**Open-ended intergovernmental working group on transnational corporations and other business enterprises with respect to human rights**

***Third session (15-19 October 2018)***

**General statement under item 4**

Thank you Mr. Chairperson.

I am speaking on behalf of the Feminists For a Binding Treaty, a collective of over 15 organisations working together to integrate a gender perspective into the legally binding instrument on transnational corporations and other business enterprises with respect to human rightsand throughout the negotiation process. In this statement we focus on the need to integrate a gender and women’s rights perspective into the treaty in a meaningful way.

We appreciate the efforts by the Chairperson and his commitment to ensure the adoption of a legally binding instrument and we welcome the release of the zero draft in advance, which constitutes an important milestone and a sound basis for negotiation. We call on all States to participate in this negotiation process constructively and to integrate a gender perspective in their position on the zero draft.

Last year, our feminist collective submitted to the Chair and to the OEIGWG, proposals in order to ensure the integration of a gender perspective into the Draft Elements. We have also actively participated in the informal consultations this year.

For this session, we have submitted a written contribution with concrete proposals on how to integrate gender analysis into the zero draft. We invite all delegations to attend our side event in room 24 today at which we will present our proposals on the draft treaty.

We welcome the recognition in article 9 g) of the zero draft that women and other groups at risk should be meaningfully consulted in the context of due diligence. However, and despite our repeated calls to this effect, we regret that the zero draft does not to structurally integrate a gender perspective and, instead, takes a piecemeal approach by addressing women in its last article 15 on Implementation. Doing so risks repeating the mistake made in the UNGPs, as well as in many international law instruments, which have considered women and gender analysis at best as an afterthought.

In our written contribution, we have made proposals on other provisions of the zero draft, particularly in the Preamble and in articles 2, 7, 8, and 9. Our proposals aim at ensuring that the specific risks faced by women in the context of corporate abuse be duly identified and prevented in the context of human rights due diligence. The barriers and additional discriminations faced by women and marginalised groups in seeking remedy and accessing justice for corporate abuse must also be recognised and addressed. The multiple and/or intersecting forms of discrimination should be properly recognised and addressed, such as those experienced by indigenous women. Finally, the specific risks, abuses and corporate impunity faced by human rights defenders and women human rights defenders, which are major gaps in the zero draft, should also be explicitly tackled in the treaty.

Once again, we stress that a gender perspective is not about treating women as a “vulnerable group” requiring “special attention”. Gender analysis is an integral part of a human rights-based approach, allowing one to see the many ways that gender affects human rights. Integrating a gender approach into the treaty means recognising, understanding and making visible the gendered nature of business-related human rights violations, including their specific and differential impact on women, men and others.  This approach is essential to a “victim-oriented treaty”. It is also a fulfilment of the Human Rights Council’s repeated recommendation about “the need for integrating a gender perspective through using gender-inclusive language in the formulation, interpretation and implementation of human rights instruments, as well as in reports, resolutions and/or decisions of the Human Rights Council and its various mechanisms and of other human rights mechanisms”.

To all States that are committed to advance women’s rights and to mainstream gender in the Human Rights Council, to all States that have made commitments “to leave no one behind”, particularly under SDG 5 on gender equality, we urge you to constructively engage in the negotiations this week and to integrate gender analysis into your country’s position on the draft instrument. Corporate human rights abuse is a women's rights issue.

Thank you.