**INPUT | SPECIAL PROCEDURES**

**Women, Girls and the Right to a Clean, Healthy and Sustainable Environment**

While the effects of climate change, pollution and biodiversity crisis affect everyone around the world, poor, densely populated and low-lying countries such as Bangladesh are expected to be some of the worst affected in the coming years. Although Bangladesh is one of the small contributors to the global emissions leading to climate change, it is seventh on the list of countries most vulnerable to it according to Germanwatch’s 2021 Global Climate Risk Index (CRI). Disasters such as cyclones, sea level rise, salinity intrusion, floods, erratic rainfall, and droughts can cause large-scale human casualties because of the high population density of the country. The flood in Pakistan this year was an indication of things to come in this region.

Within Bangladesh certain groups are differently impacted by the impacts of changes in the environment and climate change because of their socio-economic and political position. The poor Indigenous Population of the country, especially women and girls, are differently impacted by the changing climate. At the national level, the Government of Bangladesh has refused to provide constitutional recognition to more than 50 different Indigenous peoples living across the country who make up 1.8% of the total population of the country. The highest concentration of Indigenous peoples is in the militarized region of the Chittagong Hill Tract (CHT) in the Southeast of the country, bordering India and Myanmar, and these peoples have faced land dispossession through racist policies of successive governments in the colonial and postcolonial periods.

Poor Indigenous communities are the most vulnerable to the effects of climate change and destructive development given that they depend on natural resources for their survival and many of these indigenous-inhabited regions face unfettered free market capitalist exploitation. These exploitative activities threaten the traditional practices of the Indigenous peoples. Many Indigenous Peoples in the CHT are already dependent upon subsistence-oriented jhum (swidden) cultivation. This way of life has long been under threat. Many Indigenous women have been involved with jhum cultivation for generations and this form of livelihood continues to be threatened through the process of land dispossession under military occupation. Thus this threatens both the livelihood security of these communities – most of whom do not have access to privately owned and titled land plots – and their identity as traditional upland agriculturists and forest-dependent communities.

Indigenous women and girls face multiple forms of discrimination from the state and society because of the history and politics of socio-economic contexts and land management ansd ownership patterns. Rape and other forms of violence have been used as a tool by the state and settlers to collaborate in grabbing lands for profit-making. In the Chittagong Hill Tracts (CHT) of Bangladesh for example, access to water for household use has dwindled over the years through deforestation combined with pollution caused by indiscriminate development and tourism. While decisions regarding tourism and development of the region are theoretically under the jurisdiction of the Hill Districts Council, this is not so in practice, as the government has yet to fully implement the 1997 CHT Accord where this is stipulated. In the Hill Tracts region, the non-implementation of this agreement is the primary barrier to Indigenous women and girls enjoying a safe, clean and sustainable environment. A fully implemented Accord will be the first and most important step to ensure that decisions about infrastructural development, tourism and land allocation are carried out with the consent and participation of the hill communities and helps ensure a sustainable future for them.

Every year Indigenous women and girls suffer the devastating consequences of so-called “development” activities of state and non-state actors. In 2017 there was a tragic landslide that killed more than 150 people, mostly from the Indigenous communities in Rangamati hill district. Fresh water in many parts of the Bandarban district has dried out because of stone extraction by private companies, often supported by the state military, leaving Indigenous people without access to water and forcing indigenous women to travel farther to collect water for domestic use. Without adequate land administration authority under the Hill District Councils, many private companies are leasing land and forcing Indigenous People to be evicted from their ancestral lands. Recently a rubber company first burned down the cultivated plants of Indigenous people in a region and later poisoned the water in the area in order to evict a community.

In this region, military occupation and an unimplemented peace treaty, the 1997 CHT Accord, has meant that land management and allotment are in the hands of the corrupt political elite. Although Indigenous women have the traditional knowledge for adaptation and mitigation, in the absence of state safety and security there is a limitation on the freedom of movement for women.

Much of the Indigenous communities throughout the country depend on land and forest resources for their daily lives and livelihood. They also possess traditional knowledge related to environmental conservation and management. The relentless deforestation under the unlawful military occupation in the region is forcing many Indigenous Peoples, including women, to move away from these natural environments. Many Indigenous families are being forced to migrate to the cities and take up dangerous and precarious work, often poorly paid, as a result of deforestation.

Indigenous people living in different circumstances are affected differently by the impacts of climate change. For example, for women and girls living in coastal areas, the rise of sea level and the increase in salinity means that they will be forced to migrate away from their homes. Many women and girls thus end up looking for work in the cities as a result.

The Government of Bangladesh has ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and is thus obliged under international law to respect, protect, and fulfill the right to food and nutrition of women in Bangladesh. Bangladesh has ratified the Optional Protocol to the CRPD and the Optional Protocol to CEDAW but has not ratified the Optional Protocols to ICESCR, CRC, or ICCPR. Bangladesh’s CEDAW ratification, though, comes with some important reservations in spite of these being contradictory to the constitution. The reservation on CEDAW contradicts the Constitution of Bangladesh which guarantees equal rights for women and men. Although the Government made a commitment to withdraw the reservations in 2004, this has not been realized so far.

Bangladesh is one of the countries that voted in favor of the UN resolution affirming that every human has the right to access a clean, healthy, and sustainable environment. However, this is yet to be recognized through state mechanisms and laws. The constitution of Bangladesh does not directly recognize the right to a safe, clean, healthy, and sustainable environment. However, at Article 31, it stipulates that ‘Every citizen has the right to protection from ‘action detrimental to the life liberty, body, reputation, or property”. Article 32 further states, "No person shall be deprived of life or personal liberty saves in accordance with law". The fundamental concept of “Right to life” from these two articles is very often used as a reference to refer to the “Right to environment” through various Public Interest Litigations (PIL). For example, in a Public Interest Litigation writ matter (Dr. M. Farooque v. Secretary, Ministry of Communication, Government of the People's Republic of Bangladesh and Others) in 1994, the Supreme Court of Bangladesh declared that “Right to life” also applies to “right to a safe and healthy environment”. In the recent time, PILs are becoming increasingly efficient in Bangladesh in the context of demanding the right to access a clean, healthy, and sustainable environment, while any concrete laws to protect those rights are still absent.

