

ActionAid’s response to the consultation Working Group’s Open Call for Input regarding the Working Group’s Report on the Gender Lens to the UN Guiding Principles on Business and Human Rights

Achieving substantive gender equality means **making rights real for women**. However, whilst national and international actors increasingly promote a business case for gender equality – structural causes of women’s economic inequality and human rights violations in the unjust global economy remain unaddressed. Violations of women’s human rights by transnational corporations continue to be far from adequately prevented and remedied. Many governments have now committed to prioritize gender equality and advancing women’s position in the economy, however these ambitions will fall short as long as violations of women’s rights by TNCs remain unaddressed. To pursue meaningful and structural change, we need concerted action to ensure accountability and effectively regulate the human rights impact of TNCs.

Please find below ActionAid’s response to the consultation Working Group’s Open Call for Input regarding the Working Group’s Report on the Gender Lens to the UN Guiding Principles on Business and Human Rights. We have chosen to solely answer the questions that we have covered in previous reports and other publications within our area of expertise. Should you need any additional information, please do not hesitate to contact us.

1. In what ways do women experience the impact of business-related human rights abuses differently and disproportionately? Please provide concrete examples in the context of both generic and sector- or region-specific experiences of women.

Business activities impact a range of human rights, all of which have gender-specific risks and impacts. This includes the right to decent work and non-discrimination, safety and security of person, the right to food and an adequate standard of living, health and life, the right to development, a clean environment, as well as civil and political rights - especially for women human rights defenders. These gendered risks and impacts can be further exacerbated where women face additional forms of discrimination based on other aspects of their identity. **How women are affected by gender-based corporate abuse:**

- **Discrimination in the labour market.** If women are in paid work, they are concentrated in vulnerable, low-paid, or undervalued jobs, earn less than men for work of equal value, and work longer hours with their paid and unpaid work combined. As of 2017, 43% of women were in vulnerable employment - often as part of global supply chains of transnational corporations - with reduced or no access to social protection . In most countries women earn on average only 60 to 75% of men’s wages. **For more information see:** Feminists for a Binding Treaty (2018) Women’s Rights Beyond the Business Case, Ensuring Corporate Accountability,

<http://www.actionaid.org/publications/womens-rights-beyond-business-case-ensuring-corporate-accountability>

- Disproportionate number of young women are trapped into **poorly paid exploitative and insecure jobs** such as export oriented manufacturing, often of garments or electronics. In Vietnam, out of approximately 2.5 million workers in export manufacturing, 80% are young women. **See for example:** ActionAid (2018) *Stitching a Better Future: Is Vietnam's Boom in Garment Good for Women?*
http://www.actionaid.org/sites/files/actionaid/en_stitching_a_better_future_final_2.pdf
- As of 2016, 24.9 million people were in **forced labour** working under threat or coercion including as domestic workers, in clandestine factories, on farms, or in other sectors such as the sex industry. Women and girls were disproportionately victimised above all by privately imposed forced labour when all sectors were assessed. **For more information see:** Feminists for a Binding Treaty (2018) *Women's Rights Beyond the Business Case, Ensuring Corporate Accountability*.
- One in ten women globally report that **abuse, harassment or discrimination** constrains their ability to take part in the labour market. An ILO study of 80 countries showed that only 32 put responsibility on the employer to take steps to prevent or protect workers against sexual harassment, and in only 8 is compensation available to workers injured due to work-related violence or harassment. **For more information see:** Feminists for a Binding Treaty (2018) *Women's Rights Beyond the Business Case, Ensuring Corporate Accountability*.
- Women human **rights defenders face risks** both because they are challenging corporate and state power, and for transgressing discriminating gender roles by speaking out. Reported gender-specific threats and violence include sexual violence, harassment of their children, and discrimination in their communities. **For more information see:** Feminists for a Binding Treaty (2018) *Women's Rights Beyond the Business Case, Ensuring Corporate Accountability*.
- **Gender-based violence including sexual violence against communities** affected by extractive industries or infrastructure projects are repeatedly reported, but prevention is often non-existent and access to justice is rare. For example, in the Brazilian Suape port development project, women from affected communities have faced a barrage of harassment and violence at the hands of a private security company working on behalf of the CIPS. These firms - often referred to as 'militias' by the community - have subjected communities to threats with firearms, trespassing, theft and destruction of property. Many say they are anxious about leaving their homes in case they are attacked, or their property destroyed. **For more information see:** ActionAid (2017) *Double Jeopardy: Decent Work and Violence Against Women*
http://www.actionaid.org/sites/files/actionaid/actionaid_double_jeopardy_decent_work_violence_against_women.pdf
- In many rural communities, women are responsible for agricultural production, but have limited decision-making power and rights over land-related decisions. Women therefore often have little say over the **expropriation of land** by extractive or other industries, but then suffer the consequences when their unpaid labour increases as a result of depletion of natural resources and when they can no longer grow food to feed their families and generate income. **See for example:** ActionAid South Africa (2017) *Living next to the mine: Women's struggles in mining affected communities,*

