

Concept Note

Integrating a Gender Perspective into the United Nations Guiding Principles on Business and Human Rights

Side Event at the 26th session of the Human Rights Council

13:00 – 15:00, 13 June 2014, Room XI, Palais des Nation, Geneva

Context

The current thematic report of the Working Group on discrimination against women in law and in practice (WGDAW) addresses discrimination against women in economic and social life with a focus on economic crisis (A/HRC/26/39, 31 March 2014). The Chair of the WGDAW will present this report to the HRC through an interactive dialogue on 16 June 2014.

Amongst the issues examined in this context is gender analysis of the business and human rights agenda. This entails two interrelated issues: women's participation in economic policy making, in national and international institutions and businesses, and corporate responsibility for gendered harms caused to women by business policy and practice.

The United Nations Guiding Principles on Business and Human Rights (UNGP) establish three pillars of corporate responsibility: the duty of the State to protect against human rights abuses by private actors; corporate responsibility to respect human rights; and a state's responsibility to provide access to remedies through judicial, administrative, and legislative means, as well as the corporate responsibility to prevent and remediate any infringement of rights to which they contribute. While the UNGP acknowledge that guidance to business should take into account gender considerations and the special challenges of women, there is significant work to be done to elaborate upon this and develop good practices.

The WGDAW report notes a significant gender gap in top leadership positions in business, finance and trade. In many economies, there are discriminatory laws, often emanating from personal law systems, that create barriers to women operating in business. In contrast, the report flags the introduction of temporary special measures in some countries directed at accelerating *de facto* equality for women in corporate leadership, entrepreneurship and trade, including gender quotas for membership of corporate boards and in procurement policies.

The WGDAW remarks that in the emerging area of corporate responsibility, the gendered harm to women resulting from transnational business and trade policies has been largely invisible. Corporate governance has produced a dramatic increase in resources and income inequalities, with harsh implications for women, given their concentration lower on the value chain and in poverty. Furthermore, the increased mobility of corporations and free trade agreements have resulted in the amassing of political power *vis-à-vis* host States and can contribute to a lack of accountability and insurmountable barriers for women to access justice. The move of production by transnational corporations to export processing zones, the reliance on home and sweatshop sectors and land dispossession by extractives industries are a locus for corporate abuse and violation of human rights, and most of the victims are women.

The Working Group on the issue of Human Rights and Transnational Corporations and other Business Enterprises (WGHRTCBE) is mandated by the HRC to integrate a gender perspective throughout its work. It has initiated a process of developing practical guidance for national action plans for the implementation of the UNGP. The WGHRTCBE will present its next report to the UN General Assembly in October 2014 focusing on national action plans and will launch draft guidance on national action plans at its annual Forum in December 2014 and will encourage states to road-test it over a period of two years.

It is therefore an opportune time for the two Working Groups to continue their cooperation towards ensuring that gender dimensions are fully taken into account in the elaboration of guidance on national action plans for the implementation of the UNGP.

Purpose of the side event

More specifically the objective of this event is to discuss practical ways in which States and private enterprises can integrate a gender perspective into their efforts to implement the UNGP, with a view to feeding into the preparation of guidance on national action plans.

Moderator

Mr. Craig Mokhiber, Chief, Development and Economic and Social Issues Branch, OHCHR (TBC)

Panellists

Ms. Frances Raday, Chair-Rapporteur, Working Group on discrimination against women in law and in practice

Mr. Michael Addo, Chair, Working Group on the issue of human rights and transnational corporations and other business enterprises

Ms. Amanda Ellis, Ambassador, Head of Mission, Permanent Representative of New Zealand to the United Nations Office in Geneva

Ms Kamila Sidiqi, Chief Executive Officer, Kaweyan Business Development Services (KBDS), Kabul, Afghanistan