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SUBMISSION

**TO THE UN COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST
WOMEN ON ITS CONSULTATION ON THE DRAFTING OF A GENERAL
RECOMMENDATION ON ACCESS TO JUSTICE**

**WOMEN'S ACCESS TO JUSTICE FOR HUMAN RIGHTS ABUSES COMMITTED BY
BUSINESS ACTORS**

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ICJ and FES submission to the Committee on the Elimination of Discrimination against Women

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1. The International Commission of Jurists (ICJ) and the Friedrich-Ebert-Stiftung congratulate the CEDAW Committee on its decision to draft a General Recommendation on Women's Access to Justice and wish to take this opportunity to address the issue of women's access to justice for infringements of rights committed by non-state actors, and more specifically in the context of business activities and operations. This submission briefly highlights relevant international standards and jurisprudence; points to some of the specific obstacles to justice that can arise in cases involving business actors; and posits several recommendations to be considered by the Committee as it elaborates this General Recommendation.

I. INTERNATIONAL HUMAN RIGHTS STANDARDS AND ACCESS TO JUSTICE

2. Although the provisions of the CEDAW Convention and other international human rights treaties do not explicitly use the term 'access to justice', the obligations they impose on States parties necessitate that the central components of access to justice be ensured at the national level. This is discussed in more detail in the separate ICJ Submission to the Committee. International authorities, including this Committee, have repeatedly underlined that international human rights law and standards require:

- That rights be recognized, incorporated and fully implemented in national law.¹ The legal recognition of rights is a vital component in efforts to enable access to justice in relation to human rights abuses. Simply put, it provides the foundation for individuals to claim their rights as entitlements under the law since, where a right is not recognized in law, an individual may not be able to invoke it or achieve justice at the national level for its breach.
- That *effective* legal protection be available.² It is not enough that rights are simply recognized under law. A legal system must also effectively regulate conduct in a range of circumstances so as to protect them. This obligation requires that certain conduct be prescribed, proscribed or restricted. It also requires that procedures and mechanisms be put in place to ensure the enforcement of rights and relevant laws and provide for appropriate accountability, including through criminal or administrative sanction.
- That effective, including accessible and prompt, legal remedies for the violation or abuse of rights be provided along with reparation.³ Without the availability of an effective remedy, access to justice is impossible. The right to an effective remedy entails that the law must provide individuals with recourse to independent and impartial authorities with the power and capacity to investigate and decide whether an abuse has taken place and order cessation and reparation. In order to be effective, a remedy must not be theoretical or illusory but meaningful in practice. It must be affordable and timely. In a wide range of circumstances access to a judicial remedy

¹ See for example: Human Rights Committee, *General Comment No. 31, The Nature of the General Legal Obligation Imposed on States Parties to the Covenant*, CCPR/C/21/Rev.1/Add. 13, 26 May 2004, Para. 13 (hereinafter HRC General Comment No.31); Committee on Economic, Social and Cultural Rights, *General Comment No.9, The Domestic Application of the Covenant*, E/C.12/1998/24, 3 December 1998, Paras. 4-8 (hereinafter CESCR General Comment No.9). See also Article 2 (a)-(g) CEDAW and Committee on the Elimination of Discrimination against Women, *General Recommendation 28, The Core Obligations of States Parties under Article 2 of the Convention on the Elimination of all Forms of Discrimination against Women*, U.N. Doc. CEDAW/C/GC/28, 16 December 2010, Para.31 (hereinafter CEDAW General Recommendation 28).

² See for example in general, HRC *General Comment No.31*; CEDAW *General Recommendation 28*.

³ For a general account of what constitutes effective remedy and reparation see for example Article 2(3) ICCPR and HRC *General Comment No. 31*, Paras. 15-20; Article 2 CEDAW and CEDAW *General Recommendation 28*, Paras. 32,34,36; CESCR *General Comment No. 9*, Para. 9 et seq. See also *the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law*, adopted and proclaimed by GA resolution 60/147 of 16 December 2005.

