



## **Towards a Strong Treaty to Regulate Corporate Activity: Corporate Accountability Informed by the Leadership and Lived Experiences of Women**

The treaty provides an important opportunity to understand and address the ways in which corporate activities perpetuate widespread discrimination against women in workplaces, contribute to unstable and vulnerable working conditions, and give rise to gender-specific and disproportionate human rights and environmental abuses. To guarantee effective corporate accountability in all regions, the leadership and lived experiences of women must be recognised as an integral and equal component in the creation of human rights-based institutions, mechanisms, legislation, policies and practices related to corporate activities. In advance of the UN intergovernmental working group's 3<sup>rd</sup> session to discuss the proposed treaty (Geneva, 23-27 October 2017), we encourage government representatives and civil society advocates to keep the following points in mind during negotiations, and to consider whether the draft treaty text addresses these concerns adequately.

### **We recommend that states:**

- (1) In all action related to women and corporate accountability, recognise and take appropriate measures to address the particular impacts experienced by marginalised women, and women affected by multiple or intersectional forms of discrimination.**
- (2) Address the widespread forms of discrimination against women in workplaces**
  - In all regions, women face extensive discrimination within work environments, which in turn contributes to the entrenchment of gender inequalities linked to access to resources within the household, broader social and economic agency within society, and the ability to enjoy an adequate standard of living throughout all stages of life including old age.
  - States must immediately eliminate all forms of direct and indirect discrimination against women in all workplaces, in accordance with the international human rights framework set out by [CEDAW](#), [ICESCR](#), and [relevant ILO conventions](#). Among other things, this should include measures to achieve the full and equal realisation of:
    - The right to work (including relevant education and training, and an enabling environment for women to engage in full and productive employment and to progress in such employment)
    - The right to just and favourable conditions of work (including equal pay for equal work, equal pay for work of equal value, and safe and healthy working conditions with focus on the prevention of sexual harassment and gender-based violence)

- States must take appropriate measures to ensure the **substantive equality** of women in workplaces, including through steps to: redress disadvantage (based on historical and current social structures and power relations that define and influence women's abilities to enjoy their human rights); address stereotypes, stigma, prejudice, and violence (with underlying change in the ways in which women are regarded and regard themselves, and are treated by others); transform institutional structures and practices (which are often male-oriented and ignorant or dismissive of women's experiences); and facilitates social inclusion and political participation (in all formal and informal decision-making processes).<sup>1</sup>

### **(3) Ensure the full legal recognition, with associated benefits and protections, of all forms of work undertaken by women**

- In all regions, women are disproportionately represented in [informal](#) and [unpaid](#) forms of work, which are associated with less safe labour conditions, lower or inconsistent or no wages, shorter-term or no formal employment status, irregular or long work hours, and increased vulnerability to harassment, physical abuse, and sexual violence in the workplace and/or traveling to and from work, especially in conflict and post-conflict environments.
- States must ensure full legal recognition for all forms of work undertaken by women, with associated enjoyment of work-related human rights and full labour benefits and protections, with a particular focus on agroindustry, garment manufacturing and associated supply chains, and industries focused on exploiting natural resources such as large-scale energy, forestry and mining.

### **(4) Investigate and address the different and disproportionate impacts of corporate human rights abuses on women and girls**

- The human rights and environmental impacts of corporate activities that result in land confiscation, displacement, or environmental damage are often gender-specific and disproportionately experienced by women and girls, particularly indigenous women and small farmers (a majority of whom are women). In many communities, socially constructed gender roles mean that women and girls are responsible for securing access to water and other basic needs, bear a disproportionate responsibility for care of children and other family members, and are more likely to experience a greater loss of livelihood and social status in the case of loss of access to land, forests and other forms of natural resources. Further, such corporate activities and/or the use of security forces by corporations often go hand in hand with increasing vulnerability of women to violence, forced labour and trafficking. Corporations that attempt to engage with communities about development projects tend to meet with mostly or only men, such as with male village elders or perceived heads of households.
- Among other measures, states must:
  - Create an enabling environment for the full, active and equal participation and leadership of women in the development of legislation, policy, practice and decision-making related to corporate accountability.

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<sup>1</sup> For more information on this framework, see Sandra Fredman and Beth Goldblatt *Gender Equality and Human Rights* (2015) UN Women Discussion Paper No. 4, <http://www.unwomen.org/en/digital-library/publications/2015/7/dps-gender-equality-and-human-rights>.

- Establish national legislation requiring corporations to undertake mandatory (1) gender impact assessments, (2) environmental impact assessments incorporating a gender analysis, and (3) ongoing human rights due diligence incorporating a gender analysis. Each process must involve consent of the affected communities, be undertaken by an independent consultant chosen by or agreed upon by the community, and ensure the full, active and equal participation of women in consultation, decision-making and remedial processes.
- Ensure women’s right to effective remedy for corporate-related human rights violations or abuses (whether in workplaces or due to corporate operations). Among other things, states should identify and address gender-specific obstacles to accessing remedial mechanisms, pay particular attention to women subjected to gender-based violence, and ensure remedies address both specific violations and the underlying systemic or structural issues that lead to such violations.
- Develop and apply enhanced protection mechanisms for women human rights defenders, including regarding gender-specific violence and gender-specific risks.

## Take action!

- ➔ Visit the official [UN webpage on the treaty process](#) for updates, information about civil society engagement, and to review the draft text of the treaty (October)
- ➔ Visit the Corporate Accountability Working Group [webpage on the treaty process](#), and the Women and ESCR Working Group [webpage](#), for useful updates, key documents and advocacy support
- ➔ Join the online conversation using hashtags [#StopCorporateAbuse](#) and [#BindingTreaty](#)

Please visit ESCR-Net’s Corporate Accountability Working Group webpage on the treaty <https://www.escr-net.org/corporateaccountability/hrbusiness treaty> for accessing more materials and the links in this document.

*The ESCR-Net [Corporate Accountability Working Group](#) coordinates collective action to confront corporate capture, challenge systemic corporate abuse, and advocate for new accountability and remedy structures. The ESCR-Net [Women and Economic, Social and Cultural Rights Working Group](#) advances substantive equality at the intersection of women’s rights and ESCR. Through engagement with UN bodies, capacity building and advocacy, it is collectively striving to ensure women’s experiences and analyses are at the center of domestic and international policy-making and legal developments. The [International Network for Economic, Social and Cultural Rights \(ESCR-Net\)](#) connects over 280 social movements, indigenous peoples’ groups, NGOs and advocates across more than 75 countries to build a global movement to make human rights and social justice a reality for all*