



## ***Exploring elements of effective remedy: focus on women's rights***

*Parallel session*

*28 November*

*15:00-18:00*

<p><b><i>Part 1: Business-related impacts on women's rights – challenges and strategies for addressing them</i></b></p>
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<p>15:00-16:00</p>
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<p>Organized by Ashoka University's Genpact Centre for Women's Leadership, UN Global Compact, UN Women, and Women @ the Table</p>
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<p><b><i>Part 2: Women's rights and land intensive investment: what does meaningful access to remedy look like?</i></b></p>
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<p>16:00-17:00</p>
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<p>Organized by Womankind Worldwide, CORE Coalition, UK Gender and Development Network, AWID, Latin American Mining Monitoring Programme, National Association of Professional Environmentalists Uganda, Women and Land in Zimbabwe, Landesa</p>
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<p><b><i>Part 3: Women workers in global supply chains: operational-level grievance mechanisms and access to remedy</i></b></p>
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<p>17:00-18:00</p>
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<p>Organized by Business and Human Rights Catalyst, University of Manchester; Ethical Trading Initiative; Women Working Worldwide</p>
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## **Part 1: Business-related impacts on women's rights – challenges and strategies for addressing them**

**Background:** Around the world, women continue to face gender-based discrimination and economic, social and legal barriers to equality. While more and more business leaders recognize the corporate responsibility to respect human rights, including the rights of women and girls, greater efforts are needed to ensure that all companies apply a gender-lens to their human rights strategies and corporate sustainability efforts.

Business-as-usual policies, practices and cultures that fail to consider the specific needs of, and impacts on, women and girls perpetuate gender inequality. Among other things, women are underrepresented on corporate boards and in leadership positions, and often found in most precarious work environments, at the bottom of supply chains. Further, development projects tend to affect women

more adversely than men, given they are disproportionately represented among the poor, may not own land and are less likely to be consulted on projects affecting their livelihoods. In addition, inadequate operational level, as well as judicial grievance mechanisms make it difficult for women to access remedy when gender-based human rights violations occur. For instance, in the absence of policies to protect against gender-based violence, including bullying and sexual harassment women may feel inhibited from raising incidents of harassment with their employer<sup>1</sup>. This session will highlight key business related impacts on women's rights, consider the specific steps that business should take to ensure respect for the rights of women and girls and explore how all stakeholders (including government, civil society and business) can better enable access to effective remedy.

#### **Objectives:**

- Unpack how the intersection of business with human rights impacts women and their rights.
- Raise awareness of the unique needs of women and girls' in accessing remedy mechanisms as they relate to business-related infringements of their rights, including gender-based violence and discrimination, etc.
- Identify the relationship between gender leadership gap and access to remedy at workplaces, particularly for women.
- Highlight the opportunities and challenges for governments, business and civil society to improve women and girls' access to effective remedy, including current good practices from judicial, non-judicial and operational grievance mechanisms.

#### **Key discussion questions:**

- How do business activities around the world continue to negatively impact and limit opportunities for women and girls? What are the legal, operational (policies, gender leadership gap, gender pay gap etc.) and socio-economic obstacles that must be addressed?
- What specific barriers do women and girls continue to face in terms of access to effective remedy? What solutions and approaches have been employed to address these obstacles? What is the role and responsibility of various stakeholders (government, business and civil society) and how can they work together to enable access to remedy?
- Why is it critical for business to apply a gender lens in a cross-cutting manner, from making a policy commitment to carry out all four stages of human rights due diligence and provide remediation?
- Where gender equality obstacles are identified, but the responsibility for action does not fall directly to business, how can and why should business seek to support the empowerment of women and girls?
- Why do we need women beyond the board – could gender diversity at all levels of leadership have a tangible impact (on women workers) in accessing remedy to rights abuses and violations?
- Why is gender-disaggregated data important and how can it be used in order to monitor the effectiveness of policies and practices, including grievance mechanisms? (*mention the new UNGC/UN Women/IDB Gender Gap Analysis Tool*)

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<sup>1</sup> For example, 70% women did not report sexual harassment by superiors because they feared the repercussions, according to a [survey conducted by the Indian Bar Association](#) in 2017 of 6,047 respondents.

**Format:** The session will take the form of a panel discussion with participants drawn from business, international organizations and civil society. This will be followed by an interactive Q&A. Speakers will contribute as “discussion starters” to encourage interactivity and dialogue throughout the session.