must be provided and even in situations where access to a judicial forum is not required at first instance, an ultimate right of appeal to a judicial body will be necessary.⁴ Meanwhile, ensuring the right to *reparation* to redress harm caused by a violation requires a range of available reparative measures, including restitution, rehabilitation, satisfaction, guarantees of non-repetition and compensation. The stated needs and wishes of the victims are paramount in determining the appropriate forms of reparation. For example, in practical terms, appropriate reparation may involve bringing the perpetrators of the abuse to justice, public recognition of wrongful conduct and apologies, the taking of measures to address the cause of the abuse and the systematic reform of laws, policies or practices.⁵

3. As outlined in the separate ICJ submission, when each of these requirements are read in light of the obligation to ensure women’s enjoyment of their rights on a basis of equality and non-discrimination they give rise to a range of particular responsibilities for States in terms of addressing the specific justice-seeking needs and experiences of women.⁶ Although in recent decades the normative framework towards safeguarding and advancing women’s human rights has been well developed, ensuring the effective legal protection of these rights and the access of affected women to full remedy and reparation remains a critical challenge facing States around the world today. Indeed recent studies show that, globally, most women continue to have, “little or no access to their country’s formal justice system”.⁷

II. OBLIGATION TO ENSURE LEGAL PROTECTION AND EFFECTIVE REMEDY IN RESPECT OF CONDUCT OF BUSINESS ENTERPRISES

4. Within this general context, certain situations and circumstances may pose specific challenges for women’s access to legal protection and effective remedies and redress for human rights abuses. For example, impairments to the enjoyment of women’s human rights are often perpetrated by non-State actors. More specifically again, many of these abuses occur in the context of business activities and operations, such as at workplaces or private health care facilities, among other contexts. Examples of incidents and allegations include unlawful killings of women human rights defenders by private security contractors in Latin America;⁸ pervasive sexual assault at work and in communities surrounding extractive industry developments in Asia and Latin America;⁹ ongoing sexual harassment in workplaces across the globe;¹⁰ worldwide employment and remuneration inequalities;¹¹ and repeated

⁴ HRC *General Comment No. 31*, Paras. 15-20; CEDAW *General Recommendation 28*, Paras. 32,34,36; CESCR *General Comment No. 9*, Para. 9 et seq. *Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law*, adopted and proclaimed by GA resolution 60/147 of 16 December 2005.

⁵ *Ibid.*

⁶ For an account of these obligations see: Article 2, CEDAW; Articles 2,3 & 26 ICCPR; Article 3 ICESCR; CEDAW, *General Recommendation 28*; CESCR, *General Comment No. 16*; CESCR *General Comment No. 20*; HRC, *General Comment No. 28*; *VK v. Bulgaria*, Communication No. 20/2008, 25 July 2011, Para. 9.9 and 9.11-9.16; CEDAW, *Vertido v. Philippines*, Communication No. 18/2008, 16 July 2010, Paras. 8.5-8.9; See also CAT *General Comment No. 2*.

⁷ UN Women, "In Pursuit of Justice. Progress of the World's Women 2011-2012"

⁸ See for example <http://www.frontlinedefenders.org/node/15182> and see <http://www.cipamericas.org/archives/8531>

⁹ See for example the HudBay Minerals Lawsuits (Guatemala) <http://www.business-humanrights.org/Categories/Lawlawsuits/Lawsuitsregulatoryaction/LawsuitsSelectedcases/HudBayMineralslawsuitsreGuatemala>. See also Human Rights Watch, *Gold's Costly Dividend* (Papua New Guinea) <http://www.hrw.org/sites/default/files/reports/png0211webwcover.pdf>; and see <http://www.miningwatch.ca/news/rape-victims-must-sign-away-rights-get-remedy-barrick>.

¹⁰ For a cross section of examples see:

<http://www.business-humanrights.org/Categories/Issues/Abuses/Sexualharassment>.

¹¹ See for example the Walmart Lawsuits

<http://www.business-humanrights.org/Categories/Lawlawsuits/Lawsuitsregulatoryaction/LawsuitsSelectedcases/WalmartlawsuitregenderdiscriminationinUSA>; see also

http://epp.eurostat.ec.europa.eu/statistics_explained/index.php/Gender_pay_gap_statistics; and see: <http://www.indianet.nl/pdf/WagesOfInequality.pdf>.

failures to ensure women obtain adequate maternal and reproductive health care in private health facilities.¹²

5. The obligations on States under international human rights law, including the CEDAW Convention, to ensure an effective system of legal protection and access to effective remedies, give rise to particular implications for States in relation to such situations and the conduct of private actors, including business actors. They require the exercise of due diligence to prevent and protect against abuses by private actors and to ensure victims’ access to effective remedies, including in some circumstances through investigation and prosecution.¹³ Although the specific implications and requirements deriving from this obligation may vary depending on the rights at stake and the circumstances concerned, a State’s failure to take the relevant requisite steps will give rise to a lack of compliance with its obligations under a range of international human rights treaties, including CEDAW.

