

***Submission to the Expert Mechanism on the Right to Development in relation to the study on “Women’s active, free and meaningful participation in development, with emphasis on decision-making.”***

27 May 2024

The present submission by the Global Initiative for Economic, Social and Cultural Rights (GI-ESCR) aims to highlight key elements to consider in relation to the participation of women in the energy transition for the report under preparation by the Expert Mechanism on the Right to Development (EMRD).

These inputs provided (related to guiding questions 1, 2 and 3) are divided into five sections, namely:

1. The right of women to participate in development;
2. The right to development and its connection to the energy transition;  
and
3. Policy recommendations to guarantee the meaningful and effective participation of women to achieve the right to development.

We welcome and congratulate the EMRD for its efforts to unpack the human rights implications of women’s participation in the realisation of the right to development. This is a timely and much-needed study to ensure the human rights framework addresses this critical issue and to share promising practices and recommendations with States and other stakeholders, to adequately tackle this question concerning the fundamental rights of current and future generations.

### *1. The Right of Women to Participate in Development.*

The right to participation involves having a say, being heard and taking part in decision-making processes that affect one's life and interests.<sup>1</sup> When meaningfully implemented, participation can radically shift power imbalances and articulate responsive and effective policies for rights-holders. **Participation is, thus, pivotal for the fulfilment of the right to development since individuals and communities must drive the processes for their own development.**<sup>2</sup> In that sense, the Declaration on the Right to Development is clear in establishing that *"active, free and meaningful participation is fundamental to realising the right to development."*<sup>3</sup>

**Fair decision-making procedures** matter not only because they are a recognised human right, but also because they **tend to promote more equitable and effective outcomes and decisions.** By ensuring all voices are represented, decisions are more likely to address specific needs through the most effective solutions as well as have the support of rights-holders.

**However,** despite the critical importance of realising this right without discrimination, in practice, **women in all their diversity have historically been discriminated against and marginalised from decision-making spaces** across sectors and disciplines. Due to patriarchal norms and gender stereotypes, **women face multiple cultural and material barriers that restrict their possibilities to meaningfully participate** in public affairs and decision-making. **These barriers are particularly significant in the energy sector, which is intrinsically related to the advancement of development.**

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<sup>1</sup> General Assembly (GA). 1966. "International Covenant on Civil and Political Rights." Treaty Series 999 (December): 171, article 25.

<sup>2</sup> Human Rights Council (HRC). 2019. "Report of the Special Rapporteur on the Right to Development". A/HRC/42/38.

<sup>3</sup> General Assembly (GA). 1989. "Declaration on the Right to Development". General Assembly Resolution 41/128.

The **energy sector has remained one of the most male-dominated industries, characterised by its lack of gender diversity and its pervasive gender-blindness in policymaking.**<sup>4</sup> Wide gaps remain in ensuring **women’s meaningful participation in energy** planning and policy-making processes with women being largely underrepresented in leadership positions, from corporate<sup>5</sup> to international negotiations.<sup>6</sup> The lack of women’s participation in positions of leadership is a key underlying factor that continues to replicate gender inequalities in the global efforts to decarbonise energy systems.

Furthermore, **energy policies and projects are rarely open to the participation of the public, and** typically, stakeholders engaged in these industries **fail to provide local communities, especially local women, with relevant information or mechanisms to meaningfully participate.**<sup>7</sup> Therefore, the negative impacts of large-scale renewable energy projects on local communities have resulted in differentiated and often disproportionate impacts on women’s livelihoods and local ecosystems due to the lack of gender-responsive participation and engagement mechanisms with local communities.

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<sup>4</sup> International Renewable Energy Agency (IRENA). 2019. "[Renewable Energy: A Gender Perspective](#)".