**Speakers:**

- Moderator: **Surya Deva**, UN Working Group on Business and Human Rights
- **Harpreet Kaur**, Genpact Centre for Women’s Leadership, Ashoka University
- **Julienne Lusenge**, Women@theTable
- **Adebola Ogunlade**, Legal Counsel, Total

## **Part 2: Exploring effective remedy for women affected by land investments – Women’s rights and land intensive investment: What does meaningful access to remedy look like?**

**Background:** Business activities impact a range of human rights, all of which have gender-specific risks and impacts. When businesses violate human rights, women frequently bear a higher cost than men, but the gender-specific dimensions of these violations remain largely invisible. This is because many violations of women’s rights are caused and exacerbated by entrenched gender discrimination which is ‘normalised’ in everyday life. As a consequence, there is a high risk that gender-specific human rights impacts will not be identified or remedied, unless explicitly included in government and corporate policies and corporate human rights due diligence (HRDD) processes.

Women make up 70-80% of the world’s small scale farmers and are primarily responsible for providing care, food and water for their families. However, their work is often undervalued and unrecognised. In addition, given women’s reduced access to formal land titling, they are routinely excluded from consultation and decision making processes around the use of land. As such, they bear a disproportionate share of the social, economic, and environmental risks and costs associated with land intensive industries, when they are displaced or the land they farm is polluted by land intensive industries. Despite this, there is little guidance for stakeholders on how gendered human rights impacts can be prevented and remedied.

**Objectives:** The objective of this session is to explore the gendered dimension of land intensive corporate activity, such as the extractives sector or large-scale commercial agriculture, expose and understand its impact on women’s rights and discuss the steps that should be taken by states and businesses to improve access to remedies for women.

**Key discussion questions:** The event will explore the following key questions supported by case studies and testimonies from affected women:

- What are the gendered impacts of land intensive corporate activity?

- How can gender-specific concerns be effectively integrated into due diligence processes and what specific challenges / issues do women face with respect to access to remedy?
- What should be done differently to identify and remedy women's vulnerabilities when land intensive investment takes place?

**Format: Opening:** Showing the video, *Weaving Resistance through action- strategies of Women's Human Rights Defenders Confronting Extractive Industries* (AWID, followed by speakers interventions up to 10 minutes each followed by moderated Q&A

#### **Speakers:**

- **Chiara Capraro, Policy and Advocacy Manager, Womankind Worldwide**, discussing the international law framework relevant to women's rights and large scale investment in land.
- **Sauya Mbuubi Nyakake, National Steering Committee, Ugandan eco-feminist movement**, discussing the practical challenges women face in accessing remedy and the role of women's collective action.
- **Chris Jochnick, CEO, Landesa**, discussing the GROW Africa Company-Based Grievance Mechanism Guidance developed by Landesa and its practical application.
- **Moderator:** Marilyn Croser, Director, CORE Coalition

### **Part 3: Women workers in global supply chains: operational-level grievance mechanisms and access to remedy**

**Background:** The proposed session will present a successful operational-level grievance mechanism, created in response to systemic sexual harassment and other rights abuses perpetuated against women workers. The case study presented will be the Kenyan floriculture one, a good practice story of a multi-stakeholder governance towards the protection of women workers' rights, and their access to grievance and remedy. The Kenyan floriculture sector, which has an estimated 75% of women workers, underwent a gendered process of economic and social upgrading during the 2000s. Crucially, social audits weren't able to detect key human rights abuses among women workers, including a spread sexual harassment perpetuated by male supervisors. Such abuses were revealed thanks to the creation of gender committees, an effective forum for raising grievance. At the same time, an innovative supervisors' training programme took place in collaboration with the Ethical Trading Initiative, specifically aimed at tackling gender discrimination in the workplace. Thanks to the grievance programmes, as well as to a decisive product upgrading, the industry underwent a crucial switch from temporary to permanent contracts, which meant that workers were now members of the union, thus giving them access to another main channel to grievance and remedy.

The proposed session will also demonstrate why human rights and the UNGPs implementation must be the foundation of the Sustainable Development Goals, in particular Goals 5 and 8. The UNGPs bring a critical lens in ensuring that operational-level grievance mechanism actually served the purposes of the SDGs, with the promotion of women's economic empowerment.

