



*Working Group on the issue of human rights and transnational corporations and other business enterprises*

## **The Gender Lens to the UN Guiding Principles on Business and Human Rights**

*A Multi-stakeholder Consultation Convened by  
the UN Working Group on Business and Human Rights*

Thursday, 30 November, 9:00-17:00  
Room XXI, Palais des Nations

### **Background**

Women experience business-related human rights abuses in unique ways and are often affected disproportionately.<sup>1</sup> Women also face multiple forms of discrimination and experience additional barriers in seeking access to effective remedies for business-related human rights abuses. Therefore, in order to effectively meet their respective human rights duties and responsibilities under the UN Guiding Principles on Business and Human Rights (UNGPs), States and business enterprises need to give special attention to the unique experiences of women and structural discriminations or barriers that they face.

The UNGPs acknowledge the importance of gender in several places.<sup>2</sup> Despite these references to gender in the UNGPs, the business and human rights (BHR) discourse has not so far given adequate attention to the differentiated impacts of business-related human rights abuses on women and the additional barriers that they face in accessing effective remedies to redress such abuses. The existing national action plans to implement the UNGPs<sup>3</sup> and the current practice of human rights due diligence by businesses are illustrative of an inadequate integration of the gender perspective in the policies of States and business enterprises.

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<sup>1</sup> Unless the context requires otherwise, the term “women” in this concept note includes girls.

<sup>2</sup> The general principles part of the UNGPs provide that the UNGPs “should be implemented in a non-discriminatory manner, with particular attention to the rights and needs of, as well as the challenges faced by, individuals from groups or populations that may be at heightened risk of becoming vulnerable or marginalized, and with due regard to the different risks that may be faced by women and men.” The commentary to Principle 3 of the UNGPs further provides that States should provide appropriate guidance to businesses on “how to consider effectively issues of gender, vulnerability and/or marginalization”, while Principle 7 underlines that States should provide adequate assistance to business enterprises operating in conflict affected areas “to assess and address the heightened risks of abuses, paying special attention to both gender-based and sexual violence”. The commentary to Principle 12 of the UNGPs reads: “Depending on circumstances, business enterprises may need to consider additional standards. For instance, enterprises should respect the human rights of individuals belonging to specific groups or populations that require particular attention, where they may have adverse human rights impacts on them. In this connection, United Nations instruments have elaborated further on the rights of ... women ...”. Moreover, the commentary to Principle 20 underlines that business enterprises “should make particular efforts to tack the effectiveness of their responses to impacts on individuals from groups or populations that may be at heightened risk of vulnerability or marginalization”, underlining the importance of “using gender-disaggregated data where relevant”.

<sup>3</sup> See <http://www.ohchr.org/EN/Issues/Business/Pages/NationalActionPlans.aspx>

In line with its mandate to “integrate a gender perspective throughout the work of the mandate” ([A/HRC/Res/17/4](#)), the Working Group on Business and Human Rights has considered the gender-based discrimination and women’s rights in its past activities and reports.<sup>4</sup> Building on its past work, the Working Group recently decided to launch a new [thematic project](#) to pay greater attention to the gender lens to the UNGPs and develop guidance for both States and businesses.

This project has the following three broad objectives:

- 1) Raise sensitivity amongst all stakeholders about the need to adopt a gender lens to implement the UNGPs and in turn mainstream the women issues within the BHR field;
- 2) Develop guidance to assist both States and business enterprises with practical recommendations for what it means to protect, respect and remedy the rights of women in a business context in line with the UNGPs; and
- 3) Bring together various agencies, institutions, organizations and actors working in the BHR field to continuously explore ways to empower women who are at-risk or have been adversely affected by business-related human rights abuses.

In unpacking the respective obligations and responsibilities of States and businesses under the UNGPs in relation to women, the Working Group will also draw on the relevant international human rights instruments, notably the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), and the work of the UN treaty bodies. The Working Group will carry out this project in consultation with all relevant stakeholders engaged with women rights generally or working in the BHR field, including the Working Group on Discrimination against Women in Law and Practice, the CEDAW Committee, OHCHR, UN Women, UN Global Compact, ILO, OECD, civil society, academics, trade unions, and business associations.

