

Dear Minister Sigrid Kaag,

You have been a bold defender of women's rights and under your guidance your ministry has committed to prioritise gender equality and advancing women's position in the economy. For this the undersigned organizations thank you. Today we write to you to stress the importance of a **legally binding instrument on transnational corporations for the protection of women's rights and the promotion of gender equality**. The binding treaty could greatly enhance the protection of women human right defenders, take away the many barriers women face in order to access justice and address the disproportionate impacts of corporate activities on women¹.

In February 2019 states and other stakeholders will have the opportunity to submit formal written inputs on the 'Zero Draft' to the Open-Ended Intergovernmental Working Group on TNCs and other business enterprises (OBEs) with respect to Human Rights. As an outspoken proponent of the SDG5, we hope that you could use this consultation to formulate a Dutch position on the content of the binding treaty, and stress the importance of protecting women's rights and securing their access to justice. We also call on you to, together with other European frontrunners, continue making the case in Europe to constructively engage with the content of the binding treaty, and include a gender lens. In adopting a gender lens, three elements would be crucial to ensuring a meaningful inclusion of a gender perspective in the treaty²:

- **Mandatory gender impact assessments:** Adverse human rights impacts of corporate activities are not gender neutral. For example, women have fewer employment opportunities, face gender based violence and are disproportionately affected by environmental damage and socio-economic harm caused by corporate activities. However, this does not always become apparent in standard assessments. A gender lens will bring this to light.
- **Gender-sensitive justice and remedy mechanisms:** Remedies often don't take into account the gender-specific violence, stigma, reprisals and job insecurity women experience due to reporting abuses. Or the fact that not all justice systems are secure, affordable and physically accessible to women. Gender sensitive mechanisms will specifically address these barriers.
- **Ensuring respect, protection and an enabling environment for women human rights defenders:** Women Human Right Defenders confronting corporate abuse in their communities have repeatedly denounced how they are targeted, not only for the work they do, but also because of their gender. Ensuring respect, protection and an enabling environment for women human rights defenders is a necessary condition to the realization of human rights and freedoms.

Your support for this aim would be in line with the CESCR's recent General Comment No 24, as well as the report Working Group on Business and Human Rights to the General Assembly, that both provide strong rationales to include a gender analysis in any effort to regulate business-related impacts on human rights³.

¹ http://www.actionaid.org/sites/files/actionaid/fem4bt_2018_-_womens_rights_beyond_the_business_case.pdf

² Ibid. See recommendation section.

³ Obligations under the International Covenant on Economic, Social and Cultural Rights in the Context of Business Activities, paragraph 8, 23 June 2017, E/C.12/GC/24, available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=E/C.12/GC/24&Lang=en;

We hope you can advocate to include these elements in the EU (or in a separate Dutch submission) and we remain at your full disposition should you have any questions or need any further information.

Kind regard,

Roos van Os (WO=MEN)

Kelly Groen (ActionAid)

Ginney Lui (Count Me In! consortium)

On behalf of the following organizations,



Human rights and transnational corporations and other business enterprises, Note by the Secretary-General, A/72/162, paragraphs 28-30, available at: <https://daccess-ods.un.org/TMP/3995596.17042542.html>
http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=E/C.12/GC/24&Lang=en;
A/72/162, paragraphs 28-30, available at: <https://daccess-ods.un.org/TMP/3995596.17042542.html>