CEDAW

6. Article 2(e) of CEDAW obliges States to “to take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise”.¹⁴ It is notable that the Convention explicitly mentions enterprises, as it was the first international human rights treaty to specifically mention business actors.¹⁵ Other articles of the Convention also clearly touch upon States’ obligations regarding conduct of non-State actors, and specifically business actors. For example, Article 11 on work and employment, clearly imposes the obligation on States parties to regulate the activities of private enterprises to ensure women’s equality and protection from discrimination in the workplace;¹⁶ while Article 13 of CEDAW gives rise to an obligation on States parties to regulate the financial system in order to ensure that women access bank loans and other forms of financial credit in conditions of equality and without discrimination.¹⁷

7. Meanwhile, through its jurisprudence and General Recommendations, the Committee has regularly provided guidance on the implications of the obligations on State parties under the Convention to establish a system of legal protection against abuses by private actors.¹⁸ It has repeatedly addressed the obligation to regulate the conduct of business actors. For example, in General Recommendation No. 28, the Committee held that the Convention:

“imposes a due diligence obligation on States parties to prevent discrimination by private actors... States parties are thus obliged to ensure that private actors do not engage in discrimination against women, as defined in the Convention. The appropriate measures States parties are obliged to take include the regulation of the activities of private actors in regard to education, employment and health policies and

¹² See for example *Alyne da Silva Pimentel vs Brazil*, Committee on the Elimination of Discrimination against Women, CEDAW/C/49/D/17/2008; and see http://www.unfpa.org/sowmy/resources/docs/library/R419_CenterRepRights_2007_KENYA_Failure_to_Deliver_Kenya-Human_Rights_Centre.pdf; and see <http://www.oxfam.org/en/pressroom/pressrelease/2013-02-06/unregulated-unaccountable-private-health-care-india-womens-lives-risk>.

¹³ See for example CESCR, *General Comment No. 16, The Equal Right of Men and Women to the Enjoyment of all Economic, Social and Cultural Rights*, U.N. Doc. E/C.12/2005/4, 11 August 2005, Para. 20 (hereinafter CESCR General Comment No.16); Article 2(b)-(f) CEDAW and *CEDAW General Recommendation 28*, Paras. 17,31,36; Articles 2,4,12 & 16 CAT and in general Committee Against Torture, *General Comment No.2, Implementation of Article 2 by States Parties*, CAT/C/GC/2, 24 January 2008. See also ICCPR Articles 2, 6 and 7; HRC, *General Comment No.31*, Para. 8.

¹⁴ Article 2(e), Convention on the Elimination of All Forms of Discrimination against Women, *supra* n. 6.

¹⁵ UN Office of the High Commissioner for Human Rights, *State Responsibilities to Regulate and Adjudicate Corporate Activities under the United Nations’ core Human Rights Treaties*, Individual Report on the United Nations Convention on the Elimination of All Forms of Discrimination against Women, Report No. 4, September 2007. Pp. 5

¹⁶ Article 11, Convention on the Elimination of All Forms of Discrimination against Women, *supra* n. 6. A range of ILO standards are also relevant in this context:

<http://www.ilo.org/public/english/gender.htm>

¹⁷ Article 13, Convention on the Elimination of All Forms of Discrimination against Women, *supra* n. 6.

¹⁸ CEDAW, *General Recommendation 19*, Para. 9; CEDAW, *General Recommendation 28*, Para.19; CEDAW, *Vertido v. The Philippines*, Communication No. 18/2008, 16 July 2010, Para. 8.4; *Sahide Goekce v. Austria*, Communication No. 5/2005, 6 August 2007, Para. 12.1.4; *Fatma Yildirim v. Austria*, Communication No. 6/2005, 6 August 2007, Paras. 12.1.2. and 12.1.5.

practices, working conditions and work standards, and other areas where private actors provide services or facilities, such as banking and housing."

