



International Women's NEWS NOUVELLES Feministes Internationales

In publication since 1906

Journal of the International Alliance of Women

corporations & globalization

women's economic & social rights

The process of globalization may have resulted in new avenues of growth but it has created the widest gap in history between the very rich and the very poor, with a very negative impact on women. It has also served to increase dramatically the power of multinational corporations as agents in the international development field. The questions are 'Can corporations be a force of empowerment for women? What types of jobs do they create? What is their wider impact on women's communities and on the women's rights agenda?'.

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Bandana Rana

Front Cover

*Blue skies and some fluffy clouds yet
women's economic and social rights are just
on the ledge and dissolving.*



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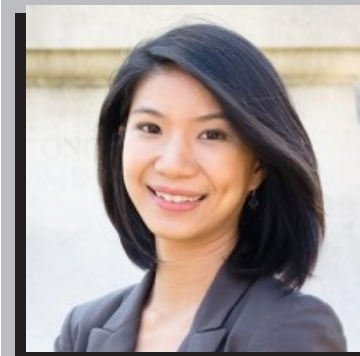
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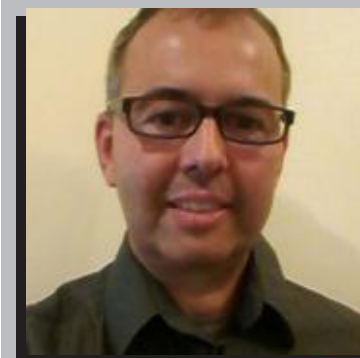
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International human rights lawyer, admitted to practice in the state of New York. She currently serves as Legal and Policy Associate at the International Corporate Accountability Roundtable (ICAR), working across the Remedies and Frameworks Programs. Sophia graduated cum laude from American University Washington College of Law. She was a Student Attorney with the law school's International Human Rights Law Clinic, where she collaborated with the United Nations High Commissioner for Refugees on a project studying issues faced by the Haitian Diaspora in obtaining legal status in The Bahamas. Before joining ICAR, Sophia served as a Legal Advisor at Sorini, Samet & Associates, a consulting firm on trade, labour, and corporate social responsibility policy. Previously, she was an Asia Research Fellow at Freedom House, focusing on human rights issues in China. She has also worked with the Open Technology Institute at the New America Foundation, Human Rights in China, International Rights Advocates, and the Human Rights Law Foundation. She currently serves as a consultant analyst for Freedom House's 2016 Freedom in the World report. Sophia holds a B.A. from National Taiwan University. She is fluent in Mandarin Chinese.



Gregory Tzeuschler Regaignon

Research Director of Business & Human Rights Resource Centre; he joined the Resource Centre in 2003. He oversees the Centre's research, its Corporate Legal Accountability Project and its work on the UN Guiding Principles and UN Working Group, and manages its Africa team. He helped establish the Centre's presence in North America in 2003-04. His engagement with Tiffany & Co. about its sourcing of rubies from Burma was featured in a Financial Times article profiling the Centre's work. Greg was previously an associate at the international law firm Cleary, Gottlieb, Steen & Hamilton, where he focused on emerging market debt restructurings, and pro bono matters involving political asylum, domestic violence and other human rights issues. He has also worked with Human Rights Watch in New York, National Endowment for Democracy in Washington, and Legal Aid Institute of Indonesia in Jakarta; he conducted research on land rights and agricultural development in Senegal, the results of which he published in the Journal of African Law. Greg obtained his JD (Stone Scholar) from Columbia Law School; MA in African Studies & International Economics from Johns Hopkins University School of Advanced International Studies (SAIS); and BA in Political Science magna cum laude from Amherst College. His mother tongue is English, he is fluent in French, and has basic proficiency in German, Indonesian & Spanish.



Lesedi Graveline

Research intern at the Business and Human Rights Resource Centre. She will receive her BA in both Women's, Gender, and Sexuality Studies and Human Rights from the University of Connecticut next spring. She has also studied abroad for one semester at the University of Essex in Colchester, England. After graduation, she hopes to travel as well as attend graduate school and eventually join the Peace Corps.



The International Alliance of Women, supported by the Permanent Mission of Greece to the UN and the Business and Human Rights Resource Center, organised a side event in parallel with the 60th session of the Commission on the Status of Women. The theme was **Corporations, Globalization and Women's Social and Economic Rights**.

I would like to record thanks to H.E. Ambassador Catherine Boura, Permanent Representative of Greece to the UN, for her sponsorship of the side event, as well as to H.E. Ambassador Nancy Vraila, Deputy Permanent Representative of Greece to the UN, for her opening remarks. My gratitude also goes to our Moderator, Maria Hengeveld, for her contribution to the organization of this side event.

With Maria Hengeveld, IAW shares the same views on the problems that were discussed. One year ago she had sent an e-mail to my organization asking for support to do a project on these issues. We were interested and we started collaborating. In the meantime we decided to have this panel to get ideas on strategies and to build meaningful partnerships. I asked Maria to find speakers for this event and she found the best. I would also like to put on record a big thank to all our eminent panelists for the contributions they made. It was very pleasing to see how many attendees our side event attracted, the majority of whom were young people.

The priority issue which was discussed during the CSW 60 was the empowerment of women and its link to sustainable development.

This was exactly the theme we discussed in our side event that is whether corporations and the private sector, which have become powerful agents of international development in recent years, can become a force of empowerment for women. Can we make them work for women in a climate of free market economies? What is the wider impact of the philanthropy of these development agents, on women's communities, on women's rights agenda?

The centrality of women's empowerment, gender equality and the realization of women's human rights in achieving sustainable development have been increasingly recognized in recent decades. This recognition is evident in a number of international norms and agreements. The Beijing Declaration of Action provides that the advancement of women and the achievement of equality between women and men are a matter of human rights, a condition for social justice and are the only way to build a sustainable, just and developed society in our world.

The 2030 Agenda for Sustainable Development agreed to by member states in the post 2015 Development Summit that took place in New York in September 2015 also acknowledges throughout that achieving women's empowerment, gender equality and human rights are prerequisites for sustainable development.

Unfortunately, despite its vision to transform our world, the post 2015 Development Agenda is doing little to address vast inequalities and discrimination embedded in decision making structures and financial systems. It does not deliver a new model for development based on the wellbeing of all instead of profitability, on solidarity instead of competition, on transparency and accountability instead of inequality.

It has also served to increase dramatically the power of the private sector and of multinational corporations as agents in the international development field.

Why is it so? Because we are living in an era of globalization. What does globalization mean? A new process of economic integration which is fuelled by neoliberal ideals claiming that an unregulated market economy maximizes economic efficiency and growth.

Critics of globalization point out that it has created the widest gap between the very rich and the very poor in history. Apart from inequality, globalization means attacks on welfare, weakening of trade unions, tax breaks for the rich and corporations, privatization and deregulation. IAW is interested in the effects of globalization on women who make up a disproportionate percentage of the global poor.

The feminist antidote for women's poverty and subjection in this new form of capitalism is microcredit. The program of small bank loans to poor women in the global south. Corporations, the private sector, international organizations promote these kind of policies. However, while women running small businesses in the global south have no choice but to pay local taxes, corporations in many countries enjoy generous tax breaks.

For corporations, the private sector and development stakeholders, women's empowerment through the use of microcredit and other interventions will lift not only women but their children and families out of poverty and into the middle class. So individual empowerment has been substituted for the collective empowerment that only comes with state led development as the key to eliminating poverty in the third world.

We are deeply concerned about the private sector's growing influence in the international gender and development field and its impact on reshaping girls' empowerment agendas in pro-market and not human rights terms. In other words, we do not accept that girls' agendas do not address issues such as labour rights or their rights to social services.

Governments around the world must set a clear vision for connecting the increasing role of the private sector and business in development with accountability and agreed standards for business practices aligned with human rights, thus creating an enabling environment for women's empowerment. Women's NGOs should also try to hold the private sector and corporations accountable for the respect of women's human rights.

The question to be answered is how to hold the corporate sector to account and empower women and girls on human rights. We have to discuss innovative opportunities for advocacy and partnership to advance women's economic and social rights in a global climate of free market economies and to make corporations work for the empowerment of women and girls in a meaningful way.

Evaluation of Agreed Conclusions (AC) CSW 60

We agree with UN Women that the AC established value added commitments to effectively implement and monitor the progress of the gender equality compact contained in the entire 2030 Agenda in conjunction with BDPfA. However, mainstreaming gender equality, women's and girls' human rights and the empowerment of women in the entire 2030 Agenda is not enough to achieve the transformative changes that the 2030 Agenda must ensure. We need to work towards the universal realization of all women's and girls' human rights as ends in themselves rather than just a means to further economic interests that perpetuate poverty and inequality. There is a need to reform structures that produce and compound gender inequality overtime and across generations. In other words we need strategies to tackle the root causes of women's and girls' human rights violations and gender inequality. The AC do not include any such commitments.

The most important commitments adopted by the Commission are the following:

Historic commitment to gender-responsive implementation, follow-up and review of the 2030 Agenda

The CSW evoked a historic commitment to, and set out key enabling conditions for gender-responsive implementation, data, review and follow-up of the 2030 Agenda and the systematic integration of gender perspectives in all aspects of the implementation of the entire agenda.