<sup>5</sup> In particular, women are largely under-represented within the renewable energy sector and often hold traditionally female-perceived secretarial and administrative positions, rather than technical and operative positions. In 2018, a global survey in 144 countries found that women only represent 32% of full-time employees in the renewable energy field. This was higher than the 22% average of women’s workforce representation in the gas and oil industries, but considerably lower than the share of women employed in manufacturing, finance, education, health, and social work and lower than average across the economy. [Fraune, C. 2016. "The Politics of Speeches, Votes and Deliberations: Gendered Legislating and Energy Policy-Making in Germany and the United States." 19, *Energy Research & Social Science*, 134-41.]

<sup>6</sup> United Nations Industrial Development Organisation (UNIDO) and UN Women. 2013. "[Sustainable Energy for All: The Gender Dimensions](#)."

<sup>7</sup> Global Initiative on Economic, Social and Cultural Rights (GIESCR). 2021 "[Women’s Participation in the Renewable Energy Transition: A Human Rights Perspective](#)."

## *2. The Right to Development and its Connection to the Energy Transition.*

**The energy transition** —the shift from fossil fuels to renewable energy sources— **is fundamental to development, and the fulfilment of human rights.**

Due to global warming, **climate change has become a significant threat to the right to development.**<sup>8</sup> Its effects will jeopardise the conditions sustaining life on the planet and, thus, hinder prospects of development and the realisation of fundamental rights and freedoms. **Thus, implementing an energy transition to tackle the climate crisis is essential to realising the right to development.**

This implies a profound transformation that can ensure sustainable and equitable access to energy resources and, consequently, mitigate the adverse impacts of climate change, thereby safeguarding the health and livelihoods of communities and the protection of ecosystems.

Additionally, **in line with the principle of intergenerational equity,**<sup>9</sup> the pursuit of **development must always be balanced with the protection of ecosystems** and the critical need to avoid overshooting planetary boundaries. In other words, the right to development cannot be realised, but sustainably and in line with efforts to protect the environment.

The systemic change required to achieve rapid and deep emissions reductions and transformative adaptation to climate change is unprecedented in terms of

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<sup>8</sup> Human Rights Council (HRC). 2023. "Report of the Special Rapporteur on the Right to Development, Surya Deva, Reinvigorating the Right to Development: A Vision for the Future." A/HRC/54/27.

<sup>9</sup> World Summit on Sustainable Development. 1992. "Rio Declaration on Environment and Development." A/CONF.151/26, vol.I. principle 3; World Conference on Human Rights. 1993. "Vienna Declaration and Programme of Action." par. 11; Human Rights Council (HRC). 2023. "Report of the Special Rapporteur on the Right to Development, Surya Deva, Reinvigorating the Right to Development: A Vision for the Future." A/HRC/54/27.

scale, scope and speed.<sup>10</sup> **Besides the imperative to phase out fossil fuels, advancing a transition to clean and renewable energy systems should imply seeking just and equitable outcomes. To guarantee** that this global transformation distributes its benefits and costs while **complying with the right to development, participatory frameworks** that prioritise the needs of those historically discriminated against and marginalised **must be established in all energy transition processes.** Particularly important is to ensure the participation of women in all their diversity as users, producers and leaders of the transition to renewable energy and set the path toward the fulfilment of the right to development.

**Given the relevance of the energy transition to the fulfilment of the right to development, it is key that women have a say, are heard and take part in those decisions to be able to drive the processes for their own development. The lack of women’s engagement and participation within the energy sector and in-decision making concerning energy policy is a failure that underlines the critical need to establish policies<sup>11</sup> to attain women’s engagement and participation throughout and at all levels of the energy transition.**

### *3. Policy Recommendations to Guarantee the Meaningful and Effective Participation of Women to Achieve the Right to Development.*

To address challenges to women’s participation in the energy transition, this section seeks to provide guidance to the Expert Mechanism on **possible**

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<sup>10</sup> Intergovernmental Panel on Climate Change (IPCC). “Climate Change 2023: Synthesis Report. Contribution of Working Groups I, II and III to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change: Summary for Policymakers,” 2023. <https://doi.org/10.59327/IPCC/AR6-9789291691647.001>.

