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## UN FORUM SERIES – Advancing women's human rights: This is progress in business and human rights

Damiano de Felice

*This post was contributed by Sanyu Awori and Dorathy Stanislaus Benjamin, Programme Officers at International Women's Rights Action Watch Asia Pacific.*

Other men might respond by saying: Okay, this is interesting, but I don't think like that. I don't even think about gender. Maybe not. And that is part of the problem. That many men do not actively think about gender or notice gender.

[Chimamanda Ngozi Adichie](#)

As women's human rights (WHR) activists, the struggle to get our voices heard continues till today. In our engagement with other stakeholders – be they States, UN agenda setting platforms or even other civil society organisations – we often still need to negotiate and re-negotiate the spaces that are made available to us.

One of the reasons for this constant need for negotiation is a genuine lack of understanding of what it really means to have a gender perspective. For many, just including women or mentioning women's rights is sufficient justification for claiming that they have included the gender perspective or dimension into their discussions.

Unfortunately, this is not true. Voices and the real needs of women are often ignored due to the extreme patriarchal attitudes and norms which are unconsciously embedded in people and their actions. This is made even worse for women from the global south, and further exacerbated if they are indigenous women, women with disabilities, etc.

The question some readers may have at this stage – how is this relevant to the United Nations Guiding Principles on Business and Human Rights?

Simple – the adoption of the UNGPs provided a new opportunity to hold both States and non-State actors, in this case businesses and corporations, accountable by WHR activists.

The constant negotiation and re-negotiation of spaces has made many WHR activists and organisations extremely adaptable and pragmatic in their approach. And regardless of their perceived shortcomings, the UNGPs still represent a guide that (if used creatively by WHR activists) can help in the work that we carry out.

For us at International Women's Rights Action Watch Asia Pacific (IWRAP Asia Pacific), the primary working tool is the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). CEDAW is used (together with other international norms and standards) in all aspects of our work – from capacity building and awareness activities to lobbying at the national and international levels. We work in more than 140 countries worldwide and with all different stakeholders – from civil society organisations, national human rights institutions (NHRI), gender machineries, judicial actors, unions, media and even with State actors.

Using the UNGPs has helped enrich the conversations that we are having with these stakeholders.

IWRAP Asia Pacific has developed several resources to assist civil society organisations (CSOs) in understanding the UNGPs. For instance,

- we have published a research paper on CEDAW, the UNGPs and the issue of migration,
- we have developed a primer for CSOs in understanding CEDAW and the UNGPs, and
- we have produced three short animation videos on these issues.

We have also incorporated UNGPs in some of our capacity building activities with CSOs and NHRIs (these are available on youtube and our website).

One of the key challenges that we faced when we started our work on the UNGPs was the concern that if we engaged with business actors directly, we could be co-opted by them – in other words, we may end up 'whitewashing' their violations. A counter argument to this was that many WHR groups already worked directly with the State and its actors in a constructive

dialogue, and this could also be deemed as 'whitewashing' the State's violations by the groups that take a more confrontational stance against the State.

To be honest, there is no clear answer to this concern – it depends on the WHR organisation's approach in using the UNGPs. Anyway, many CSOs already have good accountability mechanisms in place to ensure that the concern of being co-opted is minimised and/or addressed swiftly.

Another challenge was the fact that the UNGPs are not legally binding in comparison to treaties such as CEDAW. However, our position is that adoption by the Human Rights Council and endorsement by the General Assembly gives the UNGPs validity and influence. The fact that many countries in Southeast Asia have embarked in the process of developing national action plans on business and human rights speaks volumes.

One of the reasons why we have decided to work on complementing the UNGPs with CEDAW (and other international standards and norms) was the fact that UNGPs does not really include a gender dimension. While they mention CEDAW, they represent quite a gender-neutral document.

This means that the UNGPs fail to understand that a woman's lived reality – especially if she is from the global south – is multi-faceted and layered. We believe it is the responsibility of WHR organisations to push for a more gendered-approach while States implement the UNGP via their national action plans. We believe that this would represent progress in business and human rights.

The UNGPs are on the agenda for many States because of their current development mode, where businesses and corporations play an important role in assisting the government to achieve wealth and growth (especially in Southeast Asia). States are eager for public-private partnerships with big businesses for many reasons. Some starts with the genuine belief that this is the way forward as States are often cash-stripped. In other cases the governments have already signed onto trade agreements that benefit big businesses.

This is the biggest concern for WHRs activists – that if we do not become part of this discourse now and hold the State to its obligations to the people first before the businesses, we will see the regression of rights, especially women's human rights. And this is another reason why we believe using the UNGPs will be beneficial. The UN document is still based on international human rights standards, despite its perceived flaws.

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