Global value chains (GVCs) now account for 60-80% of international trade and account for hundreds of millions of jobs largely in developing countries. Researchers have long examined the implications

for suppliers and workers in GVCs. How they can move to higher value activities and incomes or whether commercial pressures drive them into more precarious forms of supply and work. The gender dimension is often overlooked.

Women play an increasing role in commercial production and distribution as retail expands with economic growth in emerging economies. Supermarkets and international companies are commercialising many activities long undertaken by women in the home. This facilitates women's participation in paid work, reconfiguring the mix between commercial production and unpaid social reproduction. Gender researchers have long argued that women's contribution is insufficiently recognised, and their 'socialised' skills undervalued. Yet these skills are critical to quality and productivity in global retail value chains, and enhancing women's incomes promotes household well-being. The need to promote gender equality is being recognised by leading companies concerned about the social and environmental resilience of their supply chains. These processes are challenging traditional gender norms, providing new openings for promoting women's economic empowerment and human rights.

#### **Objectives:**

- Understand how the adoption of the UNGPs started to radically change the circumstances for women's vulnerability to discrimination, exploitation and abuse all along Global Supply Chains
- Explain why gender must be factored in to corporate due diligence processes
- Discuss how to enable access to remedy based on a collaborative and progressive approach, recognising the value of engaging with civil society organisations and trade unions, and to listening to the needs of women workers themselves

#### **Key discussion questions:**

- Which are the main learnings from the Kenyan Floriculture case?
- What role did this OLGM play in the implementation of the UNGPs?
- How was this OLGM able to identify systemic HRs issues that weren't picked up by social audits?
- How can OLGM help companies to put in place universal solutions while remediating single cases?
- What key contribution are the UNGPs making towards SDGs?
- Which recommendations from this case are transferrable and scalable to other industries and geographical areas?
- How gender committees can be used specifically as a powerful operational-level grievance mechanisms?
- How can big corporations guarantee non-retaliation for operational grievance mechanisms among suppliers?

#### **Speakers:**

- **Andrea Shemberg**, *LSE Visiting Fellow affiliation* (Moderator)
- **Stephanie Barrientos**, *Professor*, BHR Catalyst University of Manchester
- **Cindy Berman**, *Head of Modern Slavery Strategy*, ETI

- **Flavia Amoding**, Women Working Worldwide
- **Brenda Beryl Achieng**, *Legal & HR Director*, Flamingo Horticulture Kenya Limited

**Format:** The session will narrate the case study and its key learnings. During the session, each speaker will play a part in recounting the case from a different perspective. The moderator will then emphasise the learnings, and engage the audience for discussion.

## ANNEX – SHORT BIOS OF SPEAKERS

### Part 1:

#### **Surya Deva**

##### ***Chair of the Working Group on Business and Human Rights***

**Mr. Surya Deva** is an Associate Professor at the School of Law of City University of Hong Kong. He holds BA (Hons), LLB and LLM from the University of Delhi and a PhD from Sydney Law School, and has taught previously at the University of Delhi and at the National Law Institute University Bhopal. Mr Deva's primary research interests lie in Business and Human Rights, Corporate Social Responsibility, India-China Constitutional Law, and Sustainable Development. He has published extensively in these areas, including books *Human Rights Obligations of Business: Beyond the Corporate Responsibility to Respect?* (co-edited with David Bilchitz) (Cambridge, 2013); and *Regulating Corporate Human Rights Violations: Humanizing Business* (Routledge, 2012). Mr Deva has also authored commissioned reports for the International Commission of Jurists and the Ethical Trading Initiative. He is a founding Editor-in-Chief of the *Business and Human Rights Journal* published by Cambridge University Press, and sits on the Editorial/Advisory Board of the *Netherlands Quarterly of Human Rights*, the *Vienna Journal on International Constitutional Law*, and the *International Journal on Human Rights and Business*. In 2014, he was elected a Member of the Executive Committee of the International Association of Constitutional Law.