Essentiality of Gender equality and women's empowerment on all SDGs. Beijing Platform for Action as foundational basis

The AC recognize the essentiality of gender equality and women's empowerment and progress on all SDGs and targets. The BDPfA and the outcome documents of its reviews and the outcomes of relevant major UN conferences have laid a solid foundation for SD.

Women's human rights affirmations and major role of civil society and feminist and youth led organizations

The AC strongly prioritize the human rights of women and girls in the achievement of GEWE and SD implementations of the 2030 Agenda. CEDAW and CRC provide an international legal framework and comprehensive set of measures for their realization.

The AC recognize the major contributions made by civil society including feminist groups, women's, community based and youth led organizations.

Role of a socially responsible and accountable private sector

The AC call on a socially responsible and accountable private sector to support the full, effective and accelerated implementation of BDPfA and 2030 Agenda.

Men and boys as agents and beneficiaries of change and allies. Changing social norms and enyouthing of CSW and the women's movement

Recognition of men and boys as allies in the elimination of all forms of discrimination and violence against women as well as in the full, effective and accelerated implementation of BDPfA and gender responsive implementation of 2030 Agenda. The change of social norms was emphasized. There was an effort of enyouthing of CSW and of ensuring a gender just and youth accountable implementation of the entire 2030 Agenda. This was reflected in the references to girls throughout the text and by identifying youth



led organizations as key actors and stakeholders for an open, inclusive and transparent engagement.

The implementation road map of the gender compact in the SDGs

The AC set out a road map for the why, what and how of the implementation of all key SDGs for gender equality and women's empowerment.

The emphasis is that all SDGs have to be implemented in a gender responsive way. While there is no mention of SDG 5

significant commitments are made and actions outlined on all 6 SDG, 5 targets and 3 means of implementation.

A) Elimination of all forms of discrimination against women and girls SDG 5.1

The AC call upon MS to eliminate all forms of discrimination against women and girls in law and practice to ensure women and girls' equal access to justice and accountability for violations of their human rights.

B) Elimination of all forms of violence against women and girls SDG 5.2 and of harmful practices SDG 5.3

The AC call upon all stakeholders to adopt, review and ensure the accelerated and effective implementation of laws that criminalize violence against women and girls as well as comprehensive, multidisciplinary and gender - sensitive, preventive, protective and prosecutorial measures and services.

C) Valuing and recognizing unpaid care SDG 5.4

The AC call upon MS and other relevant stakeholders to value, recognize, reduce and redistribute unpaid care and domestic work, by promoting shared responsibility by women and men and provision of essential services and social protection.

D) Women's equal participation and leadership SDG 5.5 and SDG 16

The AC recognize the relevance of women's effective and meaningful participation and need for equal opportunities for leadership at all levels of decision making in public and private sectors and in all areas of sustainable development.

E) Universal access to sexual and reproductive health and reproductive rights SDG 5.6

A robust, comprehensive and progressive commitment was secured on universal access to sexual and reproductive health and reproductive rights on the basis of the text of the Agreed Conclusions of CSW58.

Holistic women's economic empowerment agenda

The AC recognize and set out a holistic approach that women's equal economic rights, economic empowerment and independence are essential to the achievement of the 2030 Agenda for sustainable development.

Interconnectedness of gender equality and women's empowerment with other SDG goals:

The AC come out strongly in making the interconnectedness between gender equality, women's empowerment and poverty eradication, the right to education, water and sanitation, climate change, SCR1325, humanitarian and women's mobility, food security.

The enabling environment:

A) Strengthening national GEWE institutions

The AC gave a boost to national gender mechanisms for gender equality by committing to strengthening their authority, capacity and funding and promoting their visibility and support for them.

B) Transformative financing of gender equality and sustainable development

The Commission committed to significantly increased investment to close the gender resource gap by mobilizing funds from all sources, domestic and international.

C) Gender responsive data, indicators, monitoring, follow up and review

The Commission stressed the need for a gender responsive data collection approach in national follow up and review taking into account where applicable the agreed global indicators framework and strengthen national statistical capacity.

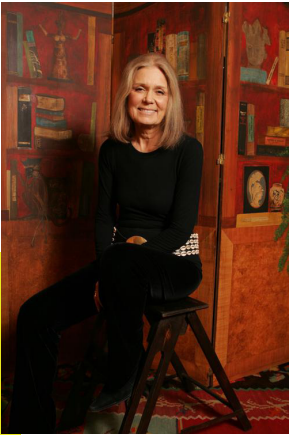
Family and Gender Equality

The Commission stressed the need for elaborating and implementing family policies aimed at achieving gender equality and women's empowerment and at enhancing the full participation of women in society.

This formulation does not recognize the different forms of the family as in the BPfA to the disappointment of a number of delegations in the CSW 60.

Feminist icon **Gloria Steinem** visited New Zealand and Australia to promote her latest book *My Life on the Road*. She attracted an enthusiastic audience of 2000 at the Melbourne Town Hall in May 2016; mostly women, many with their daughters, ranging in age from the Fitzroy High School Feminist Collective to wellknown feminist Mary Owen, now 95, who IAW members met at the International Meeting in 2012. Gloria told Mary that she is aiming for 100!

Photograph by Annie Leibovitz from website <http://www.gloriasteinem.com>



Steinem is executive producer and host of a TV series "Woman" that features a team of all-female journalists telling the stories of women and men on the front lines of fighting gender-based violence. "Polarized gender roles are the mark of terrorist groups and violent societies," says Steinem. "More than poverty, natural resources, religion or degree of democracy, violence against females is the most reliable predictor of whether a nation will be violent within itself or will use violence against another country—and gender violence has become so great that for the first time, there are now fewer females on earth than males. This series records on-the-ground realities and gives viewers ways to help."

Episodes include reports on the impact of sexual violence in Democratic Republic of the Congo; the epidemic of femicides in El Salvador; the prevalence of sexual assault in the U.S. military; the devastating effect on American society of incarcerating mothers of young children; and a special episode produced by Oscar-winning filmmaker Sharmeen Obaid-Chinoy on how the rise of extremism in Pakistan is both rooted in and reflected by violence towards women.

from Priscilla Todd (Women's Electoral Lobby) and Eva Court (League of Women Voters)

Empowering women in the digital age with more eSkills in EU

Arina Angerman says "Lifelong learning of new eSkills is urgent in order to improve women's economic rights and independence. Financial independence for women is very important because one out of three women is a victim of sexual and/or physical violence in the EU!"

Arina Angerman represents IAW on the Board of **the European Women's Lobby**



In March 2016 Arina attended the Conference eSkills for Jobs 2016 in The Hague. Marietje Schaake, Member of the European Parliament (MEP) and eSkills for Jobs Ambassador, told us "We have to have a leadership that knows why eSkills are important." Her key recommendation: **"Invest in the eSkills of politicians and policy makers"**.

On 28 April the European Parliament adopted a very important **resolution on gender equality and empowering women in the digital age**. This was developed by MEP and Rapporteur Terry Reindtke with help from many others.

Congratulations to Sheila Byard, IAW Regional Coordinator - Pacific who was awarded the Order of Australia Medal for service to women in the June 2016 Australian Queens Birthday Honours.

International Women's News

There have been unexpected delays this year leading up to the production of this edition, which puts on record a successful event at CSW60. The selection of themes and articles involves more research and careful selection of contributors. We hope our readers will agree that the writers are producing interesting and thought provoking articles. We intend to produce two more editions this year. Please let us know if your email address is changing; also, if you know of any members who are not receiving IWNNews, please send us details to iawiwn@womenalliance.org and iaw.newsletter@inter.nl.net



NEWS FROM THE INSTITUTIONS

UN SPECIAL RAPPORTEUR ON VIOLENCE AGAINST WOMEN

CALL FOR SUBMISSIONS TO ALL STAKEHOLDERS ON GAP IN INCORPORATING & IMPLEMENTING INTERNATIONAL & REGIONAL STANDARDS ON VIOLENCE AGAINST WOMEN

The Special Rapporteur on Violence Against Women, its Causes and Consequences, Ms Dubravka Šimonovi , took up the function as Special Rapporteur on 1 August 2015 and intends to, inter alia, focus on the legal and policy frameworks of her mandate and the international human rights mechanisms to discuss the gap in incorporating and implementing the international and regional standards related to violence against women.

The Special Rapporteur considers that the discussion on the adequacy of the international legal framework on violence against women initiated by the former mandate holder should continue and she wishes to secure views from different stakeholders, including States, National Human Rights Institutions, Non-governmental organizations, as well as members of academia.

Taking into consideration the important role that different stakeholders play in reinforcing universal human rights standards, she would be very interested to receive input and views on the following questions:



1. Do you consider that there is a need for a separate legally binding treaty on violence against women with its separate monitoring body?
2. Do you consider that there is an incorporation gap of the international or regional human rights norms and standards?
3. Do you believe that there is a lack of implementation of the international and regional legislation into the domestic law?
4. Do you think that there is a fragmentation of policies and legislation to address gender-based violence?
5. Could you also provide your views on measures needed to address this normative and implementation gap and to accelerate prevention and elimination of violence against women?

