

HRC37: Joint Statement on Putting an End to Corporate Impunity

Joint statement by 13 NGOs on the presentation of the report of the Open-Ended Intergovernmental Working Group on Transnational Corporations and other Business Enterprises with Respect to Human Rights, Item 3: General Debate*

UN Human Rights Council 37th session (26 February to 23 March 2018)

Women across the world took part in the International Women's Day Strike yesterday; we strongly support that action. International Women's Day is firmly rooted in the struggles of women garment workers protesting for better working conditions. One century later, corporate human rights abuse still harms women in specific ways, and access to justice and remedy is often out of reach for women in many affected communities. Women often pay the highest price for environmental degradation, community displacements, militarisation of corporate operations, such as mining sites, and corporate influence on social policies, to name but a few. They face sexual and gender-based violence in the workplace, precarious working conditions, low wages, unpaid care work, and other human rights abuses that fall disproportionately on women.



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Business activities in a community often cause or even exacerbate gender discrimination built on pre-existing gender roles and structures within the community and in the society in general. For

example, women and girls often face gender-based violence connected to extractive industries and are often disproportionately impacted by the detrimental socio-economic and environmental impacts caused by their operation, including loss of access to land and livelihoods. Women human rights defenders working on corporate accountability often face gender-specific forms of violence and threats, such as smear campaigns based on misogynist stereotypes of women's sexuality and threats of sexual violence. Public and private security forces contracted to protect corporate interests and violently repress community oppositions, have been known to sexually attack women and women human rights defenders, and militarization as such increases violence against women.

In this Council, we often hear about many States' resolve to fight gender-based violence, bring about gender equality, and ensure women's 'empowerment'. This resolve should be followed by action to effectively regulate corporate power.

All Human Rights Council members and observer States should hence support the drafting of a legally binding instrument to regulate in international human rights law the activities of transnational corporations and other business enterprises. In the lead-up and during the upcoming fourth session of the Open-ended Intergovernmental Working Group, States should formulate constructive proposals for further elaboration of the Draft Elements proposed by the Chairperson and text for the draft treaty.

Too often, women's experiences are an afterthought in international law, including in the UN Guiding Principles on Business and Human Rights, which are gender-blind. This treaty process provides an opportunity to redress that.



[Click here for the advocacy brief "Integrating a gender perspective into the treaty on transnational corporations and other business enterprises" \(in English, French and Spanish\)](#)

The drafting process must comprehensively integrate a feminist perspective that addresses the specific impact of corporate abuse on women and historically marginalised communities and result in a treaty that works for *all* rights holders.

To achieve this aim, the treaty should, as three starting points: first, provide the obligation to conduct gendered impact assessments of business operations on human rights; second, ensure gender sensitive justice and remedy mechanisms; and third, ensure respect, protection and an enabling environment for women human rights defenders.^[1]

Doing so is also crucial to the fulfillment of States' commitments and obligations under the Sustainable Development Goals, including SDG 5, 8, 10 and 17 and under the UN Convention on the Elimination of Discrimination against Women and many other human rights treaties.

As reflected in the report of the third session of the Open-ended Intergovernmental Working Group presented yesterday,^[2] stakeholders have clearly articulated the need for a gender perspective. On this International Women's Day, we call on States committed to women's rights and gender equality to heed those calls and put an end to corporate impunity.

Finally, Mr President, we encourage the Chair of the Open-ended Intergovernmental Working Group to provide for meaningful participation of NGOs, including women civil society organisations, feminist collectives, social movements and gender experts, in the intersessional informal consultations with States and other relevant stakeholders on the elaboration of the legally binding instrument.

*** Statement made by Women's International League for Peace and Freedom (WILPF) also on behalf of:** Association for Women's rights In Development (AWID), Center for International Environmental Law (CIEL), Development Action for Women Network (DAWN), FIAN International, Friends of the Earth International, Friends of the Earth Europe, International Federation of Human Rights Leagues (FIDH), International Service for Human Rights (ISHR), International Women's Rights Action Watch Asia Pacific (IWRAW AP), Plataforma Internacional Contra la Impunidad, Project on Organizing, Development, Education, and Research (PODER), and Transnational Institute.

^[1] **For more information, see** “Integrating a gender perspective into the treaty on transnational corporations and other business enterprises”, joint submission to the third session of the Open-ended intergovernmental working group on transnational corporations and other business enterprises with respect to human rights, available in **English, French and Spanish** at: https://www.wilpf.org/wilpf_statements/integrating-a-gender-perspective-into-the-treaty-on-transnational-corporations-and-other-business-enterprises/

^[2] Report on the third session of the open-ended intergovernmental Working Group on transnational corporations and other business enterprises with respect to human rights, UN index: A/HRC/37/67 (24 January 2018)