http://www.actionaid.org/sites/files/actionaid/living_next_to_the_mine_womens_struggles.pdf

- Women are disproportionately affected both by **fossil fuel extraction and by the impacts of climate change** that are fueled in large part by the fossil fuel industry. Extreme weather events such as drought, cyclones, and flooding are becoming both more frequent and severe due to climate change, leading to increased humanitarian emergencies. These emergencies disproportionately impact on women and girls, who are much more likely than men to be killed during disasters, take on caring roles for the vulnerable, and face an increased risk of gender-based violence. **For more information see:** ActionAid (2016) On the Frontline: Catalyzing Women's Leadership in Humanitarian Action http://www.actionaid.org/sites/files/actionaid/on_the_frontline_catalyzing_womens_leadership_in_humanitarian_action.pdf
- Large commercial corporations have been identified as the biggest culprits of the \$50 billion **illicit financial outflows** from African countries each year. Women and girls are most severely affected when public services are starved of much-needed funding that also impact their gender responsiveness capacity, including through lack of access to education, lack of reproductive health services and increased unpaid care and domestic work. **For more information see:** ActionAid (2016) Women's Rights and Tax http://actionaid.org/sites/files/actionaid/womens_rights_and_tax_briefing_final.pdf

4. Which State laws and policies or social, cultural and religious norms continue to impede women's integration into economic activities and public life generally?

Social norms dictate a set of gender roles and responsibilities that permeate social, family, professional and public life. These roles and responsibilities place women in a subordinate position in society, perpetuating inequality – and in turn reinforcing discrimination and violence against women. This system, known as **patriarchy**, puts men in a dominant position with regards to women in physical, social, cultural and economic terms. It plays out in all arenas and spaces: it dictates behavior in governments, local communities as well as within families, for example by **fostering inequality in the distribution of unpaid care work** between men and women, **thus limiting women and girls' opportunities and skewing the 'playing field' in favor of men and boys.**

Macroeconomic policies, such as taxation, can play a central role in transforming gendered power relations and challenging patriarchal structures and institutions, by facilitating systematic investments in public services, infrastructure and social protection. However, the predominant neoliberal system has come accompanied with severe cuts to the public wage bill and expenditure, privatization of services and assets, deregulation of labor and capital markets for exports, and liberalization of trade and financial flows. Cutbacks in public health care, education and food subsidies or social security programs, affected women indirectly by **increasing their unpaid care burden** and exacerbating existing gender inequalities. Shrinking public enterprises and investment in export industries **affected women wage earners** directly.

For more information see: ActionAid (2017) Women as Underutilized Assets: A critical review of IMF advice on female labor force participation and fiscal consolidation, http://www.actionaid.org/sites/files/actionaid/actionaid_2017/women_as_underutilized_assets_-_a_critical_review_of_imf_advice.pdf

To fund essential public services to realise and protect women's rights, governments, need to raise more tax. However, the most **progressive taxes** – on personal income and wealth – are underused. Moreover, corporate tax revenues in developing countries are much lower than they could be because of big tax giveaways by governments in the form of tax breaks for investment, and because of tax avoidance and evasion.