Your views are important and the International Alliance of Women urges readers to respond to these questions

Please send your comments to yaw@ohchr.org no later than 1 October 2016

INTERNATIONAL WOMEN’S NEWS IN FOCUS

CORPORATIONS, GLOBALIZATION AND WOMENS SOCIAL & ECONOMIC RIGHTS

Panel:



*from left: Sophia Lin, Gregory Tzeuschler Regaignon, Kevin Cassidy (ILO), H.E. Nancy Vraila, Hester Eisenstein, Chiara Capraro
at back: Maria Hengeveld (Moderator), Joanna Manganara (IAW President)*

WELCOME

by H.E. Ambassador Nancy Vraila
Deputy Permanent Representative of Greece to the UN

It is a great pleasure to welcome you to this side event on “**Corporations & Globalization: Women’s Social and Economic Rights**” co-hosted by the Permanent Mission of Greece and the International Alliance of Women.

We would like to thank you for your interest in this side event in the second week of this year’s very busy Commission for the Status of Women. We are looking forward to a fruitful and thought provoking discussion on this particularly timely issue.

As you very well know, Greece attaches major significance to the social and economic aspect of the protection of human rights, especially in reference to the empowerment of women. The economic crisis and the austerity measures affecting my country over the last years have had severe effects on women; women who, as all over the world, constitute the most vulnerable part of the working age population, with young women facing in Greece more than 60% unemployment rate.

However, we are fully aware that the issue of women’s social and economic rights constitutes not only a Greek but a universal challenge, especially in reference to the implementation of the recently adopted 2030 Agenda. Globalization

and multinational corporations may have created opportunities but they have also paved the ground for difficult situations for many countries, especially in the developing south.

Unequal access to paid work, lower earnings, lack of social benefits and persistence of stereotypical gender roles are only some of the challenges faced by women globally. The need to advance women’s economic rights in the free market economies figures among the main challenges in order to achieve sustainable development.

2015 was a milestone year for gender equality: the 20th anniversary of the Beijing Platform for Action, the 15th anniversary of UN Security Council Resolution 1325 on Women, Peace and Security and the Adoption of the 2030 Agenda for Sustainable Development.

In 2016 we should focus on implementation. In this context, women’s access to employment and their full economic empowerment remain key factors for the realization of the 2030 Agenda and for ensuring that no-one is left behind.

I look forward to hearing what I am sure will be very interesting interventions by our panelists on the above issues.



THE CORPORATIZATION OF GIRL POWER AND DEVELOPMENT

by Maria Hengeveld
Moderator of IAW Side Event
at CSW60

With the rise of corporate social responsibility (CSR) and philanthro-capitalism, Multinational Corporations (MNCs) have come to play a prominent role in the international development field the past decade. The past fifteen years have, in response to mounting critiques and protests against corporate impunity, seen a growing number of initiatives to promote responsible business practices. Some refer to this as 'a corporate social responsibility boom.' The formation of the UN's Global Compact, its Ten Principles on corporate sustainability as well as the UN's Guiding Principles on Business and Human Rights are examples of such CSR efforts.

With respect to the 'philanthro-capitalism' agenda, women's empowerment seems to have taken on a particularly large role the past decade, as a growing number of MNCs have explicitly embraced the feminist cause. There is a 'business case' to be made for gender equality, they argue, because investing in women's capabilities 'pays off.' It's 'Smart Economics.'

Nike, Goldman Sachs, JP Morgan, Walmart, Johnson & Johnson, Coca Cola and Avon are amongst the growing group of MNCs who argue that the most effective way to combat poverty is to unleash the repressed entrepreneurial potential of impoverished women to lift themselves and their countries out of poverty. Women, the logic goes, reinvest large shares of their incomes back into their families, which drives economic growth. To support women in realizing their economic potential, these MNCs promote 'empowerment' programs for girls and women; market-focused education initiatives that encourage women and girls to be confident about themselves, believe in their own potential as business women and teach them how to access credit, open bank accounts and start businesses. Under this corporate embrace of Girl Power, embedded in long-standing Western preferences for market-led development models, the notion that economic justice hinges on the attitudes and financial behaviours of impoverished women seems to have become hegemonic in the international development field the past. MNCs such as Walmart, Nike and Goldman Sachs have been endorsed by people as influential as Barack Obama, Hillary Clinton, two World Bank presidents and a host of senior United Nations (UN) representatives for their 'game changing' philanthropy. The Nike Foundation, a leader in

this movement, is widely accepted as a global authority on the needs of girls.

Are these signs of progress? Not all feminists are welcoming the business case, and we have some of them in the room today. What many of them point out is that the goals of feminism, which are ultimately about challenging power and privilege and reforming societal structures to promote equality, and corporations, which are fundamentally driven by profit maximization, are simply too far removed to drive progressive, just change. They are sceptical about the potential of voluntary codes and philanthropic campaigns of corporations such as Walmart or Nike to reduce the distance between the women in their supply chains and those in their headquarters. They will argue that the power and wealth of rich nations and MNCs stem, to a large extent, from the same global capitalist system and free-market growth policies that have undermined women's empowerment and the economic development in the Global South for decades and that self-regulation and some philanthropy here and there will not solve the inequalities that this process has produced. Our first speaker, Hester Eisenstein is one of them. In her book *Feminism Seduced: How Global Elites Use Women's Labor and Ideas to Exploit the World*, she Hester Eisenstein aptly notes that corporate-led globalization is built on the backs of women and reminds us of the centrality of the garment industry in the exploitation of women for corporate profits.

At the same time, others counter that corporate support for community groups, around the Global South, is playing a critical role in protecting girls, women and others, in protecting them from violence, supporting education, their health and otherwise. With the shrinking public budgets for women's rights work, it is clear that the feminist agenda for equality and women's empowerment needs the capital of the private sector. The question is: how to mobilize this: Can this be done through collaboration and corporate responsibility? By asking them to care? To behave? By encouraging them to chip in? Or do we need distance and legal accountability? Should we be demanding and focus on regulation 'with teeth'?

As the moderator of this discussion, I can't pretend to be neutral. I believe that without new forms of regulatory oversight, structural changes

in international trade policies and corporate accountability mechanisms, corporations will harm women more than they help them. I have written quite a bit about the tensions surrounding the feminist philanthropy of Nike, Goldman Sachs, and the like, in a couple of media articles.¹ For an upcoming investigative article (to be published in August), I spent the month of January in Vietnam, where I interviewed twenty-five garment factory workers, all women, to find out what CSR has done for them the past twenty years. My findings place me squarely on the side of Hester Eisenstein; the corporate responsibility movement has failed them. It is time for accountability. And the transnational feminist movement plays a key role in pushing for such change.

It is through these research and media projects that I learned about our speakers and what the organizations they represent are doing on the topic - and I am grateful and excited that they accepted our invitation to talk about their work. today. Each of these panelists will offer us their unique perspectives on what needs to be done to make globalization work for all women.

As you will all be well aware, this is a vastly complex and multilayered question with no single, easy answer. And we can't even touch the surface of the experiences of those who suffer from the negative impact of harmful business practices, be it extraction of resources, pollution, displacement or otherwise, in communities across the global south and elsewhere.

But that's not the goal of this conversation. Instead, our objective is to examine some of the links between women's rights struggles and corporate accountability questions, in the context of economic globalization as we have experienced the past few decades, and to deepen our understanding of why and how women's groups can push back against the enormous power that corporations have gained during this period. I look forward to a lively debate.

¹ For example at:
Al Jazeera America 'Nike's Girl Effect' <http://america.aljazeera.com/opinions/2015/7/nikes-girl-effect.html>

Jacobin Magazine 'The Anti-Poverty Swindle' <https://www.jacobinmag.com/2015/11/united-nations-nike-walmart-sustainable-development-ngo/>

The Feminist Wire 'How Nike's Neoliberal Feminism Came to Rule the Global South' <http://www.thefeministwire.com/2015/09/nike-neoliberal-feminism/>



The material I am presenting is drawn from my most recent book, published by Paradigm Publishing in 2009, *Feminism Seduced: How Global Elites Use Women's Labor and Ideas to Exploit the World* (now available from Taylor and Francis). The book grew out of an article I wrote some years earlier, entitled "A Dangerous Liaison? Feminism and Capitalist Globalization."¹ So you can see that I have been working with these metaphors of seduction for some time!

I will address only two of the forms of seduction that I refer to. But the underlying fear that I want to speak to is this: that the utopian vision of feminism – really a very radical intervention that over a couple of centuries has sought the liberation of women from patriarchy – with all of its revolutionary potential as a force for social change – has been seized on by the powers that be in governments, corporations, and international financial institutions, and used, not to liberate the great mass of women, the majority of whom are poor, but to shore up the globalized capitalist system that in our time has underwritten the enormous transfer of wealth upward to the 1%, and the cynical dismantling of the safety nets of all kinds that were won after intense struggles in the post-World War II era by labor and other social movements.

So I want to trace some of these developments here: how is it that we hear constantly from corporations, or rather, their public relations arms, that what is required to end poverty in the world today is a systematic effort to do what is called "empowering" women? When did corporations like Nike and financial institutions like Goldman Sachs "discover" women as the key to a better, safer, more prosperous world? Is it possible that educating (a select group of) women is going to turn globalized capitalism into a kinder, gentler mode of production? I think you can guess that my answer is, definitely, don't hold your breath!

