Open-ended intergovernmental working group on transnational corporations and other business enterprises with respect to human rights

*Second session (24-28 October 2016)*

General statement under item 4

24 October 2016

Thank you Madam Chair.

The meaningful participation of affected women is essential to making a treaty fully useful and useable for women. We encourage you to find ways to ensure that the voices and experiences of affected women be heard fully in the treaty drafting process, keeping in mind that women are not a homogenous group.

However, women participation does not replace gender expertise. Understanding gendered power relations is key to building an effective response to corporate practices that exacerbate gendered harms. Integrating a gender perspective throughout the process is fundamental, particularly in discussions about the range of human rights covered by the treaty, standards for legal liability and access to justice mechanisms.

The adverse human rights impacts of corporate activities are not gender neutral. Corporate activities in a community may cause or even exacerbate gender discrimination because of pre-existing gender roles and structures within that community.

Applying a gender perspective means to seek to prevent and address negative gendered impacts, for example, by analysing the particular ways in which corporations may affect the rights of women and identifying a response that is adapted to women’s needs, taking into consideration the intersection of other discriminations, such as race, ethnicity, disability, economic status, sexual orientation and others, which have additional and negative impact.

To integrate a gender perspective in the treaty would mean, for example, to provide that corporations and other businesses be required to undertake a gender impact assessment of planned or existing operations. This assessment should start with an analysis of the social, cultural and economic context in which the activities are to be undertaken so as to understand the political economy. This should then inform the assessment of how activities will either reinforce the status quo or how they can be used as a vehicle for positive change. For example, a focus on those at the end of their supply chains to assess gender violence in communities, access to, among others, land, tools, documentation, differences in wages, barriers to access markets for women. It would also mean requiring companies to ensure that any consultation process, done as part of the due diligence requirement, is carried out with sensitivity to women’s needs, for example, by having women interviewers, who are familiar with the cultural dynamics within certain communities.

The legitimacy of a future treaty will depend on whether and how gender analysis and participation of affected women are part of the drafting process.

Thank you Madam Chair.