#### **Harpreet Kaur**

##### ***Head of the Ashoka University's Genpact Centre for Women's Leadership***

Harpreet Kaur is a gender, workplace and human rights professional with over thirteen years of experience in developing strategies, research, advocacy and communication. An Anthropologist by training with over 14 years of experience, Harpreet leads Ashoka University's Genpact Centre for Women's Leadership (GCWL) at Ashoka University that aims at steering the global thinking on 'women, workplace & rights' and designing cutting edge programmes that enable millions of women to lead with equality and dignity. Harpreet has been instrumental in bringing the gender lens to business & human rights discourse in India, and introducing women, business & rights course at Ashoka University. In her previous roles, Harpreet highlighted corporates' human rights impacts in Asia and conducted research missions in the region, particularly focusing on labour rights abuses by companies in the garment sector and supply chain issues in conflict zones. In her other capacities, Harpreet has lead research and programmes focusing on women at workplaces – from shopfloor to leadership level. Research studies led by her provided strategic and programmatic direction to the creative and program teams. She has lead trainings and workshops on gender diversity and inclusion, women and technology, gender stereotypes, gender discrimination and women human rights defenders. She has

spoken at various national, regional and international forums and has published both in national & international media. Harpreet has previously held senior management positions at Business & Human Rights Resource Centre, Conciliation Resources, BBC Media Action and Panos South Asia, and consulted with Ford Foundation, GiZ, Social Accountability International, Change Alliance & Partners in Change. Harpreet is the founding member of India's Human Rights & Business Network, Human Rights & Business Resource Group and on the advisory panel of India Responsible Business Forum.

**Julienne Lusenge**

***Female Solidarity for Integrated Peace and Development (SOFEPADI)***

Julienne Lusenge founded Female Solidarity for Integrated Peace and Development (SOFEPADI) a coalition of 40 grassroots women's groups in Eastern DRC that helps survivors of sexual violence become agents of change. In 2007, she launched a second organization, the Fund for Congolese Women (FFC), which works to strengthen Congolese women's rights groups and help them secure funding from international donors to create sustainable systems change to improve the lives of women and girls. She was awarded Chevalier de la France in 2014, received the Ginetta Sagan Amnesty International Award in 2016, and has addressed the UN Security Council twice on behalf of women's civil society groups worldwide. She is the producer of a new radio program in DRC, Wamama Tujenge, Women Bringing Peace.

**Adebola Ogunlade**

***Legal Counsel, Total***

Legal Counsel, Ethics & Human Rights within the Civil Society Engagement/People & Social Responsibility Division of Total S.A. Paris, France.

Previously, he was Legal Counsel with Total's exploration & production subsidiary in Nigeria. He has also previously worked with Nigeria's National Oil Corporation, NNPC and the Law firm of G.T. Deinduomo & Associates.

He holds a LL.M in Petroleum Law & Policy from the Centre for Energy, Petroleum and Mineral Law & Policy (CEPMLP), University of Dundee, Scotland, United Kingdom. He is a member of the Nigerian Bar. He has published papers in reputable industry journals including the Oil, Gas & Energy Law (OGEL) Journal, CEPMLP Annual Review and the Total Juridix. He is also a member of professional associations including the Association of Corporate Counsel, Association of International Petroleum Negotiators and the Energy Institute, UK.

**Part 2:**

**Chiara Capraro**

***Policy and Advocacy Manager, Womankind Worldwide***

Chiara Capraro leads Womankind's policy and advocacy work on women's economic rights. She co-chairs the UK Gender and Development Network working group on economic justice and previously led Christian Aid's policy work on gender equality with a focus on financing for gender equality.

**Sauya Mbuubi Nyakake**

***National Steering Committee, Ugandan eco-feminist movement***

Sauya is a women rights activist and secretary/community educator of the Butimba Sustainability Conservation Association. Sauya supports women in the oil region of Uganda to advance their right to self-determination. Since most of the oil and gas mining operations are located in her district, she is also involved in the struggles to stop these destructive projects.



**Chris Jochnick*****CEO, Landesa***

Chris Jochnick is a global land rights expert and social entrepreneur with decades of experience in international development. Chris joined Landesa as CEO in August 2015 after leading Oxfam America's work on business and development including shareholder engagement, value chain assessments, and collaborative advocacy initiatives. Jochnick is the co-founder and former director of two pioneering non-profit organizations: Center for Economic and Social Rights and the Ecuador-based Centros De Derechos Economicos y Sociales.

**Marilyn Croser (Moderator)*****Director, CORE Coalition***

Marilyn Corser has been appointed as CORE's Director in 2012, with responsibility for implementing strategic priorities, leading the coalition and developing policy. Member of European Coalition for Corporate Justice leadership team. She previously led the UK Refugee Council's parliamentary advocacy and campaigning, and worked on arms control for Oxfam.