### **Consultation Aims**

Drawing on an initial meeting with selected experts held during the 18<sup>th</sup> session of the Working Group (September 2017), this first multi-stakeholder consultation will bring together all relevant stakeholders engaged with women rights generally or working in the BHR field to brainstorm collectively on how to accomplish the project objectives.

The discussion questions listed below are aimed at guiding the discussion rather than constraining an open dialogue about all the relevant issues.

Subsequent regional consultations will be held in 2018 to gather more feedback to inform the project objectives.

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<sup>4</sup> For example, in its 2017 UN General Assembly Report ([A/72/162](#)), the Working Group explored the concept of access to effective remedies from the perspective of women.

## Agenda

<b>Multi-stakeholder Consultation</b>	
09:00- 9:15	<p><i>Welcome and Opening Remarks about the Project</i> Surya Deva, Chairperson, UN Working Group on Business and Human Rights</p>
9:15- 10:30	<p><i>Session I: Unpacking the Gendered Impact of Business Activities on Women's Rights – From Supply Chains to Climate Change</i></p> <p><u>Discussion leads</u></p> <ul style="list-style-type: none"> <li>➤ Sanam Amin, Programme Officer, Asia-Pacific Forum on Women, Law and Development (APWLD)</li> <li>➤ Sara Seck , Associate Professor, Schulich School of Law and Marine &amp; Environmental Law Institute, Dalhousie University, and Senior Fellow, International Law Research Program, Centre for International Governance Innovation</li> <li>➤ Tambudzai Madzimure, Women@Work Programme, Hivos</li> <li>➤ Wandisa Phama, Attorney of the Centre for Applied Legal Studies, Wits School of Law</li> </ul> <p><u>Discussion questions</u></p> <ol style="list-style-type: none"> <li>1) In what ways do women experience the impact of business-related human rights abuses differently and disproportionately?</li> <li>2) Do the adverse experiences of women vary from sector to sector and region to region? Are there some common issues across all sectors and regions?</li> <li>3) How is gender discrimination exacerbated for women belonging to specific groups (e.g., women with disabilities)?</li> <li>4) How to deal with marginalisation or vulnerabilities in conflict-affected areas or weak governance zones?</li> <li>5) Which State laws and/or policies continue to impede women's integration into economic activities and public life generally? What structural changes are needed in the BHR field to overcome discrimination against women?</li> </ol>
10:30- 11:45	<p><i>Session II: Women Empowerment – Existing Principles, Policies and Practices of States and Businesses</i></p> <p><u>Discussion leads</u></p> <ul style="list-style-type: none"> <li>➤ Patricia Schulz, Expert of the CEDAW Committee</li> <li>➤ Naomi Potipa, Stakeholder Engagement Coordinator, Foreign Trade Association</li> <li>➤ Martin Oelz, Senior Specialist on Equality and Non-discrimination in the ILO's Gender Equality and Diversity Branch, ILO</li> <li>➤ Natalie Zerial, United nations Global Compact</li> </ul> <p><u>Discussion questions</u></p>

