

Multi-stakeholder Asia consultation on applying a gender lens to the UN Guiding Principles on Business and Human Rights

Session 3 | Concept Note

Moving from discrimination and exclusion to empowerment and inclusion: Integrating a gender perspective in National Action Plans and the role of States

Day: 20 February 2018

Time: 1600 – 1730

Objective: To examine the role of States in promoting responsible markets and protecting women’s rights, through their legislations, economic activities and by creating conditions to ensure businesses respect women’s rights and create sustainable supply chains.

Human Rights, as enshrined by The Universal Declaration of Human Rights, 1948, are universal, inalienable and applicable to all human beings. While the Declaration affirmed equality between men and women, discrimination against women continues to persist several decades after the adoption of the Declaration. The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) was passed in 1979, albeit more than 30 years after the declaration. CEDAW was instrumental in changing the dynamics of the relationship between State and women. States had to recognize their

The UN Guiding Principles on Business and Human Rights (UNGPs) lays out the States’ duty to protect against human right abuses in a business context within their territory and/or jurisdiction by third parties.¹ Despite references to the differentiated impact of business activities on men and women in the UNGPs, a gender lens to State’s duty to protect human rights remains to be established.

To meet the Global Goal of 50:50 by 2030, States are required to strengthen their commitment and actions towards their obligation of protecting women’s rights against business related human rights abuses. States – collectively and individually – have the duty to protect women’s rights against corporate abuses. They act as regulators of business conduct, shapers of business practices and conduct transactions with business as owners, investors, procurers etc. States not only protect women’s rights against abuses but can also promote their rights by including gender due diligence in their public procurement processes, promoting financial inclusion for women and increasing women’s access to effective remedies etc. Legislation is an important tool for States to encourage responsible business, both within their economic activities and in relation to private entities.

Further, under the UNGPs, government-led National Action Plans (NAPs) are the key policy tools for States to implement their duties. Yet there exists a huge NAP gap in Asia; not even a single Asian state has fully developed a National Action Plan. Additionally, existing NAPs have a have incorporated a gender lens to

¹ This includes a substantive obligation to insure human rights protection through legislation as well as ensure the protection of vulnerable groups or individuals such as children, women, indigenous people, migrant workers etc

their plans. It is essential to engage government bodies, including National Human Right Institutions (NHRIs), to adopt NAPs with a gender lens embedded in them. Therefore, further guidance on the role of States in promoting women’s economic empowerment and inclusion and protecting women against corporate human right abuses is needed.

While there has been progress in galvanizing governments to enact policies and legislation that protect women’s rights and promote women’s empowerment, considerable action is still needed. In this context, this session will examine the role of States in promoting responsible markets and protecting women’s rights, through their legislations, their own economic activities and by creating conditions to ensure businesses respect women’s rights and create sustainable supply chains. It will aim to identify good practices on creating business focused policies that enable women’s empowerment. The session will also try to unpack the necessary elements for incorporating a gender lens to NAPs in the region and the role of NHRIs in protecting women’s rights.

Moderator

Emilie Pradichit, Executive Director, Manushya Foundation

Discussion Leads

- Livio Sarandrea, United Nations Development Programme, Asia-Pacific (UNDP-Asia Pacific)
- Subhalakshmi Nandi, Programme Specialist – Women’s Economic Empowerment, UN Women, India
- Wan Kasim, Human Rights Commission of Malaysia