Let me say at the outset that I don't want to be misunderstood. I speak from the experience of more than four decades of work as a dedicated feminist, primarily in the arena of Women's and Gender Studies, but also for several years as a "femocrat" in the state government of New South Wales, working as an affirmative action officer on behalf of women, Aboriginal people, and immigrants. All of my teaching and writing has been devoted to the development of feminism as a social movement. So I am not speaking here as an opponent of feminism or the women's

movement.

Au contraire, my standpoint is to defend feminism in its true meaning: the liberation of women from patriarchal constraints, the access of all women to all areas of human rights, from education and healthcare to housing and work. But I guess you can figure out that I am convinced that this goal cannot be achieved within the framework of the violent and aggressive world of capitalist globalization, led by the rich countries at the expense of what we used to call the Third World.

So who is seducing feminism, and why? Here I will highlight two examples: (1) the use of cheap female labour by Export Processing Zones (EPZs); and (2) the claim that women, rather than state-led development, are the key to eliminating poverty in the Third World. Employers, governments, and international financial institutions like the World Bank and the International Monetary Fund have embraced one of the core tenets of contemporary feminism – the right of women to paid work – to justify the employment of women in EPZs in deplorable and often dangerous conditions.

The legitimizing of women's work in the rich Western countries has enabled factory owners in countries like China, Vietnam, Malaysia, Bangladesh and Haiti, among many other locations, to paint their use of primarily women's labour as congruent with the dominant feminist belief that paid work liberates. Indeed, how often have we heard Nicholas Kristof of the New York Times defend these factories as sites of opportunity for women? Aren't they better off, he asks his readers, than women scrabbling through piles of garbage to find something to eat or sell?

There is no doubt that working in EPZ factories, which provide young women with an independent income, can have a liberating effect. These women are following the path prescribed by Karl Marx and Friedrich Engels: instead of doing unpaid and exhausting work on a farm, subject to feudal and patriarchal controls, young women seek employment in factories, which can bring economic autonomy and a consciousness of one's capacities. But what may be true in theory is often less so in practice, especially given the harsh conditions under which most women in EPZs work.

Working fourteen-hour days, with wages often delayed, enduring brutal overseers and extremely dangerous working conditions:

these women workers risk their health, and often their lives. Exempted from national labor laws, EPZs are notorious for ruthless attempts to stop unionization, and constant physical and sexual harassment, including intrusive pregnancy testing. And often the actual conditions of work are life threatening. In a recent notorious case, outside of Dhaka, Bangladesh, the 2013 Rana Plaza factory collapse killed more than one thousand workers. Is this liberation?

The second form of seduction is the "discovery" of women as the key to economic development. The international financial institutions – including the World Bank, the International Monetary Fund, the United Nations, and a raft of Non-Government Organizations (NGOs) like CARE, along with corporate entities like Goldman Sachs and Nike – have declared that the solution to the world's problems, especially poverty and inadequate health care, lies with the education and training of women and girls. Women's empowerment, through the use of microcredit and other interventions, will lift not only women, but their children and families out of poverty and into the middle class.

Consider, for example, the cheerful words from Nike's "girl effect" website (see www.girleffect.org):

Girls are agents of change. They play a crucial role in solving the most persistent development problems facing the world today. By investing in their economic potential through education and delaying child marriage and teen pregnancy issues such as HIV and AIDS can be resolved and the cycle of poverty can be broken.

This belief in the transformative power of individual women and girls is a cynical use of feminist, or rather pseudo-feminist, ideology. The creation of national wealth and a rising standard of living has been, by and large, the result of state-led development, not the upshot of small loans or job training for a small number of lucky women. The modern "success stories" of economic development, like that of South Korea, have been due to powerful state intervention, where the government acted as designer, instigator, director, and impresario of the whole range of economic sectors. They used state power to modernise infrastructure, restrict direct foreign investment, and protect domestic producers against foreign competition by restricting imports. Although contemporary mainstream commentators treat the concept of state-led development as archaic and heretical, the truth is that the great industrial powers of the 18th and 19th centuries –

Great Britain, Germany and the United States – owed their industrial strength to state-led development policies. But disregarding this well-established history, the international financial institutions have, since the 1980s, imposed on Global South countries a neoliberal, "free market" regime that has made state-led development impossible.

The net result is a distorted development process that does not replicate the successful path taken by the original industrial powers of Europe and the newly industrialized countries of the post-World War II period (Japan, South Korea, Taiwan, Hong Kong, Singapore and China). In today's global economy, it is illusory to think that poor countries can eliminate poverty and ill health without genuine industrial and agricultural development.

The international financial institutions and the wealthy countries have created the myth that helping individual women one by one is going to eliminate poverty, disease and malnutrition. Referring to women and girls as the key to development is a sleight of hand, a way to turn the gaze of policymakers, activists and working people away from the vicious actions of groups like the troika of institutions – the European Union, the International Monetary Fund and the European Central Bank – that are seeking to crucify Greece and the other indebted countries of Europe in the name of the financial interests of bankers, bondholders and the rich lending countries.

Of course it is crucial that women and girls everywhere receive education, training, reproductive rights, affordable health care, control over their own decisions about work and marriage, and over their own sexuality. But these fundamental tenets of feminism cannot be achieved by helping a select group of women and girls one by one, in a context where the entire society is being ravaged by contrived austerity and the market fundamentalism of neoliberal policies.

Note: some of this material is drawn from my article "The Sweatshop Feminists," *Jacobin Magazine*, 2015; see <https://www.jacobinmag.com/2015/06/kristof-globalization-develop>

Eisenstein, Hester. 2005. "A Dangerous Liaison? Feminism and Corporate Globalization." *Science and Society* 69, 3 (July): 487-518.





2015 has been a momentous year for feminists and women's rights advocates around the world. We worked hard to ensure that the Sustainable Development Goals had gender equality at their heart to set the world on the right track to accelerate progress towards gender equality. And accelerate progress we must – the national, regional and global reviews undertaken for the 20th anniversary of the Beijing Declaration and Platform for Action have shown that, despite increased legislation for equality in many countries around the world, progress has been slow and uneven. In March 2016 member states and activists gathered in New York for the Commission on the Status of Women, the annual meeting tasked with advancing the realisation of the Beijing Platform for Action. The theme under discussion in 2016 was the implementation of the Sustainable Development Goals. **One recurring question through the process has been – what can corporations do for gender equality?** The list is long: from ensuring equal pay for women employees to respecting rights at work and ensuring freedom of association to promoting women into leadership positions and tackling discrimination and gender based violence in the workplace. However, **there is another thing that corporations can do to support women's rights and progress towards gender equality: paying a fairer share of tax in the countries where they operate.**

Tax revenue pays for hospital, schools, refuges for women fleeing domestic violence, comprehensive sexuality education and universal, affordable care services. The regional and national reviews undertaken for the 20th anniversary of Beijing show how lack of adequate financial resources is one of the main causes of the slow and uneven progress towards the realisation of women's rights. In ratifying CEDAW, 189 countries have committed to use all appropriate measures to realise the human rights of women. And article 2 of the ICESCR also clearly commits governments to deploy 'maximum available resources for the progressive realisation of human rights'¹. This is where tax comes in. Tax revenue is dwarfing aid as a source of development finance. In 2012, total tax revenue collected in Africa was ten times the volume of development assistance². As countries graduate to middle income status and levels of aid decrease, the question of how to raise adequate resources for the realisation of women's rights is shifting from a donor/recipient one to a structural one which calls into question the global financial system and those

¹ <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx>

² <https://www.oecd.org/dac/gender-development/From%20commitment%20to%20action%20FINAL.pdf>

who rule it. We can't say such questions have been at the forefront of the women's rights movement but **it's time to make financing a mainstream feminist issue.** And as we fight for the realisation of women's rights and gender equality we need to look very closely at tax.

Over the past 8 years, tax has become a mainstream development issue. In 2008 Christian Aid calculated that developing countries were losing USD 160 billion per year to tax dodging by transnational corporation³, due to trade mispricing and other practices. **Global tax rules have not kept pace with the nature of globalised trade, 80% of which now takes place within transnational corporations⁴.** Transnational corporations are global conglomerates seeking to maximize profit through a coordinated strategy. However, for tax purposes they are treated as individual companies. This creates a series of loopholes that allow different parts of a company to trade goods and services at artificially inflated prices and post profits to those jurisdictions which have the lowest or even zero tax rate, to minimize their tax liability. So both outdated rules and the global network of secrecy jurisdictions facilitate tax dodging. In addition to the ability of minimizing their tax bills, corporations have been enjoying a reduction in corporate tax rates: according to KPMG the average corporate income tax rates worldwide reduced from 38% in 1993 to 24.9% in 2010⁵.

Corporates are only one of the tax payers developing countries need to collect more revenue from but they are a critical one. According to the IMF corporate income tax makes up 16% of government revenue compared to just over 8% in high income countries⁶. The immediate consequence of tax dodging for women's rights is a lack of resources to implement policies and programmes. UN Women costing of selected national action plans for gender equality show funding gaps of up to 90%⁷. Other consequences arise as governments are under pressure to increase tax revenue and do so by increasing indirect taxes such as VAT and sales taxes which have a disproportionate impact on those on low incomes and especially on women who, due to their assigned gender roles, have to balance household budgets.