8. In General Recommendation No. 24, the Committee reiterated that the obligation to protect rights relating to women's health requires States parties to take measures to prevent and impose sanctions for violations of rights by private persons and organizations. In General Recommendation No. 25 on temporary special measures, it noted that: "temporary special measures should cover governmental actors as well as private organizations or enterprises."

9. Most recently, in its Views on individual communication *Alyne da Silva Pimentel vs Brazil* the Committee applied the due diligence standard to a case involving the provision of reproductive health care by a private actor. That communication concerned an afro-Brazilian woman who died from complications during pregnancy because of the negligence and inadequate treatment and infrastructure of Brazil's health system. The lack of adequate treatment occurred in a private health care institution and the Committee held the State responsible since it "has a due diligence obligation to take measures to ensure that the activities of private actors in regard to health and practices are appropriate".¹⁹

10. The Committee has also explicitly addressed the requirement to ensure access to effective remedies and reparation in instances of abuses involving private actors, including business enterprises.

11. For example in General Recommendations No. 25 and 28 it specified that "States parties also have an obligation to ensure that women are protected against discrimination committed by public authorities, the judiciary, organizations, enterprises or private individuals, in the public and private spheres," and underlined that, "this protection shall be provided by competent tribunals and other public institutions and enforced by sanctions and remedies."²⁰ In General Recommendation No. 26 it underlined that, undocumented women migrant workers, as other women, "must have access to legal remedies and justice in cases of risk to life and of cruel and degrading treatment, or if they are coerced into forced labour, face deprivation of fulfilment of basic needs, including in times of health emergencies or pregnancy and maternity, or if they are abused physically or sexually by employers or others".

Other Authorities

12. Similar pronouncements can be found in the jurisprudence of other international legal authorities. In recent years, some treaty monitoring bodies have clarified the content of these obligations as they apply in the context of business activities and operations and have described the negative impact that business actors can have on the enjoyment of human rights.²¹ Meanwhile these matters have also been the subject of a series of studies conducted by the UN SRSG on human rights and transnational corporations and other business enterprise.²²

13. In 2011 the Committee on Economic, Social and Cultural Rights adopted a Committee Statement on the obligations of States Parties under the ICESCR in the context of business activities.²³ There the Committee specified that States parties to the Covenant must effectively safeguard rights-holders against infringements of their economic, social and

¹⁹ *Alyne da Silva Pimentel vs Brazil*, Committee on the Elimination of Discrimination against Women, CEDAW/C/49/D/17/2008 par. 7.5, 27 September 2011.

²⁰ In the same general comment it also indicated that "States parties must ensure that women can invoke the principle of equality in support of complaints of acts of discrimination contrary to the Convention, committed by public officials or by private actors. States parties must further ensure that women have recourse to affordable, accessible and timely remedies, with legal aid and assistance as necessary, to be determined in a fair hearing by a competent and independent court or tribunal where appropriate."

²¹ These matters have also been the subject of a series of studies conducted by the UN SRSG on human rights and transnational corporations and other business enterprise. See The Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework (2011) and other materials at:

<http://www.ohchr.org/EN/Issues/Business/Pages/SRSGTransCorpIndex.aspx>

²² See The Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework (2011) and other materials at: <http://www.ohchr.org/EN/Issues/Business/Pages/SRSGTransCorpIndex.aspx>

²³ Statement on the obligations of States Parties regarding the corporate sector and economic, social and cultural rights (46th session, E/C.12/2011/1)

cultural rights involving business actors, by establishing appropriate laws, regulations, as well as monitoring, investigation and accountability procedures to set and enforce standards for the performance of businesses. It stressed the requirement on States parties to ensure access to effective remedies to victims of abuses by businesses of economic, social and cultural rights, through judicial, administrative, legislative or other appropriate means.

14. Most recently, the Committee on the Rights of the Child adopted a General Comment in which it considers a range of situations in which business activities can negatively affect children's enjoyment of their human rights and outlined the relevant State responsibilities.²⁴ It underlines the necessity of enacting legislation which provides for a clear, stable and predictable legal and regulatory environment and emphasized the role of the State in enforcing such laws by strengthening regulatory oversight agencies, disseminating information regarding human rights to business actors, providing relevant training to justice sector officials, and providing effective remedies. In this regard the CRC General Comment addresses not only the need for States to establish relevant remedial mechanisms, but also specifies that States must make these remedies accessible in practice through taking measures to address both the particular justice challenges faced by children and the particular obstacles that arise in obtaining remedy for abuses that occur in the context of business activities.

