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

***Fifth session (14-18 October 2019)***

**General statement**

This statement is made on behalf of WomanKind Worldwide and members[[1]](#footnote-1) of the #Feminists4BindingTreaty, which is a global coalition of organisations, comprising a large and diverse collective network, working together since 2016 to integrate a gender perspective into the legally binding instrument and to ensure that a gender approach and women’s voices, rights, experiences and visions are meaningfully included and prioritised throughout the negotiation process.

We welcome the fact that in the 4th session of the Open-Ended Intergovernmental Working Group many States reaffirmed the importance of inclusion of a gender dimension in the process. In this context, we recall that the Working Group on human rights, transnational corporations and other business enterprises noted starkly this year that “neither States nor business enterprises have paid adequate attention to gender equality in discharging their respective obligations and responsibilities under the Guiding Principles.” The Working Group has released a gender framework and guidance to states and business regarding the integration of a gender perspective in the implementation of the UN Guiding Principles on Business and Human Rights. It sets out a three-step framework that consists of:

* Gender-responsive assessment;
* Gender-transformative measures; and
* Gender-transformative remedies.

The legally binding instrument should reflect the guidance explicitly.

The strength of a feminist analysis of the Draft Instrument is in the highlight and promotion of lived experiences and perspectives, with an emphasis on women and gender issues as well as on marginalised voices generally, and in the associated identification of systemic and structural issues that perpetuate lack of accountability in relation to business-related human rights abuses and violations.

We also welcome the second draft text, particularly the expanded scope of businesses to be covered, stronger provisions on human rights defenders and gender equality and an overall clearer drafting. Our suggestions to strengthen the draft text during this session will focus on the following issues:

●    A more balanced Preamble that recognises the context and rationale for the Instrument and the need for a gender-responsive and inclusive approach;

●    Clearer and wider definitions of the scope of business activities and of business relationships to be covered by human rights due diligence;

●    Prevention: a strengthened, gender-responsive regulation of business activities and a more proactive role of the State in prevention;

●   Strengthened obligations of the State in relation to State-related business activities, including but not limited to State-owned enterprises;

●    Clearer and stronger provisions on the prevention of business-related human rights abuses in armed conflict-affected areas, including situations of occupation;

●    Ensuring gender-transformative remedies; and

●    Stronger provisions on the protection of human rights defenders

Our coalition has developed concrete suggestions for amendments to the text to reflect these points that we are happy to share with all delegations.

1. ActionAid International, Anima Mundi Law Initiative, AWID (Association for Women’s Rights in Development), CaL (Coalition of African Lesbians), CAWEE (Center for Accelerated Women’s Empowerment), CELS (Centro de Estudios Legales y Sociales, Argentina), DAWN (Development Alternatives with Women for a New era), Federation of Women Lawyers (FIDA Kenya), FIAN International, FIDH, Franciscans International, Gender and Development Network, Manushya Foundation, NAPE (National Association of Professional Environmentalists), NAWAD (National Association for Women's Action in Development), PODER (Project on Organizing, Development, Education, and Research), SIHA Network - Strategic Initiative for Women in the Horn of Africa, Womankind Worldwide, WILPF - Women’s International League for Peace and Freedom [↑](#footnote-ref-1)