³ <http://www.christianaid.org.uk/images/deathand-taxes.pdf>

⁴ <http://unctad.org/en/pages/PressRelease.aspx?OriginalVersionID=113>

⁵ <http://www.cesr.org/downloads/fiscal.revolution.pdf>

⁶ <http://www.christianaid.org.uk/images/Getting-to-good-corporate-tax-November2015.pdf>

⁷ <http://www.unwomen.org/en/news/in-focus/financing-for-gender-equality>

Secondly, women's economic activities and rights at work are shaped by tax policy. 80% of women in South Asia and 74% in Sub-Saharan Africa work in the informal economy, mostly without access to legal contracts and social protection. However, they still pay tax. A research carried out by Christian Aid in Ghana found that 96% of women traders working in markets in Accra were paying tax, up to 37% of their income and with no access to social protection. They were often harassed by tax collectors and never saw any improvement to their working conditions, for example, improved facilities, like toilets, in the market⁸. While women running small businesses have no choice but to pay VAT and an array of local taxes, corporations enjoy generous tax breaks as governments compete to attract foreign direct investment. **There is no clear evidence that tax incentives attract productive investment;** what we know instead is that they are often associated with violation of labour rights and clampdowns on freedom of association and collective bargaining⁹. In particular, tax incentives to the extractive sector should be removed as they do nothing to encourage investment and deprive governments of revenue in the face of often huge environmental and social costs.

Tax incentives mask the contribution that women workers make to the economy and effectively subsidise poor working conditions and low pay. For example, in Cambodia the subsidies to garment factories and enterprises, including tax and duty incentives, amounted to US\$1.3 billion in 2013 – equivalent to over four times Cambodia's combined government and donor spending on healthcare in 2012. Cambodia's GDP almost doubled between 2007 and 2013, fuelled significantly by the country's multibillion dollar garment industry. However, this impressive growth masks deep economic inequalities, especially for women. Some 90% of Cambodia's garment workers are women. But while their labour has been a major contributor to the country's economic rise, with the garment industry accounting for a massive 80% of export earnings, the gender wage gap in the country more than doubled between 2004 and 2009¹⁰. Finally, there is also **a more radical feminist reason for why corporation tax matters.** Corporations are currently reaping the benefits of women's unpaid care work, which subsidises the productive economy and reproduces the workforce of today and tomorrow. Since this work is generally invisible

⁸ <http://www.christianaid.org.uk/images/ghana-women-informal-sector.pdf>

⁹ <http://www.christianaid.org.uk/images/taxing-men-and-women-gender-analysis-report-july-2014.pdf>

¹⁰ https://www.actionaid.org.uk/sites/default/files/publications/womens_rights_on-line_version_2.1.pdf

in economic policy there is no assessment of the resources needed to support it or a thorough assessment of the impact of economic policies on women's burden of unpaid care. Despite its limitations¹¹ SDG target 5.4 on unpaid care offers us a renewed opportunity to make care visible and push for its recognition, reduction and redistribution through investment in infrastructure and universal public services.

Women's rights movements should demand nothing short of a complete overhaul of global tax rules. As tax dodging hurts richer countries too, efforts for reform have been started by the OECD, in particular looking at revenue loss from the digital economy. However, developing countries, in particular small low income countries, do not sit at the OECD's table and the issues they face are not part of its programme of work. A more democratic way of reforming global tax rules would be to bring decision making under UN auspices with a Global Tax Body adequately resourced, including with human rights and gender equality expertise. The call for a global tax body dominated negotiations for the 3rd FfD conference that took place in Addis Ababa in July 2015, creating a deep divide between northern and southern countries. At present, in the first year of the implementation of the SDGs, 93 developing countries are considering to raise VAT and other consumption based taxes¹² as well as other contractionary fiscal measures such as freezing wages in the public sector.

The implementation of the SDGs, as well as other long-standing commitments to women's rights and gender equality will greatly depend on what economic policies countries adopt and coordinate on, including tax policy. It's critical for the women's rights community to cross organise with those working on tax and economic justice and to hold governments to account at CSW and in other spaces where global economic policy is discussed, such as the Spring Meetings of the IMF. **We need to make financing a priority in women's rights spaces and make women's rights a priority in financing spaces.** Christian Aid is committed to work in partnership with women's rights organisation to campaign for fairer tax rules and increased transparency. We support our partners to advocate for fairer tax policies that can promote gender equality and resource the realisation of women's rights.

¹¹ The target calls for interventions 'as nationally appropriate', showing the strength of prejudice towards considering unpaid care as women's work.

¹² <http://www.christianaid.org.uk/images/gender-responsive-summary-march-2016.pdf>



HOW CAN WOMEN'S GROUPS USE NATIONAL ACTION PLANS ON BUSINESS AND HUMAN RIGHTS TO ADVANCE THEIR GOALS?

by Sophia Lin

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In 2011, the UN Human Rights Council unanimously endorsed the UN Guiding Principles on Business and Human Rights (Guiding Principles), which established a global standard for addressing the adverse impacts on human rights of business activities.¹ Three years later, the UN Human Rights Council called on each Member State to develop a state-specific National Action Plan (NAP) to support the implementation of the Guiding Principles.² The push towards the adoption of NAPs has since garnered momentum all around the world among governments and civil society groups. This movement towards NAPs on business and human rights presents a great opportunity for engagement and advocacy for women's rights groups.

Business and Human Rights Is a Women's Right Issue

As a result of globalization, many essential social activities are now structured by multinational corporations. The impact is not always gender neutral, with women often disproportionately bearing the brunt of the negative consequences. For example, the commercialization of land by multinational companies in many developing countries has profound and disproportional impact on women living in the community. In a 2013 report, Oxfam researchers found that in many rural parts of Africa, land is a critical resource that supports the livelihoods of the majority of women, who use the land to grow and gather food. When companies purchase these lands and transform them for cash crop production or other commercial purposes, women are shut out from accessing the land and

¹ John Ruggie, Special Representative of the Sec'y-Gen. on the Issue of Human Rights & Transnational Corps. & Other Bus. Enters., *Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework*, U.N. Doc. A/HRC/17/31 (2011), available at <http://www.business-humanrights.org/media/documents/ruggie/ruggie-guiding-principles-21-mar-2011.pdf> [hereinafter Guiding Principles].

² Human Rights Council Res. A/HRC/26/L.1. Rep. of the Human Rights Council, 26th Sess., June 10-27, 2014 (June 27, 2014) available at <http://www.norwaygeneva.org/EFTA1/Statements/26th-Session-of-the-Human-Rights-Council/Item-3-Promotion-and-protection-of-human-rights/Business-and-Human-Rights-Resolution-/#.U63LWGSxPgJ> [hereinafter UNHRC Res. June 27].

deprived of their main source income. The situation is exacerbated by the fact that women often do not have formal title and property right to the land under local land tenure laws, and are not consulted during the negotiations over the land acquisition deal.³

The disproportional impact on women is often seen in the global apparel sector, where women compose the overwhelming majority of the manufacturing workforce. In Cambodia, for instance, over 90% of garment factory workers are women. Working conditions in these factories are abysmal: workers are often forced to work overtime, and denied sick leave and rest breaks. Female workers constantly face a range of gender-oriented problems, such as sexual harassment or discrimination for becoming pregnant. The frequent use of short-terms contracts discourage workers from participating in union activities to collectively bargain for better working conditions. It also allows factory owners to avoid paying maternity benefits by refusing to renew work contracts after discovering an employee is pregnant.⁴ Given the structure of the industry, the social impacts must be understood not just as a workers' right issue, but also in the context of women's rights specifically.

UN Guiding Principles on Business and Human Rights

The impacts of corporate activities on human rights are precisely what the UN Guiding Principles set out to address. The Guiding Principles consist of three pillars. They establish that (1) States have a duty to protect against human rights abuses by third parties through appropriate policies, regulation, and adjudication; (2) corporations have a responsibility to respect human rights by avoiding infringing on the rights of others and addressing adverse impacts that occur; and (3) victims of corporate human rights abuses should be afforded greater access to effective remedies.⁵

The Guiding Principles are significant because they are the first internationally agreed upon standards on the intersection of business and human rights that cover a comprehensive range of rights affected

³ Oxfam, *Promises, Power, and Poverty* (Apr. 2013), available at <https://www.oxfam.org/sites/www.oxfam.org/files/bp170-promises-power-poverty-land-women-090413-en.pdf>.

⁴ Human Rights Watch, *Work Faster or Get Out* (Mar. 2015), available at http://features.hrw.org/features/HRW_2015_reports/Cambodia_Garment_Workers/index.html.

⁵ Guiding Principles, *supra* note 1.

by business activities, as opposed to just one specific industry or issue area. The Guiding Principles are also particularly important as they establish a normative framework to address the issue of corporate accountability for human rights abuses.

National Action Plan on Business and Human Rights

To promote implementation of the Guiding Principles, the UN Human Rights Council issued a call to all of its Member States in June 2014 to develop NAPs on business and human rights.⁶ A NAP is a government-led policy document that lays out priorities, commitments, and a series of steps that a government plans on taking in a particular policy area or topic. In the published NAPs so far, action points identified by governments range from conducting sector-wide human rights risk analysis,⁷ promoting respect for human rights through responsible government procurement practices,⁸ to considering requiring companies in certain high-risk sectors to submit reports detailing payments made to host-country authorities.⁹

The call to adopt NAPs on business and human rights has gained traction around the world. Ten countries have published or drafted a NAP so far, and the NAPs process have begun, under the lead of governments, national human rights institutions, or civil society groups, in nearly forty countries, including the Philippines and South Korea in Asia, Mexico and Peru in Latin America, and Tanzania and Ghana in Africa.¹⁰

⁶ UNHRC Res. June 27, *supra* note 2.

