

# Human Rights Centre Clinic

## Energy transition, health and gender: Mapping the legal framework and potential policy solutions

### Partner: Global Initiative for Economic, Social and Cultural Rights (GI-ESCR)

#### About

GI-ESCR uses human rights law to end social and economic injustice. Together with partners worldwide, GI-ESCR seeks to achieve a world in which every person and community lives in dignity and in harmony with nature.

GI-ESCR has a long-standing tradition of engaging in research and advocacy before international human rights monitoring bodies to push the frontiers of the international human rights framework. It historically worked on emerging issues related to the climate emergency and the realisation of economic, social, cultural and environmental rights. Since 2020, GI-ESCR has conducted research on the interlinkages between the energy transition and women's rights to understand the risks and opportunities that the shift to renewable energy represents for the advancement of gender equality. A part of the project, GI-ESCR has developed advocacy tools to inform and influence human rights bodies and has several ongoing projects to contribute to the determination of the key elements of a feminist transition to renewable energy.

#### Project Overview

As the climate emergency escalates, it is now imperative to transition to clean, renewable energy. However, shifting from fossil fuels to low-carbon renewable technologies will not automatically produce more equitable outcomes. Lack of or restricted access to energy may undermine the quality and availability of public services on health, education, water and sanitation used by marginalised young girls and women. Without sustainable and safe power systems, some regions cannot provide the infrastructure necessary to provide services essential for the realisation of economic and social rights. These key human rights issues related to the decarbonisation of energy systems and the provision of sustainable energy services are often overlooked in energy transition processes disregarding gender inequality implications. This Essex Human Rights Clinic project will review and map relevant human rights norms

and standards, as well as relevant literature, to understand what a feminist energy transition, including the realisation of the right to health, would look like.

## Background

Energy production and use account for most greenhouse gases driving the escalating climate emergency. International scientific consensus warns that there is only a tiny window of opportunity to decarbonise our societies and economies before reaching irreversible tipping points with catastrophic implications for humanity, including violations of internationally recognised human rights norms and principles. In addition, global energy systems have failed to address structural conditions of energy poverty. Similarly, stark inequalities exist in access to, control, and use of energy resources worldwide. Transforming our energy systems to rapidly phase out all fossil fuels and ensure a just transition to renewable energy systems is thus imperative to arrest the climate emergency; contribute to the realisation of several rights, such as the rights to an adequate standard of living, education, health, water and sanitation; and ensure a sustainable future for all.

### *Gender, Health, Human Rights, and the Energy Transition*

Energy poverty has several impacts on the economic, social, cultural and environmental rights, including the right to health of girls and women. In communities suffering from energy [poverty](#), women and girls carry out most care work and they might use inadequate fuels, such as firewood, kerosene and other forms of biomass for activities such as cooking, washing clothes and direct care of other persons. In the same contexts, lack of or restricted access to energy might undermine the quality and availability of public services such as health care, education, and water and sanitation, in particular for marginalised women and girls. Without access to sustainable and safe power systems, some regions cannot provide the infrastructure necessary to deliver services essential for realising economic, social, cultural, and environmental rights and advancing substantive gender equality.

Furthermore, fossil-fuel-based energy systems driving the climate emergency are producing more frequent and severe slow onset and extreme weather events with disproportionate impacts on the rights of women and girls, including higher risks of losing their lives and being exposed to heightened health [risks](#). The construction and operation of energy infrastructure projects worldwide all too [often adversely affect local communities](#), among other things, by polluting the environment or restricting access to land and natural resources necessary to realise economic, social and cultural rights. Moreover, the transition to renewable energy sources commonly reproduces negative gender stereotypes that [limit women's and girls' meaningful and effective participation](#) in energy-related decision-making processes. The underrepresentation of women is also evident in employment and education opportunities created by the expanding, largely male-dominated, renewable energy [sector](#). However, the intersections between women's rights and the energy transition are still mostly underexplored.

Human rights bodies and mechanisms at the international and regional levels are increasingly addressing these issues when monitoring States' [compliance with human rights treaties](#). For example, United Nations Human Rights Treaty Bodies (HRTBs) have recognised that a failure to undertake all necessary measures and to mobilise resources to address the climate emergency is a violation of international human rights [law](#).

Through their work, HRTBs have been developing international human rights standards guiding States in ensuring effective climate action. Likewise, for several years, HRTBs have raised concerns about the human rights implications of the extraction of fossil fuels and the associated carbon emissions. For example, they have insisted that, from the human rights perspective, assessments must consider extracting and exporting oil, gas, and carbon into States' efforts to reduce their carbon [emissions](#). They have also drawn attention to the other human rights harms generated by fossil fuel extraction, such as air, land, and water pollution impacting the right to health and impacts on access to land, livelihoods, and cultural rights of local communities.

While these are significant developments, their analysis has given less emphasis to the human rights implications of the transition to renewable energy and to the need to provide access to energy to all as human rights and gender equality issues. Another aspect that seems underdeveloped in human rights standards are the human rights implications around measures to increase energy efficiency and ensure sustainable energy consumption patterns, which are core to the promotion of an equitable and gender-responsive transition to renewable energy.