For more information see: ActionAid (2016) Making tax work for women's rights, http://actionaid.org/sites/files/actionaid/womens_rights_and_tax_briefing_final.pdf

Poorly designed trade policies and unregulated investments favor countries and corporates over women's rights, human rights and the environment and have been deeply harmful to women, especially those from the poorest and most marginalized countries. This includes by:

- **infringing on the policy space** of governments to implement their women's rights and human rights commitments, for example, by limiting the ability of states to provide quality, gender-responsive public services, infrastructure and social protection. Concentrating women in jobs with low wages and poor working conditions
- **Undermining livelihoods and land rights** of small-scale women farmers, producers and informal sector workers,
- **Placing restrictions on intellectual property rights** that threaten access to medicines and seeds, hampering rights to health and food sovereignty.

For more information, see: ActionAid (2018) From Rhetoric to Rights: Towards Gender-Just Trade,

https://www.actionaid.org.uk/sites/default/files/publications/from_rhetoric_to_rights_towards_gender-trust_trade.pdf

Public services, infrastructure and social protection. Quality gender-responsive public services (GRPS), infrastructure and social protection are an essential means for governments to ensure women's rights. Being gender-responsive means that services are publicly funded, freely accessible, and are designed in consultation with women to ensure they are appropriate to their needs, while being directly accountable to them. Investments in water, sanitation, housing, healthcare, electricity, transport and decent housing are urgently needed for women living in poverty, where infrastructure and services remain of poor quality and limited, leaving women to fill the gaps. Alongside initiatives to challenge and change the above social norms, GRPS provision is a critical means of reducing and redistributing women's unpaid care work and to respond to violence against women.

For more information see, for example: ActionAid (2017) Women as Underutilized Assets: A critical review of IMF advice on female labor force participation and fiscal consolidation, http://www.actionaid.org/sites/files/actionaid/actionaid_2017_-_women_as_underutilized_assets_-_a_critical_review_of_imf_advice.pdf

12. How could all types of remedial mechanisms, processes and outcomes be made more gender-sensitive?

All types of remedial mechanisms, processes and outcomes must include a **comprehensive intersectional feminist perspective** that addresses the specific impact of corporate abuse on women and historically marginalized communities that ensures rights protections and access to justice and effective remedy for all rights holders. Furthermore, they must include **full and meaningful participation of civil society**, including women's rights organisations, feminist collectives, trade unions and other social movements, women human rights defenders and gender experts, particularly those representing the most marginalized groups. Lastly, all types of remedial mechanisms, processes and outcomes should require that any preventive measures such as due diligence procedures, should be completed by a **human rights-based gender impact assessment**. Impact assessments should be conducted with the meaningful participation of women from affected communities, including in the design and definition of the scope of impact assessments, and should be made public and accessible. Gender impact assessments should be conducted by an independent entity chosen by, or agreed upon, the communities and the women from whom information will be gathered, in a process of free, prior and informed consent (FPIC). Specifically, concerning remedy mechanisms:

- **Rights holders should be put at the center** of any agreed remedy mechanisms by specifying that women and men, particularly women from marginalized groups, should be consulted meaningfully in creating, designing, reforming and operating remedial mechanisms.
- **The protection of all rights holders** adversely affected by business activities or those challenging corporate abuses, including human rights defenders and whistleblowers, is crucial when designing remedy mechanisms. Such measures should consider the gender-specific and other identity-based risks and impacts to women human rights defenders, such as indigenous, LGBTQI+, and migrant and refugee women.

For more information see: Feminists for a Binding Treaty (2018) Women's Rights Beyond The Business Case, Ensuring Corporate Accountability, <http://www.actionaid.org/publications/womens-rights-beyond-business-case-ensuring-corporate-accountability>