A number of NGOs in different parts of the country are supporting communities by helping people come up with community-based solutions, many of them being women-based, to combat the impacts of climate change. Solutions, include making small-sized dams to protect water from getting salinated, or making bunkers to protect their household essentials and themselves from severe weather etc. are good examples.

Since the killing of two prominent LGBTQI activists in 2016 the members of the community live in constant fear and coming out about one’s identity. There is recognition of transgender identity, but specifically the lesbian and gay community do not feel safe about coming out of the closet. The state provides no protection for members of this community. Same-sex unions are still criminalized through laws. Given that even men and women of the majority community of the country do not feel safe in Bangladesh it is safe to say that much of the members of this community remains closeted.

In 2014 the Office of the Chakma Raj led a historical reform in the customary Indigenous leadership system when a guideline was created to nominate and select women as karbaris, or village chiefs, for the very first time ever. Earlier it was only men who could become a village chief. However, women karbaris do not yet get a government stipend and the stipend paid to men is still insignificant. A fair stipend would ensure both men and women traditional leaders would be able to meaningfully participate and ensure the women and girls in their administrative unit can enjoy a safe, clean and sustainable environment and are empowered enough to have access to all forms of justice. Without the stipends and the formal recognition by the state, the role of these women chiefs is often sidelined. Women karbaris have pointed out that Indigenous women from the CHT feel much more confident about sharing problems in their community with other women. Since women are often excluded from decision-making procedures relating to environmental governance at the community levels, Indigenous women leaders could work closely with local women to identify problems and engage with mitigation processes. This will also help to support the Village Common Forests (VCF) projects. VCFs are community-led initiatives to protect and preserve forests and its biodiversity through Indigenous knowledge and are managed by mouza (group of villages) headmen (traditional leader of the mouza). Increasing number of women as headmen and karbaris will ensure that women and girls can enjoy safe, clean and sustainable environments and that the VCF initiatives are led by women.

Bangladesh has so far received US$ 94.7 million as grant from GCF for four projects that include Climate Resilient Infrastructure Mainstreaming, Enhancing Adaptive Capacities of Coastal Communities, Especially Women, to Cope with Climate Change Induced Salinity, Global Clean Cooking Programme-Bangladesh and Extended Community Climate Change Project-Flood (ECCP-Flood). The Ministry of Women and Children’s Affairs has programs for vulnerable women such as VGD, allowances to working lactating mothers, allowances to the widow and divorced distressed women, maternity allowances for the ultra-poor and pregnant women throughout the country. But these programs are not particularly targeted for women or girls who are affected by climate change and not particularly targeted towards Indigenous women and girls who are affected by climate change.

Letting the community manage forests through the Village Common Forests (VCF) initiatives along with further empowerment of traditional Indigenous women leaders will best contribute to the realization of the rights to a clean, healthy and sustainable environment. Through this the members of the community, especially the women leaders, will be able to decide upon mitigation and adaptation strategies that come from their own local and indigenous knowledge. Livelihood security, food security, nutritional security solutions can be ensured using Indigenous knowledge. Capacity and other support to VCF communities can also be combined with developmental measures – education, food and nutrition, water, etc. – to reward those communities for their eco-system services from government funds from the various line agencies and development agencies present in the three hill districts.

The recent reform in the traditional and customary governance system in the CHT regarding which Indigenous women are now able to represent and participate in the traditional institution has contributed enormously to the empowerment of Indigenous women in the community. Through this reform Indigenous women are being encouraged to become traditional community leaders as headmen and karbaris. UNDP and a number of other NGOs are facilitating the training of these women about laws, policies and rights of Indigenous Peoples, although one such project of the Local Government ministry known as AVCB in short (on the activation of Village Courts), with funding from the European Union, has been withdrawn from the CHT, but not so for the other 61 districts of the country. Becoming community leaders in positions which were traditionally dominated by men has already had a big impact upon the community.

It is widely acknowledged that indigenous knowledge is an important mechanism for disaster management for local communities, especially Indigenous communities whose tradition of passing down knowledge about environmental management and coping mechanisms has been passed down for generations. People who live in disaster prone zones use this inherited knowledge to cope with various environmental challenges. A study carried out by the Women’s Resource Network found that the appointment of Indigenous women as traditional community leaders not only personally empowered the leader but it trickled down to the women in the village and also challenged the gendered power dynamics of the community.

Women and girls are at higher risk of facing obstacles from entering the labor force. It is particularly important to ensure that Indigenous women and girls are able to participate in decision making activities and that discrimination against them is combatted. It is very important for Indigenous women to represent themselves and advocate for their rights at local, national and global levels. Although the number of Indigenous women in leadership positions have increased over the years, there are still a number of barriers to their meaningful representation in the public sphere, including the system of election, nomination and appointment in the elective and traditional institutions. A clean, healthy and sustainable environment for Indigenous women will only be one part of the empowerment process to support their becoming empowered leaders in their community and ultimately at the local and national level. Empowered Indigenous women community leaders can help to counter domestic and other forms of violence against women in their community, ensure a just and equitable political participation of women in all the relevant decision-making bodies and all facets of public life and preserve and maintain community-led, Indigenous knowledge driven environmental adaptation and mitigation processes in order to minimize the negative impacts of climate change for the whole community.

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