**Part 3:****Andrea Shemberg*****Common law and international human rights lawyer***

From 2007 to 2011, Andrea served as Legal Advisor to the UN Secretary-General's Special Representative on Business and Human Rights, John Ruggie (SRSG). She led the SRSG's work on investment, helping the SRSG realise both the UNGPs and the Principles for Responsible Contracts. Andrea also served as Legal Advisor to the Economic Relations team at Amnesty International UK and established the first Economic Relations team at the International Commission of Jurists. From 2013 -16 she co-founded and directed the Investment & Human Rights Project at the London School of Economics, and she is currently a Visiting Fellow at the School. Andrea is also Co-Chair of the Global Business Initiative on Human Rights.

**Stephanie Barrientos*****Professor in the Global Development Institute at The University of Manchester***

She has researched and published widely on gender, global production, employment, decent work, trade and labour standards, corporate social responsibility, fair trade, and ethical trade. She has undertaken research in Africa, Asia, Latin America and the UK. Stephanie has advised and provided training for a number of companies, NGOs and international organisations on issues concerning gender, agribusiness, ethical trade, decent work, and impact assessment, including: ActionAid, Body Shop, Cadbury Plc, CAFOD, Christian Aid, DEFRA, DFID, Gates Foundation, Green & Blacks, CAFOD, ILO, Oxfam, Mondelez, Nike, UNCTAD, UNIDO, World Bank, WIEGO, Women Working Worldwide and Unite. She is on the Advisory Groups of the ILO/IFC Better Work Programme. Stephanie held a Leverhulme Major Research Fellowship (2013-15) writing a book on gender and work in global retail value chains.

**Brenda Achieng*****Legal & HR Director for Flamingo Horticulture in Kenya.***



A lawyer by profession, Brenda worked in private practice for a number of years before moving to the Corporate Sector. She currently heads the Legal & HR Departments. She also holds a PHD in Human Resources Management. She has been with Flamingo for the past fifteen years.

Brenda is a certified social auditor and has carried out ethical and social audits both in house and internationally in Ethiopia, Zimbabwe and South Africa as well as contributing to the development of the Company's Sustainable Business Development Strategy in Kenya.

Brenda has been instrumental in setting up gender committees in Flamingo. These forums have had a major impact on the management of employer- employee relationships and have also empowered the livelihoods of the female workers in the Company.

### **Cindy Berman**

#### ***Head of Knowledge & Learning , Ethical Trading Initiative***

Cindy Berman leads ETI's work on human rights due diligence, modern slavery, gender, policy advocacy and capacity building. Born in South Africa, Cindy Berman has worked in international development, labour, gender and social justice issues for over 25 years. Prior to joining ETI, she worked in DFID for 10 years as a Senior Social Development Advisor in various roles, including developing DFID's Social Exclusion Policy, and served as Regional Advisor for Asia, East & Central Africa. She led development of DFID's flagship trafficking prevention programme "Work in Freedom" with the ILO and LSHTM – aimed at preventing exploitation and abuse of women and girls from South Asia in domestic work and the garment sector.

Prior to that, Cindy worked at the ILO, UN, Commonwealth Secretariat, the National Health Service, as well as with trade unions and civil society organisations in South Africa, the UK and elsewhere.

### **Flavia Amoding**

#### ***Unionist, Uganda Electricity and Allied Workers' Union (UEAWU)***

Flavia Amoding is a Labour and Human rights activist, with a focus on Women's Labour Rights. She joined the Labour Movement in 1989 as a member of the Uganda Electricity and Allied Workers' Union (UEAWU), contributing to the formation of the Branch Women Committees in the Union. In 1992, Flavia was appointed as the coordinator of educational activities of five public sector unions in Uganda.

She co-drafted at a national and regional levels educational materials for women workers in the public sector, as well as the Rights Manual for Uganda Women Workers (1998).

In 2001 Flavia co-founded the Uganda Workers' Education Association, for which in 2007 she drafted the Uganda Workers' Educational Association (UWEA) Modular Hand Book for horticultural workers in Uganda.

In 2010, she was elected Chairperson of the Global Horticultural Workers and Environmental Rights Network (GHOWERN) Women's Committee to champion the cause of women workers' rights in African Horticulture. In 2012, she was appointed Chairperson of Platform for Vendors in Uganda (PLAVU), a position she holds to date.