<sup>11</sup> In that sense, the Committee on the Elimination of Discrimination Against Women (CEDAW) has called on States to include women in decision-making concerning “the switch from coal-based to low-carbon-based energy sources”, promote their employment in the green economy and ensure their involvement in policies to tackle the climate crisis [CEDAW, Concluding Observation on the Fifth Periodic Report of South Africa, CEDAW/C/ZAF/CO/5, 2021].

**measures to be implemented by States and stakeholders to operationalise their participation and contribute to the realisation of their right to development.** In that sense, the Expert Mechanism could follow the steps of the Special Rapporteur on Extreme Poverty<sup>12</sup> and the Special Rapporteur on the Right to Development<sup>13</sup> and advance a human rights-based framework for meaningful, empowering participation for women to achieve the right to development.

Consequently, to comply with their human rights obligations pursuant to the right to development, the EMRD could recommend the following actions:

#### **I. Legal Framework and Accountability**

- Establish legal and institutional energy frameworks that explicitly include the principles of non-discrimination, gender equality, and the right of women to participate on an equal footing with men across the energy sector.<sup>14</sup>
- Regulate private actors to ensure their activities do not infringe upon fundamental rights, including women's right to participation.<sup>15</sup> The duty of States to regulate the activities of private actors should also address business-related human rights impacts to participation throughout the energy supply chain and in all territories under their jurisdiction.

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<sup>12</sup> Human Rights Council (HRC). 2013. "Report of the Special Rapporteur on Extreme Poverty and Human Rights, Magdalena Sepúlveda Carmona." A/HRC/23/36.

<sup>13</sup> General Assembly (GA). 2019. "Report of the Special Rapporteur on the Right to Development." A/HRC/42/38.

<sup>14</sup> As an example of national policies along these lines, take into account [Kenya's Gender Policy in Energy](#) launched by the Ministry of Energy that intended to mainstream a gender lens in the national energy legal and institutional framework and ensure energy services honour constitutional rights on substantive gender equality.

<sup>15</sup> The [French Duty of Vigilance Act](#), which imposes a legal obligation on certain multinationals to establish, effectively implement and publish "reasonable vigilance measures" adequate to identifying risks and preventing severe impacts on human rights and fundamental freedoms, can be observed as an example of such national legal frameworks.

- Subject to oversight and accountability participatory processes and mechanisms in the context of the energy transition to ensure they comply with human rights standards and gender equality principles. This involves instituting effective monitoring and evaluation of the participatory process and the provisioning of sufficient resources and training to the judiciary and law enforcement system to enhance judicial oversight to avoid or, in any case, redress any encroachment upon women's participation.

## **II. Collection of Data, Access to Information and Transparency**

- Develop and compile gender disaggregated data with an intersectional lens to adequately consider the full scope of the gendered impacts of energy transition policies and projects, as well as of women's role in the development, design, adaptation, and use of renewable energy technologies.
- Ensure transparency and access to information. States and corporate actors leading renewable energy policies, programmes and projects should provide timely, sufficient, and objective data to the public, in accessible formats, and via appropriate channels. This is crucial for women to be able to participate in decision-making at all levels of the energy transition to new sustainable and more equal energy systems.

## **III. Education, Training and Employment**

- Combat harmful gender roles and stereotypes in the energy field. This includes, on one hand, how women perceive themselves, and on the other, how the State, families and communities perceive women in the energy sector in order to change harmful social practices and norms that exclude women from participating in energy systems.
- States and relevant stakeholders driving the energy transition need to provide quality education and training services in STEM subjects and other key energy-related education programs to ensure women in all

their diversity develop their skills and talent as managers, negotiators, technicians, administrators, and providers of sustainable energy solutions and allow them to meaningfully participate at all levels of decision making in the global transformation of energy systems.

- States and other stakeholders must remove barriers to women's employment at all levels of the renewable energy sector providing more flexible working arrangements for a better life-work balance, training opportunities for women, including mentoring programmes, and combating gender stereotypes in the energy sector.

