support networks, public awareness campaigns, and legal aid programmes to give women affected by climate change easier access to the legal system.

4) Increasing the Capacity: Legal professionals, legislators, and community leaders should receive training and capacity-building programmes to advance their comprehension and management of the interplay of gender discrimination, climate change, and women's health.

5) Congregation of Data: Augmenting studies and data collection will make it easier to understand the specific effects of climate change on women's health as well as the legal challenges they face.

6) Productive Decision-Making: A decisive element of inclusive decision-making is making sure that women, particularly those from marginalised groups, are actively participating in the processes of decision-making about how to mitigate and adapt to climate change.

7) Community Association: The purpose of community involvement is to enable women to be included and consulted in the development and implementation of climate change legislation and policies.

8) Healthcare Amenities: Investing in a resilient healthcare system to guarantee women have on-going access to essential medical care and to resist disasters caused by climate change is essential.

9) The Intersectional Process: To address the various consequences of climate change, it is very much important to consider the different individualities and vulnerabilities that women face, including socio-economic position, caste, ethnicity, and disability.

BIBLIOGRAPHY:

1. UN Chronicle (2020). Women in the Shadow of Climate Change. Retrieved from <https://www.un.org/en/chronicle/article/womenin-shadow-climate-change>.
2. Women's Environment (2016). Gender, and Climate Change: A Closer Look at Existing Evidence. Retrieved from <https://wedo.org/wp-content/uploads/2016/11/GGCA-RP-FINAL.pdf>.
3. World Health Organization (2014). Retrieved from https://apps.who.int/iris/bitstream/handle/10665/144781/9789241508186_eng.pdf
4. UN Women (2022). Explainer: How gender inequality and climate change are interconnected. Retrieved from <https://www.unwomen.org/en/news-stories/explainer/2022/02/explainer-how-gender-inequality-and-climate-change-are-interconnected>
5. Patricia K. (2013). Climate Change and Gender Justice: International Policy and Legal Responses, Climate Change: International Law and Global Governance. Nomos.
6. Ariranga G. (2013). Economic, Social and Cultural Rights and Climate Change, Climate Change: International Law and Global Governance. Nomos.
7. Kyle P. (2014). Indigenous Women, Climate Change Impacts, and Collective Action, Hypatia: Journal of Feminist Philosophy, 29(3), 599-616.
8. Stellina J. (2019). Climate Change, Disasters and Gender Resilience: A Legal Analysis from India, Journal of the Indian Law Institute, 61(4) 420-438.
9. Franziska K. (2014). The United Nations Human Rights-Based Approach to Climate Change – Introducing a Human Dimension to International Climate Law, Climate Change as a Threat to Peace: Impacts on Cultural Heritage and Cultural Diversity. Peter Lang AG.
10. Centre for Non-Traditional Security (NTS) Studies (2012). Climate Change and Migration in Southeast Asia: Responding to a New Human Security Challenge. Retrieved from <https://www.jstor.org/stable/resrep17163>
11. Bernadette P. (2012). The smokescreen effect: rethinking the gender dimensions of climate, migration and security, Climate change, migration and human security in Southeast-Asia. S. Rajaratnam School of International Studies.
12. Anita P. (2012). Introduction to complexities of migration, movement, and change, Practicing Anthropology, 34(4), Complexities of Migration, 2-3.
13. Bharat D. (2021). Role of Climate Change in Exacerbating Sexual and Gender-Based Violence against Women: A New Challenge for International Law, Environmental Policy and Law, 51(3), 137-157.
14. Christine C. (2020). Women's Human Rights and Climate Change: State Obligations and Standards, Retrieved from <https://deliverypdf.ssrn.com/delivery.php?ID=271115095026087002008105013106106006017000060055059029121029113023088066096030117125100029055040112124009075030067112075126103119082082087053123019019123012076007088038034008121005081020031098114116004084091080067022095127127019002098094107093086029001&EXT=pdf&INDEX=TRUE>