⁷ Dutch Ministry of Foreign Affairs, *National Action Plan on Business and Human Rights* (Apr. 2014), available at <https://business-humanrights.org/sites/default/files/documents/netherlands-national-action-plan.pdf>.

⁸ Government of Denmark, *Danish National Action Plan—Implementation of the UN Guiding Principles on Business and Human Rights* (2014), available at http://www.ohchr.org/Documents/Issues/Business/NationalPlans/Denmark_NationalPlanBHR.pdf.

⁹ Government Offices of Sweden, *Action Plan for Business and Human Rights* (Aug. 2015), available at <http://www.government.se/contentassets/822dc47952124734b60daf1865e39343/action-plan-for-business-and-human-rights.pdf>.

¹⁰ State National Action Plans, United Nations Human Rights Office of the High Commissioner [HTTP://WWW.OHCHR.ORG/EN/ISSUES/BUSINESS/PAGES/NATIONALACTIONPLANS.ASPX](http://www.ohchr.org/en/issues/business/pages/nationalactionplans.aspx).

Despite the positive developments, the NAPs published so far can be improved, both in relations to the contents of the NAPs and the processes in which they were developed.¹¹ Specifically, most of the NAPs published were drafted without a gendered lens—few consider the disproportionate impact that business activities may have on women.¹² A gender specific lens would be a useful addition to the NAP formulation process.

Reasons for Engagement

Women's rights groups should support and actively engage in the NAP process and advocate for a gender-sensitive NAP for a number of strategic reasons. First, the NAP process, through the exercise of a national baseline assessment, presents an opportunity to review policies and laws that may have a disproportionately negative, or even discriminatory, impact on women. The UN Working Group on Business and Human Rights and many civil society groups, including the International Corporate Accountability Roundtable (ICAR), have stressed the importance of conducting a national baseline assessment before developing a NAP.¹³ The national baseline assessment is a process through which gaps between international standards and national laws and the implementation of such laws

¹¹ International Corporate Accountability Roundtable (ICAR), *Assessments of Existing National Action Plans (NAPs) on Business and Human Rights 3-5* (Nov. 2015), available at <http://icar.ngo/wp-content/uploads/2015/11/ICAR-ECCI-Assessments-of-Existing-NAPs-2015-Update.pdf>.

¹² Gender and Development Network (GADN), *Why National Action Plans on Business and Human Rights Must Integrate and Prioritise Gender Equality and Women's Human Rights 3* (Nov. 2015), available at http://static1.squarespace.com/static/536c4ee8e4b0b60bc6ca7c74/t/5665b7ef69492ed58501622f/1449506799634/GADN+BHR+paper+for+UN+Global+Forum+Nov+15_FINAL.pdf.

¹³ UN Working Group on Business and Human Rights, *Guidance on National Action Plans on Business and Human Rights* (Nov. 2015), available at http://www.ohchr.org/Documents/Issues/Business/UNWG_NAPGuidance.pdf; ICAR, *National Action Plan on Business and Human Rights: A Toolkit for the Development, Implementation, and Review of State Commitments to Business and Human Rights Frameworks* (June 2014), available at <http://icar.ngo/wp-content/uploads/2014/06/DIHR-ICAR-National-Action-Plans-NAPs-Report3.pdf>.





WOMEN'S HUMAN RIGHTS AND BUSINESS: THE NEED FOR CORPORATE TRANSPARENCY & ACCOUNTABILITY

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are identified. Having a clearer understanding of the gaps allows governments to create a NAP that responds to the most pressing needs in the domestic legal frameworks.

As gender-based discrimination is often deeply entrenched, it needs to be addressed through a comprehensive analysis under a gender-sensitive framework. Women's rights groups should advocate for such a study to be incorporated into the national baseline assessment process. One way to effectively do so is to develop a set of criteria and indicators that are gender sensitive. ICAR has worked with partners to develop two sets of thematic guidance that are specific to children's rights¹⁴ and to human rights defenders, respectively.¹⁵ A thematic guidance that hones in on women's rights may be a good way to develop a gender sensitive national baseline assessment and a NAP.

In addition, NAPs strengthen policy coherence not only within the government, but also among other stakeholders. A comprehensive NAP should be a creation of joint effort across government agencies that regulate business behaviour. Such agencies may include the ministries of trade, justice, labour, and foreign affairs. Through the NAP process, government agencies work together to align policy priorities and lay out steps that will be taken to address corporate human rights abuses. This, in turn, sets forth clear expectations for business actors and provides a basis for civil society advocacy. For issues related to women's rights, many States are committed to address discrimination against women through signing on to and ratifying the Convention on Elimination of All Forms of Discrimination against Women (CEDAW). A number of States have indeed published NAPs to address issues specific to women.¹⁶ As such, policy coherence is especially

important to ensure that the government considers a full range of contexts where women's rights may be negatively affected, and fully integrates policy measures and commitments under CEDAW into the NAP on business and human rights.

Finally, the multi-stakeholder consultation process for developing a NAP can be leveraged to promote women's rights in the context of business operations. The Working Group has stressed the importance of consulting with stakeholder groups in identifying the gaps and developing a NAP that addresses such gaps.¹⁷ In fact, some of the largest convening on business and human rights occurred during NAP processes. For example, more than 200 participants from government, companies, civil society organizations, and academic institutions attended a consultation co-hosted by ICAR and the Global Business Initiative on Human Rights on U.S. NAP as part of a series of open dialogues supported by the U.S. government.¹⁸ These consultations bring together stakeholder groups that normally work in silos, and help facilitate meaningful conversations and trust-building between them.

Conclusion

This is an exciting and opportune time to engage as governments and civil society groups push for the development of NAPs to support the implementation of the Guiding Principles. The NAPs process can be an important tool to ensure that the government integrate and prioritize gender equality and women's rights in the context of business and human rights.

Note: This is a summary of remarks made at the side event.

org/en/knowledge-library/website-database/list-national-action-plans-implementation-unsr-1325.

¹⁷ UN Working Group on Business and Human Rights, supra note 13 at 6-7; ICAR, supra note 13 at 37.

¹⁸ ICAR, Global Business Initiative on Human Rights & Harrison Institute for Public Law, Georgetown Law, Summary Report: Consultation on the U.S. National Action Plan on Responsible Business Conduct (April 2015), available at <http://icar.ngo/wp-content/uploads/2015/07/US-NAP-Consultation-Report-GBI-ICAR-GL-2015.pdf>.

Introduction

Every business sector affects women's human rights. Although the modern human rights movement long concerned itself with government's conduct and obligations, human rights advocates began to look seriously at the impacts of companies in the 1990s, as garment, mining, and oil & gas companies became embroiled in human rights scandals from China to Nigeria to Central America. In the 20 years since, both the United Nations and companies and business organizations in every sector have recognized that their operations and business relationships have serious, direct impacts on human rights – and with the massive power they have amassed in our increasingly globalized world comes responsibility to avoid abuses and contribute to human dignity and needs.

The impact on women is rarely at the forefront of this struggle but women are, inevitably in many cases, the most affected. For example, most apparel, footwear and sporting goods companies stopped actually producing goods decades ago, instead outsourcing production to factories in low-cost countries like Bangladesh, Cambodia, China, El Salvador and Jordan – which also often feature weak protections for workers' rights. Women comprise a staggering 80% of the global workforce in this sector.

The business and human rights movement, and specifically our organization, Business & Human Rights Resource Centre, use a range of mechanisms in efforts to get companies to integrate respect for women's rights and other human rights in their operations – and to help survivors of business-related abuses obtain remedies, when they do occur. We prioritize **transparency** to make companies' conduct more visible, so that activists, consumers, investors, and others can put pressure on companies to improve; and **accountability** to help survivors of abuse to right the wrongs and give strong incentives to business to avoid abuse in future.

Sometimes, human rights can seem divorced from current themes that dominate the headlines and preoccupy citizens, workers, communities, and consumers. We see the opposite as true. Threats to human rights involving business are inscribed in problems of widening global **inequality**. To be sure, we have seen a dramatic global decrease in poverty in the last 20 years, but many of the gains have been concentrated in a few countries in Asia.

Some countries that benefited from a resource boom for a few years are now seeing their gains evaporate as commodity prices crash. And some countries with few resources, poor governance, and/or rapacious investors are simply being left behind. Within countries, radical increases in wealth of a few corporations, individuals, and families also cause inequality in both protection of rights and outcomes: The power that these companies wield means that, in many cases, they can exploit workers, take land, pollute air and water, and dodge the taxes that are needed for essential services, all with impunity. As we all know, women are most harmed by this inequality. Oxfam America, for example, underlining in its recent report on global inequality, *“Even it Up”*: *There is a very strong link between gender inequality and economic inequality. Men are over-represented at the top of the income ladder and hold more positions of power... Only 23 chief executives of Fortune 500 companies and only three of the 30 richest people in the world are women. Meanwhile, women make up the vast majority of the lowest-paid workers and those in the most precarious jobs. In Bangladesh, for instance, women account for almost 85 percent of workers in the garment industry. These jobs...offer minimal job security or physical safety: most of those killed by the collapse of the Rana Plaza garment factory in April 2013 were women. Studies show that in more economically unequal societies, fewer women complete higher education, fewer women are represented in the legislature, and the pay gap between women and men is wider. The recent rapid rise in economic inequality in most countries is, therefore, a serious blow to efforts to achieve gender equality.*

Conversely, gender justice and equality are the most powerful drivers of economic development that narrows wealth and income gaps.

