

Statement by Women's International League for Peace and Freedom (WILPF), Association for Women's Rights in Development (AWID), Asia Pacific Forum on Women, Law and Development (APWLD), International Women's Rights Action Watch Asia Pacific (IWRAP AP), FIAN International, Center for International Environmental Law (CIEL), International Federation for Human Rights (FIDH). Supported by Project on Organizing, Development, Education and Research (PODER), International Platform Against Impunity, and Consejo Internacional de Tratados Indios and Movimiento Juventud Kuna.

Statement under Subject 3: General obligations

Thank you Mr. Chairperson

As it has been emphasised by other speakers, corporate human rights abuse has devastating, differentiated, often disproportionate, effects on women's lives. These effects often remain unacknowledged and unaddressed.

For this reason, our organisations are recommending that the binding instrument require mandatory gender impacts assessments, in addition to mandatory human rights and environmental impacts assessments.

Such gender impact assessments are grounded in States' duty to protect human rights from business-related human rights abuses, including through prevention measures. For example, the CEDAW Committee has stressed that States' due diligence obligations under the Convention require them to take all appropriate measures to, among other things, prevent acts by non-State actors that result in gender-based violence against women, including actions by corporations operating extraterritorially.

Impact assessments carried out by companies often do not meaningfully include affected communities, much less affected women. Instead, such assessments are often used to legitimize company activities and in many cases to instrumentalise communities.

Thus, all impact assessments, including gender impact assessments, must be conducted by an independent entity chosen by, or agreed upon, the community and the women, including indigenous women, from whom information will be gathered, in a process of Free, Prior and Informed Consent.

They should be conducted with the meaningful participation of women from all affected communities, and take into account, inter alia, impact of operations on gender roles and gender-based discrimination, women's health including prenatal and maternal health, gender-based and sexual violence, gendered division of labour on family and community levels, and access to and control of social and economic resources. In this assessment, multiple and/or intersecting forms of discrimination should be addressed. Gender impact assessments of business operations should be made public, transparent and accessible to all affected communities.

Professor De Schutter

We welcome that, in recognizing intersectional and multiple forms of discrimination incurred by women and girls as a result of business activities, the Committee on Economic, Social and Cultural Rights has recommended in its General Comment no 24 that: "*States Parties address the specific impacts of business activities on women*

and girls, including indigenous women and girls, and incorporate a gender perspective into all measures to regulate business activities that may adversely affect economic, social and cultural rights (...).”

We would like to ask for your views on how to ensure that a similar recommendation be reflected in the treaty.

Mr. Chairperson

We have further elaborated our recommendations on this issue in our joint written submission to this session of this working group¹, which can found at the back of the room.

¹ Integrating a gender perspective into the legally binding instrument on transnational corporations and other business enterprises:
http://www.ohchr.org/Documents/HRBodies/HRCouncil/WGTransCorp/Session3/WILPF_JointStatement.pdf