

The Gender Lens to the UN Guiding Principles on Business and Human Rights *A Multistakeholder Africa Consultation*

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Golden Tulip Hotel, Nairobi

Background

Women experience business-related human rights abuses in unique ways and are often affected disproportionately.¹ They also face multiple forms of discrimination and experience additional barriers in seeking access to effective remedies for business-related human rights abuses. Therefore, in order to effectively meet their respective human rights duties and responsibilities under the UN Guiding Principles on Business and Human Rights (UNGPs), States and business enterprises need to give special attention to the unique experiences of women and the structural discrimination or barriers that they face.

The UNGPs acknowledge the importance of gender in several places.² Despite these references to gender in the UNGPs, the business and human rights (BHR) discourse has not so far given adequate attention to the differentiated impacts of business-related human rights abuses on women and the additional barriers that they face in accessing effective remedies to redress such abuses. The existing national action plans to implement the UNGPs³ and the current practice of human rights due diligence by businesses are illustrative of an inadequate integration of the gender perspective in the policies of States and business enterprises. Therefore, further guidance to both States and businesses on how to adopt a gender lens in implementing the UNGPs is needed.

It is against this background that in 2017 the UN Working Group on Business and Human Rights (Working Group) launched a thematic project to unpack the gender dimension of the UNGPs.⁴ This project has the following three broad objectives:

¹ Unless the context requires otherwise, the term “women” in this concept note includes girls.

² The general principles part of the UNGPs provide that the UNGPs “should be implemented in a non-discriminatory manner, with particular attention to the rights and needs of, as well as the challenges faced by, individuals from groups or populations that may be at heightened risk of becoming vulnerable or marginalized, and with due regard to the different risks that may be faced by women and men.” The commentary to Principle 3 of the UNGPs further provides that States should provide appropriate guidance to businesses on “how to consider effectively issues of gender, vulnerability and/or marginalization”, while Principle 7 underlines that States should provide adequate assistance to business enterprises operating in conflict affected areas “to assess and address the heightened risks of abuses, paying special attention to both gender-based and sexual violence”. The commentary to Principle 12 of the UNGPs reads: “Depending on circumstances, business enterprises may need to consider additional standards. For instance, enterprises should respect the human rights of individuals belonging to specific groups or populations that require particular attention, where they may have adverse human rights impacts on them. In this connection, United Nations instruments have elaborated further on the rights of ... women ...”. Moreover, the commentary to Principle 20 underlines that business enterprises “should make particular efforts to track the effectiveness of their responses to impacts on individuals from groups or populations that may be at heightened risk of vulnerability or marginalization”, underlining the importance of “using gender-disaggregated data where relevant”.

³ See <http://www.ohchr.org/EN/Issues/Business/Pages/NationalActionPlans.aspx>.

⁴ See <http://www.ohchr.org/EN/Issues/Business/Pages/GenderLens.aspx>.

- 1) Raise sensitivity amongst all stakeholders about the need to adopt a gender lens to implement the UNGPs and in turn mainstream the women issues within the BHR field;
- 2) Develop guidance to assist both States and business enterprises with practical recommendations for what it means to protect, respect and remedy the rights of women in a business context in line with the UNGPs; and
- 3) Bring together various agencies, institutions, organizations and actors working in the BHR field to continuously explore ways to empower women who are at-risk or have been adversely affected by business-related human rights abuses.

Although “gender” is a broad concept, this project is focusing on how the intersection of business, gender and human rights impacts women. In doing so, the project is seeking to support and complement broader efforts to combat gender discrimination, including discrimination based on sexual orientation and gender identity.

In unpacking the respective obligations and responsibilities of States and businesses under the UNGPs in relation to women, the Working Group will draw on the relevant international human rights instruments, notably the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), and the work of the UN treaty bodies. The Working Group will also build upon the recommendations of the UN Secretary-General’s High-Level Panel on Women’s Economic Empowerment.⁵ The Working Group will be carrying out this project in consultation with all relevant stakeholders engaged with women rights generally or working in the BHR field, including the Working Group on Discrimination against Women in Law and Practice, the CEDAW Committee, OHCHR, UN Women, UNDP, UN Global Compact, ILO, OECD, civil society, academics, trade unions, and business associations.

Drawing on an initial meeting with selected experts held during the 18th session of the Working Group (September 2017), the Working Group hosted the first multistakeholder consultation in Geneva on 30 November 2017. Building on insights gained from that consultation, a number of consultations are being organized in different world regions. This Africa consultation is part of the Working Group’s wider outreach to diverse stakeholders to discuss this important issue and in turn inform its future work in integrating a gender perspective in the BHR field.

To complement these consultations, the Working Group has also issued an [open call](#) to collect input from States and other stakeholders for its June 2019 report to the UN Human Rights Council. The deadline for making submissions is 30 October 2018.

Consultation objectives

This one-day consultation will provide an opportunity for all stakeholders to brainstorm collectively to:

⁵ See <http://hlp-wee.unwomen.org/>.

- unpack what it means to apply a gender lens to all three pillars of the UNGPs;
- encourage States to adopt a gender lens in their National Action Plans to implement the UNGPs;
- explore how businesses can integrate a gender perspective into their policies, processes and operations (including in supply chains);
- discuss business-related human rights issues specific to women and their rights in Africa;
- initiate a multi-stakeholder dialogue to explore ways to empower women who are at risk or have been adversely affected by business-related human rights abuses;
- encourage peer-learning amongst governments, initiating regional exchange of good practices;
- discuss efforts of national human rights institutions to collaborate and address gender-related human rights abuses in the context of business operations; and
- identify elements of the guidance to be developed by the Working Group in assisting both States and business enterprises to “protect, respect and remedy” the rights of women under the UNGPs.

Agenda of consultation

An agenda of the consultation will be sent later. However, we envisage that issues such as the following will be discussed during different thematic sessions of the consultation:

- Unpacking the impact of business operations on women in different sectors and settings
 - Sexual harassment and violence
 - Gender pay gap
 - Women workers in supply chains, women in informal sector, women migrant workers, and domestic workers
 - Freedom of association and collective bargaining
- Structural discriminations and societal barriers faced by women in Africa
- Intersectional dimension of discrimination
- Sexual and reproductive rights of women
- Meaningful participation of women in consultations by States and businesses
- Women’s land rights and project displacement
- Tax justice systems: gendered analysis of tax evasion/avoidance and climate change
- Impact of privatisation of public services on women and gender responsive procurement
- A gendered linkage between UNGPs and SDGs
- Integrating a gender perspective in human rights due diligence and impact assessment
- Impact of conflicts on women and their rights
- Women’s experiences of accessing remedies: judicial, non-judicial and operational-level
- Women human right defenders
- Ways to empower women, including through economic participation
- Role of NHRIs and civil society in empowering women
- Integrating a gender perspective in National Action Plans in Africa

Practical information

The Africa consultation on the gender lens to the UNGPs is convened by the Working Group and hosted by Centre for Applied Legal Studies of University of the Witwatersrand (CALS), Hivos Foundation, the Kenya Human Rights Commission, the African Coliation for Corporate Accountability and OHCHR. The consultation will take place on Friday, 12 October 2018 at the hotel Golden Tulip in Nairobi, Kenya.

If you require any further information about the Working Group's gender project, please contact its Secretariat at wg-business@ohchr.org. Inquiries specific to the Africa consultation should be directed to Mary Kambo, from the Kenya Human Rights Comission at mkambo@khrc.or.ke.