The particular harms to women's human rights are often because women are invisible and their voices are marginalized. In the case of large-scale land acquisitions for agricultural investments, for example, Amy Lehr, of law firm Foley Hoag's Corporate Social Responsibility practice, states, *“Something as ‘simple’ as acquiring land can significantly disadvantage women farmers and deny them the right to make decisions about issues that affect their livelihoods, as the land is often in the name of some male relative (husband or other family member).”*

¹⁴ ICAR, Children's Rights in National Action Plans (NAPs) on Business and Human Rights (2015), available at <http://icar.ngo/wp-content/uploads/2015/11/Childrens-Rights-in-National-Action-Plans.pdf>.

¹⁵ ICAR & International Service for Human Rights, Human Rights Defenders in National Action Plans (NAPs) on Business and Human Rights (June 2016), available at <http://icar.ngo/wp-content/uploads/2016/06/HRDs-English-FINAL.pdf>.

¹⁶ List of National Action Plans for the implementation of UNSCR 1325, iKnow Politics <http://iknowpolitics>.



The global business and human rights movement
[The United Nations Guiding Principles on Business and Human Rights](#) were endorsed by the UN Human Rights Council in 2011. As the outcome of a six-year process by UN Special Representative on Business and Human Rights, John Ruggie, with broad consultations with stakeholders from all sectors and regions, the Guiding Principles were the first set of standards by a global body addressing the human rights impacts of business, and recognizing companies' responsibility to respect human rights. The Guiding Principles are based on three broad "pillars":

1. The state's duty to protect human rights
2. The corporate responsibility to respect human rights
3. The obligation of all participants to ensure access to remedy for victims of abuse.

Many human rights advocates argue that the principles are not enough because they do not feature any mechanism for enforcement – although they have been incorporated into other mechanisms that do include consequences for companies that fail to respect human rights. Still, given the lack of a global mechanism to enforce companies' human rights obligations, some governments and advocates have urged the drafting and adoption of a [global, binding treaty on business and human rights](#). The debate over the need for and advisability of such a treaty is ongoing. It has strengthened and gotten louder as the years have passed since the endorsement of the Guiding Principles in 2011, with NGOs such as Friends of the Earth marking the fifth anniversary of the endorsement of the Guiding Principles by [noting](#), "violations of human and environmental rights continue, and access to justice remains as difficult as it ever was." Opponents of the treaty underline that the process to pass such an instrument would likely take years, even decades, if it were feasible at all, and would distract from the urgent need to develop pragmatic solutions much sooner, to benefit workers and communities affected by companies' operations.

Outside advocacy vs. Engagement

Some activists play a role of always insisting on the full respect of rights, which is usually very far from the reality on the ground, and have little interest in recognizing the steps that some companies take on human rights, which are often partial, voluntary, and business-led, rather than binding companies to specific, effective actions to better respect human rights. On the other hand, some groups work closely with companies specifically on human rights, including mission-driven non-profits, such as BSR (Business for Social Responsibility) and Shift, which was founded by Ruggie and several of his staffers (mostly women!) after the Guiding Principles were endorsed.

Unfortunately, some consultants and others who work with companies do not firmly ground their approach in the rights of workers and communities. As a result, they may entirely overlook some abuses—particularly harms to women and other marginalized groups. Amy Lehr recently told us she has seen numerous *"ESIAs [environmental and social impact assessments] and labor audits led only by men in cultures where they can't sit down and talk to women: What often happens in these situations is that women are not interviewed. And even if they are, I wouldn't necessarily trust their answers about harassment and discrimination. Companies should consider requiring their auditors and assessors to include both genders, especially in countries where the two genders cannot comfortably mix. And the companies would need to budget accordingly (e.g. in some instances, they may need two assessors instead of one, which will cost a little more). This is so obvious, but it still is not practised in many cases."*

Many organizations, such as ours, bridge this divide by both raising human rights criticisms directly with companies, but also recognizing, rewarding, and seeking to encourage adoption of practical, effective steps to advance companies' respect for human rights.

Two approaches: Transparency and accountability **Transparency:**

Business & Human Rights Resource Centre creates transparency of the records of over 6000 companies' impacts on human rights, both positive and negative. Our website makes the information about human rights policies and performance of those companies publicly available, for use by the public (consumers, individual investors, or employees), business partners, and institutional investors including pension funds.

The [Global Reporting Initiative](#) has helped establish another form of transparency through the globally applicable guidelines it has developed to standardize companies' reporting on their social and environmental policies, practices, and impacts. In the best cases, sustainability reports illustrate the link between a company's strategy and its commitment to a sustainable global economy. Similarly, the [United Nations Guiding Principles Reporting Framework](#) offers clarity on how companies can report in a meaningful and clear way on their progress in implementing their responsibility to respect human rights. Companies' measuring and reporting on how they are doing can drive both internal change (by knowing, which they often do not) and better accountability via outside pressure—if the measuring and reporting are rigorous.

But voluntary transparency is not enough. In many cases, companies focus only on "good news" and have little interest in including critical voices

representing their workers and communities they impact through their operations. Many garment companies had disclosed their suppliers for years by 2013, when Rana Plaza, a building in Bangladesh containing several apparel factories, collapsed, killing over 1100 workers, mostly women – the worst death toll in the history of workplace manufacturing disasters.

Following the Rana Plaza collapse, dozens of apparel companies signed the legally binding [Bangladesh Accord on Fire & Building Safety](#), with Bangladeshi trade unions and other groups. Under the Accord, companies are both required to disclose the factories they source from and to ensure that those factories take steps for basic building safety to avoid fires and collapses.

Yet women's voices are routinely silenced when they try to speak out about poverty wages and dangerous working conditions. As our colleague Harpreet Kaur [recently wrote in The Guardian](#), "The garment sector is great at employing women. At the bottom." She cited a recent International Labor Rights Forum report that found threats against workers in the Bangladesh garment industry who attempt to speak out about workplace abuses.

Some governments have taken action to require transparency from companies on key human rights risks. For example, the US Dodd-Frank Act on financial disclosure includes a provision requiring companies to disclose what they are doing to avoid buying "conflict minerals". These minerals and metals appear in electronics materials and components, and jewelry, after being extracted from mines controlled by militia groups, particularly in eastern Democratic Republic of the Congo. These armed groups are responsible for the use of systematic rape as a weapon of war in the on-and-off conflict in DRC, with hundreds of thousands, and possibly as many as 2,000,000 women and girls having been subjected to rape and sexual violence over the course of the conflict. Writing in support of the Dodd-Frank conflict minerals provision, [Dr. Denis Mukwege](#), founder of Panzi Hospital, wrote last year, "Since the cease-fire, rebel groups operating in Congo have treated women's bodies as a battlefield, using sexual violence as a weapon. The Panzi Hospital in Bukavu, which I founded in 1999, has provided care to an estimated 40,000 rape victims. Global trade of minerals, including gold, tantalum, tin and tungsten, used to power the world's electronic devices, has played a massive role in sustaining these atrocities. In first round of conflict minerals reports, most companies are unaware of whether or not their products contain minerals that have been sold to fund violence. This is unacceptable." With hundreds of companies now reporting on steps they are taking so that minerals in their supply chains stop fueling rape and conflict, the leading companies have taken

steps to develop local mining in eastern DRC that breaks the link to armed groups. But as Dr. Panzi says, too many companies maintain a wilful blindness to the impacts of their purchases.

On the issue of forced labor, the 2010 [California Transparency in Supply Chains Act](#) requires companies that operate in California to report on actions they take to eradicate slavery and human trafficking in their supply chains. [The ILO estimates](#) that women are:

55% of those subjected to forced labor globally,
58% of those subjected to forced labor by governments (such as the mandatory national service in Eritrea and mandatory work on cotton fields in Uzbekistan), and
40% of modern slavery victims in the private economy.

Although the California law was the first in the world to require companies to disclose their approach to these issues, [a review of its record five years after its passage](#) found that its impact was limited by, ironically, a lack of transparency (the California government does not list the companies that are subject to the Act) and insufficient understanding by companies of the Act's requirements. Similarly, the 2015 [UK Modern Slavery Act](#) (which came into force in April 2016) requires companies to annually report on steps they take to avoid slavery and human trafficking in their own operations or supply chains – or declare that they have done nothing to confirm slavery or trafficking in their business.

The amount of information we have about companies' operations impacts and supply chains is revolutionary compared to where we were 20 years ago, but it is not enough. The jury is still out on whether these transparency measures will lead to real change. It is imperative for NGOs, stakeholders, pension fund participants, shareholders, journalists, friends, neighbours, and readers of this article to use all of this information to put pressure on companies to improve.