III. PARTICULAR OBSTACLES TO JUSTICE IN RELATION TO ABUSES IN THE CONTEXT OF BUSINESS ACTIVITIES

15. The mere establishment by States of remedial mechanisms will not by itself be sufficient - they must ensure they are effective and accessible in practice²⁵ and that they allow for appropriate and adequate forms of redress. This necessitates that States take measures to address the particular justice-seeking challenges that victims of abuses may face in various contexts. When women face human rights abuses in the context of business activities, a combination of gender discrimination and vast power imbalances between business actors and individual women can often give rise to significant obstacles to justice. Compliance with international obligations, including those arising under CEDAW, require States to take meaningful steps to address this particular combination of challenges and enable women to overcome them.

16. There is a wide range of particular difficulties that can arise in efforts to obtain a remedy for abuses that take place in the context of business operations.²⁶

17. For example, identifying a viable legal basis for remedy may pose specific challenges for women. In some jurisdictions legal frameworks may not effectively prohibit abuses of women's rights that commonly occur in the context of business activities. For example, many jurisdictions have not established any, or adequate, legislative prohibitions of sexual harassment. In others, labour laws and frameworks do not effectively or comprehensively deal with discrimination women often face in terms of access to equal remuneration, employment and social security benefits or in the form of pregnancy tests and dismissals while pregnant. Where frameworks do exist they may be limited in remit and may not be fully applicable to forms of employment predominantly undertaken by women. Similarly, health-care regulations may not effectively guarantee women's rights to sexual and reproductive health services in respect of private health care providers and insurance companies, including access to contraception and safe and legal abortion, or may not provide for adequate legal protection from abuses, such as forced sterilization.

18. In other jurisdictions, appropriate remedial mechanisms may not exist. For example, in some jurisdictions it may not be possible to institute rights claims against private actors.

²⁴ CRC, General Comment on State Obligations Regarding the Impact of Business on Child Rights, 2013

²⁵ HRC, *General Comment 3, Implementation at the National Level*, HRI/GEN/1/Rev.1, 1981; CESCR, *General Comment 16*, Para. 21; CESCR, *General Comment 9*, Paras. 2-3. CEDAW, *General Recommendation No. 28*, Para. 34; HRC *General Comment No. 32, Right to Equality before Courts and Tribunals and to a Fair Trial*, Para. 10 (hereinafter HRC General Comment No. 32). Also see CESCR *General Comment No. 19, Right to Social Security*, E/C.12/GC/19, 4 February 2008, Paras. 77-78.

²⁶ For a comprehensive overview of obstacles to justice which victims of abuses involving business actors regularly face see ICJ Publication Series: Access to Justice for Human Rights Abuses Involving Corporations at: <http://www.icj.org/category/publications/access-to-justice-human-rights-abuses-involving-corporations/>

Even where such litigation is possible, it may simply not be an accessible option for many women or may not be an appropriate option due to the exigencies of the issues at play, such as in certain reproductive rights cases.²⁷ Meanwhile, although often the adoption of gender-equality or non-discrimination legislation can provide women with viable, accessible avenues to legal remedies, in many jurisdictions no such legislation exists. In others, even where such legal guarantees are in place they may not apply to private actors or certain contexts, for example service provision, or may not provide for avenues to remedy and redress.

19. As a result, the law of civil remedies (tort) may often provide the only avenue to justice available to victims of abuses in business contexts.²⁸ However, as an area of law not traditionally intended to remedy claims of gender discrimination, inequality and human rights abuses, application of tort laws to such situations may pose considerable challenges for legal practitioners and judicial officers. Moreover, it may entail short statutes of limitation inappropriate for application in instances of human rights abuses and the forms of redress it offers may not always fully accord to those required by international human rights standards.

20. In addition, vast power and resource imbalances between women and business entities frequently give rise to an inequality of arms and the cost of seeking remedies may simply be prohibitive for many women. The circumstances in which legal aid may be available are often limited and in many jurisdictions may simply not be provided for in the case of civil litigation. As a result, victims often rely on pro-bono legal representation or, where legal aid is provided, under-resourced legal aid practitioners, whereas many business enterprises may have access to large legal teams and resources.