#### **IV. Access to Sustainable Energy and Appliances**

- States must provide universal access to safe, reliable, and sustainable energy sources, prioritising communities currently living in energy poverty. This could be achieved by fostering different forms of decentralised, locally owned and women-led renewable energy systems that can provide better opportunities to bridge energy access gaps and for women to participate meaningfully in the production and distribution of sustainable energy.
- States should adopt a holistic approach to access to sustainable energy not only by ensuring the provision of renewable energy sources but also the acquisition and use of energy-efficient electrical appliances (*i.e.* clean cooking stoves, lights, fans, mills, water pumps, refrigerators, washing machines, etc.)<sup>16</sup> able to transform the energy into productive energy services at the household level and for other key economic activities.

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<sup>16</sup> An example of policies aimed at aiding the acquisition and use of such appliances are training programmes in Nepal teaching basic electrical safety and household wiring systems. There, the [Women Network for Energy and Environment \(WoNEE\)](#) has been imparting training to women entrepreneurs who own electrical appliance stores to repair and maintain electrical appliances, targeting areas where the Nepalese government has been promoting of e-cooking.



- Support women’s local and traditional knowledge and skills for the development of culturally adequate renewable energy systems and energy-efficient technologies and infrastructure.

## **V. Gender-sensitive and Participatory Decision-Making**

- States should take necessary steps to achieve a gender-balanced composition of the bodies intervening at all stages of energy decision-making.<sup>17</sup> This should be promoted through multifaceted approaches that are responsive to the challenges faced by women due to intersectional forms of discrimination.
- Impact evaluation assessments of renewable energy projects must be participatory and comprehensive. They must evaluate gender-differentiated impacts, incorporate human rights principles, and be developed with the meaningful participation of all women and girls especially affected by energy policies or projects.
- Consultation processes must be held with indigenous and local communities that are mostly affected by energy projects and policies. The consultation processes should be designed and implemented according to international human rights standards in a manner that allows all persons regardless of their gender to equally participate.
- States should support and protect platforms for women to learn, exchange experiences, strategize, and organise, which is key to ensuring their meaningful participation in the energy transition. This involves the creation of spaces and platforms for women to feel comfortable sharing their views, have peer-to-peer exchanges, identify common challenges and demands, as well as to coordinate with others to influence decision-making processes.

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<sup>17</sup> For instance, consider as an example that Rwanda Constitution’s Article 9(4) states women should be granted [at least 30% of posts](#) in all decision-making organs, including all governance bodies relevant to energy transition processes.

- Cities should foster new urban planning and development by incorporating mechanisms to enhance women’s participation in local governments and promote measures to encourage women to promote efficiency measures in buildings and public facilities, support decentralised women-led renewable energy infrastructure in urban settings and organise public campaigns to encourage transformative changes in citizens’ consumption patterns to save energy among higher income consumers.

## **VI. Finance and Budgeting**

- States and other stakeholders must promote gender-responsive financing of energy projects and policies that deliver gender-equal outcomes and promote women’s participation as key agents of change in the articulation of socially inclusive and sustainable energy solutions.<sup>18</sup> To this end, it is key to incorporate a gender approach to tax policies, State budgeting and financial services providing credits and loans for the development of renewable energy projects.

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<sup>18</sup> See, for instance, the [“JEEViKA—Lighting a Billion Lives \(LaBL\)” Initiative](#), a programme from the Bihar Rural Livelihood Promotion Society (BRLPS) and the Energy and Resource Institute (TERI) in India. This programme, that searches women to be beneficiaries, provides them with a clean energy loan called an “Energy Security Credit” to help finance the cost of a solar-home system to give access to sustainable sources of energy in poorly electrified villages.



For more information, please consult the following publications:

- [Towards a Gender-Just Transition: A Human Rights Approach to Women's Participation in the Energy Transition](#) – Briefing Paper (2021).
- [Renewable Energy and Gender Justice](#) – Briefing Paper (2020).

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