	<ol style="list-style-type: none"> <li>1) What lesson can we learn from existing principles, policies and practices of States or businesses aimed at overcoming discrimination against women? What is working and what is not working?</li> <li>2) Can we gather any good practices from existing National Action Plans on BHR (or Human Rights generally)?</li> <li>3) How could the gender lens be integrated into States' economic operations (e.g., public procurement, trade/investment agreements)?</li> <li>4) What is the extent to which companies currently apply a gender lens in conducting human rights due diligence, including impact assessment? What steps could be taken to achieve a better integration of the gender lens in business policies and actions?</li> <li>5) What should businesses do not to exacerbate existing discriminations against women?</li> <li>6) What is the extent to which labelling/certification schemes or corporate rankings consider gender equality variables?</li> <li>7) How to engage men (including business leaders) to overcome discrimination against women?</li> </ol>
11:45-13:00	<p><i>Session III: Access to Effectives Remedies – Integrating Women's Experiences</i></p> <p><u>Discussion leads</u></p> <ul style="list-style-type: none"> <li>➤ Harpreet Kaur, Director, Genpact Centre for Women's Leadership, Ashoka University</li> <li>➤ Gunhild Ørstavik, Forum for Women and Development, FOKUS</li> <li>➤ Masataka Nagoshi, Manager, Climate Change &amp; Sustainability Services, Ernst &amp; Young Japan</li> <li>➤ Penelope Simons, Associate Professor, Faculty of Law, University of Ottawa</li> </ul> <p><u>Discussion questions</u></p> <ul style="list-style-type: none"> <li>➤ What additional barriers do women face in accessing effective remedies? How could these barriers be removed to empower women?</li> <li>➤ How could remedial processes and remedies be made gender-sensitive?</li> <li>➤ How to overcome power imbalances and discriminatory practices that might undermine the effectiveness of remedies obtained by women?</li> <li>➤ Are there certain specific issues concerning women's access to operational-level grievance mechanisms that should be considered and addressed?</li> <li>➤ What is the role of preventive remedies for women, especially in conflict or post-conflict situations?</li> <li>➤ Is gender-disaggregated data required to assess women's equal access to remedial mechanisms?</li> </ul>
13:00-14:00	Sandwich lunch (sponsored by Genpact Centre's for Women Leadership, Ashoka University, India)
14:00-17:00	<i>Developing Guidance regarding the Gender Lens to the UNGPs: The Way Forward</i>

	<p><u>Moderator</u></p> <ul style="list-style-type: none"> <li>➤ Surya Deva, Chairperson, UN Working Group on Business and Human Rights</li> </ul> <p><u>Panellists</u></p> <ul style="list-style-type: none"> <li>➤ Aishah Bidin, Commissioner of the National Human Rights Commission of Malaysia</li> <li>➤ Chiara Capraro, Policy &amp; Advocacy Manager, Womankind</li> <li>➤ Caitlin Kraft-Buchman, Women@TheTable</li> <li>➤ Livio Sarandrea, UNDP Bangkok</li> </ul> <p><u>Discussion questions</u></p> <ul style="list-style-type: none"> <li>➤ What insights did we gain from the multi-stakeholder consultation held this morning? How could these insights be integrated into the Working Group’s gender lens project?</li> <li>➤ Is there anything that should be done differently in regional consultations to be held in 2018?</li> <li>➤ How to ensure meaningful participation of women in regional consultations and online questionnaire?</li> <li>➤ What should be the structure of the proposed gender guidance, e.g., specific to each pillar or each principle of the UNGPs?</li> <li>➤ Which existing instruments should be used as a reference point to develop the proposed guidance?</li> <li>➤ How to achieve effective dissemination and implementation of the guidance?</li> <li>➤ What role can be played by NHRIs, business associations, trade unions and university centres, and women organisations in achieving the three objectives of the UNWG project on the gender lens to the UNGPs?</li> </ul>
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## Future Steps

To take the project forward, the Working Group will continue to engage with all stakeholders and take a number of steps in 2018: (i) publish on its website a summary of feedback generated from the 30 November consultation; (ii) issue an online questionnaire to collect input from States and other stakeholders; and (iii) organise regional consultations in collaboration with other organisations. The Ashoka University’s Genpact Centre for Women’s Leadership, in collaboration with the Working Group and UNDP Bangkok, will be hosting the Asia consultation in New Delhi on 20-21 February 2018. The Africa consultation is likely to be hosted by the University of the Witwatersrand’s Centre for Applied Legal Studies (CALs) in the second half of 2018, while the Working Group is exploring possibilities to hold similar consultations in other world regions.

Drawing on the feedback received from all the consultations and online questionnaire, the Working Group aims to release draft guidance for public comments in early 2019.