The energy transition presents fundamental human rights questions to advance a sustainable, gender equal and fair future for all. While some of these critical issues have been addressed by international norms and principles and further developed by human rights monitoring bodies. In order to provide consistent guidance on how the energy transition should be conducted with a human rights and gender approach, this project seeks to identify the applicable international human rights legal framework, as well as the potential gaps, and opportunities of existing standards to address the transition to renewable energy.

### *Purpose of the Project*

The project will review and map the existing interpretation of relevant human rights norms and standards to understand how a feminist energy transition, including the realisation of the right to health, would look like. Importantly, the document will include a review of relevant international human rights treaties, HRTBs statements, and reports of Special Procedures. In addition to desk research, the students may wish to undertake interviews with human rights experts to better inform their analysis.

On the other hand, States have an obligation to ensure the realisation of the right to health, whether public or private actors are involved in the delivery of health care. In addition, GI-ESCR has worked extensively on the understanding and assessment of the human rights impact of private actors in health systems and, where needed, advocating for further development to the framework to ensure effective regulation or change of policies to ensure quality public health services.

The aim is to clarify the present-day standards regarding the energy transition. This research will allow GI-ESCR to understand what international human rights law has to say on the energy transition, health and gender, and how human rights institutions at the international level, like HRTBs and Special Procedures, have to this date addressed the question on the decarbonisation of energy systems and the provision of sustainable energy. The aim will be to identify patterns and gaps and clarify existing standards. The following questions will be addressed:

1. What is the current state of development of international human rights standards in relation to the energy transition?
2. What patterns and trends can be identified in how the international human rights framework addresses the interlinkages between the transition to renewable energy, gender, and the right to health?
3. What are the potential gaps and opportunities in human rights in legal protection on these key issues?

Students will analyse the UN international human rights framework, including international human rights treaties, General Comments, and concluding observations of HRTBs, and thematic reports by UN Special Procedures. Students will conduct full-text research, which should include the use of the database [“Universal Human Rights Index”](#) managed by the Office of the High Commissioner for Human Rights, as well as other relevant documents and instruments not contained in the database, such as UN treaty bodies’ General Comments or Recommendations, approximately between 2000 and 2023.

GI-ESCR will use the outcome of the research to help inform a feminist transition towards renewable energy and will be used for advocacy with UN institutions, including UN Treaty Bodies and Special Procedures as well as the WHO, which may include the drafting of parallel reports for the review of States before the Committee on Economic, Social and Cultural Rights and the Committee on the Elimination of Discrimination Against Women, as well as the participation of GI-ESCR at relevant conferences and high-level meetings.

## Project Output

The HRC Clinic project's findings will be presented in an 8-10,000-word analysis and a completed Excel spreadsheet containing the full text and identification of the human rights standards issued by human rights monitoring bodies. To facilitate the work, the template of the spreadsheet will be developed by GI-ESCR. The team will also produce a blog summarising the key findings from the project (May 2024).

The research will draw on research and interviews with experts on economic, social, cultural and environmental rights, the energy transition, and women's rights.

GI-ESCR will use the outcome of the research to help inform a feminist transition towards renewable energy and will be used for advocacy with UN institutions, including UN Treaty Bodies and Special Procedures as well as the WHO, which may include the drafting of parallel reports for the review of States before the Committee on Economic, Social and Cultural Rights and the Committee on the Elimination of Discrimination Against Women, as well as the participation of GI-ESCR at the World Health Assembly.

## Timeline

Phase 1: November – December 2023:

- Preliminary research, understanding the project and developing research/report outline.
- Identifying a list of experts for interviews and questionnaires.
- Securing ethical approval, if necessary.
- Outline and bibliography to be submitted to the partner organisation for comments.

Phase 2: January – March 2024

- Carrying out the interviews online.
- Research and data gathering.
- Report writing.
- Submission of the first full draft to the partner.

Phase 3: April – June 2024

- Revision and finalising the report based on inputs from partners.
- Presentation of project to the partner.
- Blog with summary findings and reflections.

## Initial reading

- GI-ESCR, [Renewable Energy and Gender Justice](#), (2020).
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- Wewerinke-Singh, Margaretha, [A Human Rights Approach to Energy: Realizing the Rights of Billions within Ecological Limits](#), Review of European, Comparative & International Environmental Law, (2021).
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- Oxfam, [“Appropriate gender-analysis tools for unpacking the gender-energy-poverty nexus”](#), (2007).
- Rodríguez-Garavito, César, [“The doughnut approach: how to climatize human rights”](#), Open Global Rights, (2021).
- GI-ESCR, [“Compendium on United Nations Human Rights Treaty Bodies’ Statements on Private Actors in Healthcare”](#) (2022).
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- Hunt, Paul, [Interpreting the International Right to Health in a Human-Rights Based Approach to Health](#), Health and Human Rights Journal, (2016).
- Cima, Elena, [The right to a healthy environment: Reconceptualizing human rights in the face of climate change](#), Review of European, Comparative and International Law, (2022).

## Focal Points

- Alejandra Lozano, Programme Officer on Environmental Rights, GI-ESCR [Alejandra@gi-escr.org](mailto:Alejandra@gi-escr.org)
- Rossella De Falco, Programme Officer on the Right to Health, GI-ESCR [Rossella@gi-escr.org](mailto:Rossella@gi-escr.org)