21. Simultaneously, in matters where criminal law enforcement is appropriate, State authorities may fail to conduct effective investigations with a view to ensuring accountability. As discussed in the separate ICJ submission, this can sometimes be because infringements of women's rights are considered 'less important' and are not accorded priority or because officials display discriminatory attitudes towards women who seek protection or condone or implicitly permit certain abuses. However, where business actors are involved in abuses, failures in State response can also result from additional factors such as inequality of arms and a lack of training and official capacity to effectively investigate corporate crime. Moreover, at times high-level economic and political pressure can prevent effective investigations and prosecutions.

22. Legal claims against business enterprises often involve complicated and complex legal issues. Business structures, such as those of many transnational corporations with headquarters and subsidiaries in various different jurisdictions, and corporate doctrinal obstacles, such as limited liability and the corporate veil, may make identification and attribution of legal responsibility difficult and often place a series of additional and complicated hurdles between victims and remedies. Women's lack of information and knowledge as to their rights and the law compounds the situation. Meanwhile, out-of-court settlements and a lack of relevant case law may give rise to an uncertainty of outcome that in turn further dissuades victims and their lawyers from committing the extensive resources necessary to pursue justice.

23. In addition, although recourse to non-judicial remedies, such as arbitration procedures, can sometimes provide a useful mechanisms of dispute resolution in cases involving business a victim's right of access to court or entitlement to judicial review of administrative or other non-judicial remedies must be preserved. Moreover, where recourse is had at first instance to in-company grievance mechanisms these must accord with certain criteria including accessibility, legitimacy, predictability, transparency and equitability.²⁹

IV. CONCLUSIONS AND RECOMMENDATIONS

²⁷ LC v. Peru, CEDAW, 17 October 2011, Communication No. 22/2009; KL v. Peru, HRC, 24 October 2005, Communication No. 1153/2003

²⁸ See Volume 3, Report of the ICJ Expert Legal Panel on Corporate Complicity, The Law of Civil Remedies, available at: <http://www.unhcr.org/refworld/pdfid/4a7842a32.pdf>

²⁹ See Guiding Principle 31 in The Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework (2011)

24. In drafting a General Recommendation on women's access to justice the Committee has an important opportunity to assist States in their efforts to ensure justice systems throughout the world can respond effectively to abuses of women's rights in the context of business operations, including by addressing these and other related obstacles.

25. In that regard, the ICJ and FES recommend that the Committee reaffirm the obligations on States to:

- a) Effectively regulate the activities of business actors, including through the adoption of an appropriate legislative framework, so as to ensure women’s protection against discrimination and inequality and access to effective and accessible remedies when they face abuses.
- b) Ensure criminal, civil and administrative legal procedures are gender-sensitive, can respond effectively to the exigencies of seeking justice for abuses involving business actors, including inequality of arms, and are accessible by women in practice.

26. To this end efforts should include:

- a) Adoption of a comprehensive legal prohibition of sexual harassment, with revision and expansion of corresponding labour protections.
 - b) Establishment of gender-equality and non-discrimination legislation which provides for sanctions and accessible remedial mechanisms; and which prohibits discrimination by private actors in a cross section of spheres including, for example, employment, provision of goods and services, educational and sporting contexts.
 - c) Ongoing reform of civil remedies and procedural rules to ensure their viability and effectiveness as remedial mechanisms in cases of human rights abuses.
 - d) Provision of legal aid services to women seeking to enforce their right to equality, and non-discrimination in the enjoyment of rights, including when they seek recourse to civil and administrative legal procedures.
 - e) Continuing education for judicial officers and other justice sector personnel concerning the impacts of business on women's enjoyment of their human rights and the obligations of the State to prevent, protect and remedy relevant abuses.
 - f) Establishment of effective State monitoring and oversight mechanisms to facilitate enforcement of relevant regulatory and legislative frameworks and improvement of business practices, not least in workplaces and health-care facilities.
 - g) Establishment and enforcement of non-discrimination and equality due-diligence requirements (as part of broader human rights impact assessments) by business actors benefiting from State investment, financial support and other incentives and schemes.
-