Accountability

Our organization's "[company response mechanism](#)" seeks to go beyond transparency and provide an informal accountability mechanism by pushing companies to respond publicly to accusations of misconduct. We have done this over 2500 times in the last 10 years; companies respond about 75% of the time. Although the quality of the responses varies, even a company response that does not engage with the substance of the criticisms or make commitments to improve can provide valuable information to worker and community advocates. Recently, we sought a response from a company mining gold in Burkina Faso. As [WoMin reported](#), "The community's initial hopes that the mine would generate business and employment, as promised,



were rapidly crushed. Fatima, a 30-year-old woman explains, 'Amara Mining stole our fields and prevented us from doing gold panning. My husband had to go find work in town and left me with our five children. I don't know how to feed them anymore' ... The majority of the women are illiterate and most depended on local landowners to access land to grow cereal and vegetables." In this case, the mine has closed and [Amara Mining says](#) it has no further responsibility for the impacts. We are highlighting this response in working with local civil society groups to press for more responsible practices after mine closure.

We also seek to promote legal accountability by demystifying key lawsuits on business and human rights, and to highlight the many gaps that exist in the provision of effective legal remedies for corporate abuse. We profile over 120 lawsuits, from all regions, trying to make these sometimes very technical mechanisms accessible to victims and advocates because they may be victims' only path to justice. One example of a key lawsuit that we highlighted – and that failed to provide a remedy for those affected: The United States Supreme Court decided in 2011 to limit the availability of class actions lawsuits in large-scale gender discrimination cases in a lawsuit brought on behalf of 1.5 million female Walmart employees. This case arguably did not get sufficient attention from women's rights organizations or sufficient advocacy for a technical fix to make class actions like this more accessible.

But lawsuits are not a panacea. In some parts of the world, courts are difficult for poor women to access, and often devalue their experiences. One possible solution is the creation of non-judicial complaint mechanisms to address gender violence and other abuses, but this too can have pitfalls. For example, in the Porgera case, Barrick Gold, the largest gold mining company in the world, set up a mechanism to compensate women who were raped by security guards at its Papua New Guinea mine site. The non-judicial mechanism set up by the company, met with opposition from some women's rights advocates and mistrust amid a social context where women are radically disempowered. Questions of adequate compensation for poor women are still being debated – should it be "cheaper" for a company to settle rape charges in PNG than it is in the US? What is the purpose of compensation? If the women received a payout in line with damages in a rape case in the United States—which would be a huge sum in Papua New Guinea—would that place them at a heightened risk of exploitation and violence? Barrick Gold sought to create mechanisms so that women would not receive a lump sum because of concerns that the money would be taken from them or that they would be in danger over it. Activists replied by saying that this replaced local disenfranchisement with a new form of paternalism, by the company, so

it backed off from this proposal.

Many international institutions that finance major projects, such as the World Bank, have complaint mechanisms that affected people can use if they experience violations of the institutions' environmental, social and human rights standards. One NGO, Accountability Counsel (which is mostly led by women), specializes in representing affected communities before these mechanisms. It applies a "[Gender Approach](#)" that many other advocates in the field could learn from, including: *"[seeking] out women leaders to guide our work and ensure that we are aware of issues uniquely facing women and girls, with frequent work in small groups... [taking] particular care to ensure that women's stories of...gender-related impacts of projects are understood and documented...[respecting] women's confidentiality, security, and decision-making... [in] follow up work,...[ensuring] that our process of seeking accountability has an empowering impact that does not further oppresses vulnerable members of society."*

Besides formal mechanisms, NGOs seek to hold companies accountable for their impacts and drive improvements via indexes like Oxfam's [Behind the Brands](#) Scorecard, which "assesses the agricultural sourcing policies of the world's 10 largest food and beverage companies." The Scorecard evaluates their performance on themes including transparency, women farm workers and small-scale producers, land, water, and climate. The initiative has driven numerous major food companies to sign "zero-tolerance" commitments on land grabs in their supply chains. These land grabs often have a disproportionate impact on women. For example, Oxfam has documented falling food security for women in Cambodia following large-scale land acquisitions due to labor shortages in food farming (people moving to work on commercial farms but not channeling those earnings to provide food) and reductions in communal lands.

Where we stand, and what's next

If gender impacts and women's rights are inadequately accounted for by companies, and rarely the explicit focus of business and human rights advocacy, the problem can arguably be traced in part to inadequate representation in leadership and international fora. The UN Working Group on business and human rights has always had a majority of men among its five members. Recently it has been four men and one woman. When the only remaining woman on this expert body announced that she would step down, we pushed for leading women to be considered for the slot. Thankfully, it seems her replacement will be a woman, Professor Anita Ramasastry of the University of Washington, but this is clearly not enough. United States [Supreme Court Justice Ruth Bader Ginsburg](#) recently said that "she

is often asked how many women on the Supreme Court would be 'enough.' Her answer? 'When there are nine.' 'For most of the country's history, there were nine and they were all men. Nobody thought that was strange,' she explained."

One African feminist pointed out to us recently that at the most recent UN Forum on Business and Human Rights, there was not a single Black African woman on any official panel. We need much more resources from donors to ensure that voices of women in the Global South are heard at the highest levels. In advance of the 2016 Asia Regional Forum on Business and Human Rights organized by the United Nations, our organization [interviewed 10 human rights leaders in India](#), most of them women, and disseminated this widely at the Forum – but these videos are no substitute for in-person participation by women and their advocates.

So what's next? A few signs point to a new beginning. For example, in 2014, brands like Adidas, Gap, H&M, and others publicly criticized the Cambodian government after a violent crackdown against women garment workers for higher wages. HERproject, a business-led initiative, has launched a scorecard to improve women worker's health in supply chains, and seeks to support women working on small tea plantations in Kenya. Various companies have signed the [UN Women's Empowerment Principles](#), which intend to establish better gender

equality within corporate leadership, to ensure that women are treated fairly and to promote practices that empower women. The principles are powerful, but have served mostly to create a forum to share good practice and guidance for companies. This leaves room for some companies that are signatories to the principles, e.g., in the hotel sector, to pay sub-living wages to their low-skilled service workers – many of them women.

Because women simply do not have valued status in many societies, they are more likely to hold low-wage and precarious jobs and to be those most harmed by companies' negative impacts on local communities. Integrating human rights standards across companies' operations and supply chains, via binding commitments such as the Bangladesh Accord, and initiatives led by affected women themselves, would help bring about a much needed and fundamental realignment of power in favour of women.

For now, the business and human rights movement has made some major strides on business respect for human rights, and the rights framework offers a powerful universal language for analysis and advocacy. But the challenges and imbalances of power, wealth and outcomes remain severe, and demand a new, deeper commitment to sustainable change by companies, governments, and international institutions.



Key Leader of the women's movement in Nepal with 25 years of active engagement in promoting women's rights and gender equality, Bandana Rana has extensive experience in leading national, regional and global advocacy programs and research linking global policies and UN instruments particularly CEDAW, BPFA and UNSCR 1325 to national and local initiatives.

In January 2017, Bandana Rana will commence her term as the first Nepali candidate to be elected to the UN Committee for CEDAW.

UN CSW 2016 honoured Bandana Rana with the Women of Distinction Award. Speaking at the NGO consultation, she prioritised the task of "changing the mindset of men and boys in the home", and looked forward to the day when "every home rejoices at the birth of a girl".

National positions held include Member of the High Level Steering Committee for the Implementation of the UNSCR 1325 & 1820 chaired by the Minister for Foreign Affairs and co-chaired by the Minister for Peace and Reconstruction; Former Chair of National Women's Commission of Nepal and currently advisor to the Commission. In the media, Bandana Rana was Co-founder and First Elected President of Sancharika Samuha (Forum of Women in Media) during her time as Editor/Anchor in the News Department of Nepal Television (1986-2006), First Woman Board Director - Radio Nepal (2002-2004) and First Woman Executive Member - Press Council Nepal (2004 to 2006).

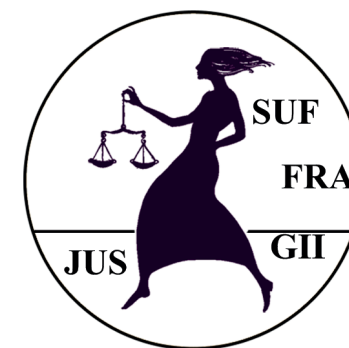
Internationally, Bandana Rana has served as a Member of the UN Women Global Civil Society Advisory Group (2012-2015); the High Level Advisory Group for the UN Secretary General's Global Study on the Implementation of UNSCR 1325 (2014/15); the Regional Advisory Group for Women Peace and Security at UNESCAP. She was a Steering Committee Member of Global Network of Women Peacebuilders (GNWP) and Asia Pacific Women's Alliance for Peace and Security (APWAPS). Co-Chair of the Asia Pacific NGO Committee on the Status of Women and Vice President of International Association of Women in Radio and Television (IAWRT) (2007/2010).



SAATHI

Saathi, meaning 'friend' in Nepali, is a non-governmental, non-profit organisation, which was established in 1992 to address contemporary challenges being faced by Nepali women. In keeping with this agenda, Saathi identified Violence Against Women (VAW) and Children (C) as an area requiring urgent attention and intervention and has been working on this issue since this time.

Today Saathi not only works for the upliftment of the women in Nepal but also to inform men that women cannot be empowered until the men of her family treat her with equal respect and dignity, until they both share equal powers and understand their equal roles in taking a decision, whether in the private or the public sphere.



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